

INDIAN POLITICAL SYSTEM

BA [Political Science]

First Semester

Paper-I



RAJIV GANDHI UNIVERSITY

Arunachal Pradesh, INDIA - 791 112

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About the University

Rajiv Gandhi University (formerly Arunachal University) is a premier institution for higher education in the state of Arunachal Pradesh and has completed twenty-five years of its existence. Late Smt. Indira Gandhi, the then Prime Minister of India, laid the foundation stone of the university on 4th February, 1984 at Rono Hills, where the present campus is located.

Ever since its inception, the university has been trying to achieve excellence and fulfill the objectives as envisaged in the University Act. The university received academic recognition under Section 2(f) from the University Grants Commission on 28th March, 1985 and started functioning from 1st April, 1985. It got financial recognition under section 12-B of the UGC on 25th March, 1994. Since then Rajiv Gandhi University, (then Arunachal University) has carved a niche for itself in the educational scenario of the country following its selection as a University with potential for excellence by a high-level expert committee of the University Grants Commission from among universities in India.

The University was converted into a Central University with effect from 9th April, 2007 as per notification of the Ministry of Human Resource Development, Government of India.

The University is located atop Rono Hills on a picturesque tableland of 302 acres overlooking the river Dikrong. It is 6.5 km from the National Highway 52-A and 25 km from Itanagar, the State capital. The campus is linked with the National Highway by the Dikrong bridge.

The teaching and research programmes of the University are designed with a view to play a positive role in the socio-economic and cultural development of the State. The University offers Undergraduate, Post-graduate, M.Phil and Ph.D. programmes. The Department of Education also offers the B.Ed. programme.

There are fifteen colleges affiliated to the University. The University has been extending educational facilities to students from the neighbouring states, particularly Assam. The strength of students in different departments of the University and in affiliated colleges has been steadily increasing.

The faculty members have been actively engaged in research activities with financial support from UGC and other funding agencies. Since inception, a number of proposals on research projects have been sanctioned by various funding agencies to the University. Various departments have organized numerous seminars, workshops and conferences. Many faculty members have participated in national and international conferences and seminars held within the country and abroad. Eminent scholars and distinguished personalities have visited the University and delivered lectures on various disciplines.

The academic year 2000-2001 was a year of consolidation for the University. The switch over from the annual to the semester system took off smoothly and the performance of the students registered a marked improvement. Various syllabi designed by Boards of Post-graduate Studies (BPGS) have been implemented. VSAT facility installed by the ERNET India, New Delhi under the UGC-Infonet program, provides Internet access.

In spite of infrastructural constraints, the University has been maintaining its academic excellence. The University has strictly adhered to the academic calendar, conducted the examinations and declared the results on time. The students from the University have found placements not only in State and Central Government Services, but also in various institutions, industries and organizations. Many students have emerged successful in the National Eligibility Test (NET).

Since inception, the University has made significant progress in teaching, research, innovations in curriculum development and developing infrastructure.

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Unit 4 Supreme Court and High Courts.	Unit 4: Supreme Court and High Courts (Pages 85-95)
Unit 5 Democratic Decentralization: 73rd and 74th Constitutional Amendment Acts.	Unit 5: Democratic Decentralization (Pages 97-124)
Unit 6 Centre- State relations: Legislative, Administrative and Financial.	Unit 6: Centre-State Relations (Pages 125-142)
Unit 7 Party System in India: BJP, INC, CPI (M) and National Conference.	Unit 7: Party System in India (Pages 143-157)
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INTRODUCTION

The book, *Indian Political System*, deals with the nuances of the functioning of political system in India. It traces the historical background of the framing of the Indian Constitution. It broadly observes the basis of the Indian Constitution from its historical perspective and describes the study of constitutional progress and the role played by ideologies in the making of our Constitution. The book outlines the salient features of the Preamble which has the Fundamental Rights and Duties, and the Directive Principles of State Policy enshrined in it. The parliamentary form of government was established by the Constitution in 1950 and the working of the government is divided into executive, legislative and judiciary.

The book highlights the various factors of conflict that exist between the Centre and the states. The functioning of the Indian judiciary, considered to be one of the oldest in the world, has been dealt with in detail. Furthermore, the political parties and party system in India leading to the formation of coalition government have also been discussed. Finally, the book concludes with a discussion on the major issues governing Indian politics.

This book, *Indian Political System*, has been designed keeping in mind the self-instruction mode (SIM) format and follows a simple pattern, wherein each unit of the book begins with the **Introduction** followed by the **Unit Objectives** for the topic. The content is then presented in a simple and easy-to-understand manner, and is interspersed with **Check Your Progress** questions to reinforce the student's understanding of the topic. A list of **Questions and Exercises** is also provided at the end of each unit. The **Summary** and **Key Terms** further act as useful tools for students and are meant for effective recapitulation of the text.

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UNIT 1 THE MAKING OF INDIA'S CONSTITUTION

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1.0 INTRODUCTION

Most countries in the world have a constitution. A constitution serves several purposes. First, it lays out certain ideals that form the basis of the kind of country that we as citizens aspire to live in. A constitution tells us what the fundamental nature of our society is. It helps to serve a set of rules and principles that all citizens of a country can agree upon as the basis of the way in which they want the country to be governed.

The making of the Indian Constitution was in progress even before the country attained independence in 1947. Indian nationalism took birth in the 19th century as a result of the conditions created by the British rule. Nationalist leaders of India demanded many reforms in constitutional arrangements during the colonial rule. To meet some of their demands, the British enacted some legislations, such as the Government of India Act, 1858; the Indian Council Act, 1861; the Indian Council Act, 1892; the Indian Council Act, 1909; the Government of India Act, 1919; and the Government of India Act, 1935. The Constituent Assembly of India was elected in 1946 to write the Constitution of India. Following India's independence from Great Britain, its members served as the nation's first Parliament.

The first historical session of Indian Constituent Assembly was held on 9 December 1946, under the chairmanship of Dr Sachidananda Sinha. On 11 December, it elected Dr Rajendra Prasad as its permanent president. The membership of the Constituent Assembly included all eminent Indian leaders. Pandit Jawaharlal Nehru introduced the Objectives Resolution on 13 December 1946. After a full discussion and debate, the Constituent Assembly passed the Objectives Resolution on 22 January 1947. It clearly laid down the ideological foundations and values of the Indian Constitution and guided the work of the

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Constituent Assembly. When on 15 August 1947, India became Independent, the Constituent Assembly became a fully sovereign body and remained so till the inauguration of the Constitution of India. During this period, it acted in a dual capacity: first as the Constituent Assembly, it engaged in the making of the Indian Constitution, and secondly as the Parliament of India, it remained involved in legislating for the whole of India. For conducting its work in a systematic and efficient manner, the Constituent Assembly constituted several committees which were to report on the subjects assigned to them. Some of these committees were committees on procedural matters while others were committees on substantive matters. The reports of these committees provided the bricks and mortar for the formation of the Constitution of India.

In the making of the Constitution, a very valuable role was played by the Drafting Committee. The Committee was constituted on 29 August 1947 with Dr B.R. Ambedkar as its chairman. The Drafting Committee submitted its report (draft) to the Constituent Assembly on 21 February 1948 and the Constituent Assembly held debates on it. On the basis of these discussions, a new draft was prepared by the Drafting Committee and submitted to the Assembly on 4 November 1948. From 14 November 1949 to 26 November 1949 the final debate was held on the draft. Later, in order to perpetuate the memory of the great pledge of the 'Purna Swaraj Day', 26 January 1950 was chosen to be the day of the commencement of the Constitution and declared India a Republic state with Dr Rajendra Prasad as its first President.

On completion of the constitution-making task of the Constituent Assembly, Dr Rajendra Prasad said: 'I desire to congratulate the Assembly on accomplishing a task of such tremendous magnitude. It is not my purpose to appraise the value of the work that the Assembly has done or the merits and demerits of the Constitution which it has framed, I am content to leave that to others and posterity.'

1.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Describe the historical background of the Indian Constitution
- Explain the significance of the Government of India Act, 1919 and the Government of India Act, 1935
- Discuss the evolution of the Constituent Assembly

1.2 HISTORY AND IDEOLOGY OF INDIA'S CONSTITUTION

The Constitution is a legally sanctified document consisting of the basic governing principles of the states. It establishes the framework as well as the primary objectives for the various organs of the government. The Constitution of a country is the basic structure of the political system that governs people. It establishes a governmental structure that exercises power, and at the same time ensures individual freedom and liberty. Further, it recommends a method for the settlement of the power of the state through the principles of state organization. Besides, the Constitution is also responsible for defining the powers of the main elements of the states, segregating their responsibilities as well as regulating their relationships amongst each other and with the people. In a nutshell, the Constitution

serves as the 'Fundamental Law' of a country. Any other law made in the country must be in conformity with the Constitution in order to be legal.

The constitutions of a majority of countries were a result of a deliberate decision due to the necessity to have relevant documents. Similarly, the Constitution of the Indian republic is the result of the research and deliberations of a body of eminent representatives of the people who sought to improve the system of administration.

The structure of Indian administration shows the effects of the British rule. Several functional aspects, including the education system, public services, political set-up, training, recruitment, official procedure, police system, district administration, revenue administration, budgeting and auditing, began at the time of the British rule. The British rule in India can be categorized into two phases:

- (i) Company Rule until 1858
- (ii) Crown Rule during 1858–1947

The latter period saw the gradual rise of the Indian constitutional structure in different phases, which are elaborated as follows:

1.2.1 Government of India Act, 1858

The Government of India Act, 1858 ended the Company's rule and transferred the governance of the country directly to the British Crown. The Company's rule was, thus, terminated and the administration was carried out in the name of the Crown through the Secretary of the State. The Secretary assumed the powers of the Company's Board of Directors as well as the Board of Control. The Secretary of State, accountable to the British Parliament, needed to be supported by the Council of India consisting of fifteen members. The Crown was required to appoint eight members for the Council, while the Board of Directors was to elect the remaining seven. The main features of this Act were as follows:

- It made the administration of the country unitary as well as rigidly centralized. Though the territory was divided into provinces with a Governor or Lieutenant Governor headed by his executive council, yet the provincial governments were mere agents of the Government of India. They had to function under the superintendence, direction and control of the Governor-General in all matters related to the governance of the province.
- It made no provision for separation of functions. The entire authority for the governance of India – civil, military, executive and legislative was handed over to the Governor-General of the Council, who was accountable to the Secretary of the State.
- The Secretary of the State had absolute control over the Indian administration.
- The entire machinery of administration was made bureaucratic.

The Act of 1858 was initiated for 'a better Government of India'. Thus, it introduced many significant changes in the Home Government. However, these changes were not related to the administrative set-up of India. Major changes were made in the Constitution of India after the severe crisis of 1857–58. There were many reasons behind the introduction of these changes. All legislative procedures were centralized by the Charter Act of 1833. The sole authority for legislating and passing decrees, while implementing them for the economy, rested with the Legislative Council (Centre). Though the functioning of the Legislative Council was set up by the Charter Acts of 1833, the Act was not

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followed properly. The Council became a debating society or a Parliament on a smaller scale, claiming all privileges and functions of the representative body. While acting as an independent legislature, the Council did not function well with the Home Government. As a result, the first Council Act was passed in 1861 after discussions between the Home Government and the Government of India.

1.2.2 Indian Council Act, 1861

The Indian Council Act, 1861 introduced a representative institution in India for the first time. As per this Act, the Executive Council of the Governor-General was to comprise some Indians as non-official members for transactions of legislative business. It initiated the process of decentralization by restoring the legislative powers to the Bombay and the Madras Presidencies. Another feature of the Act was its statutory recognition of the portfolio system.

If we see in depth, the Indian Council Act was a part of a legislation that was passed by the Parliament of Great Britain in 1861, which converted the Executive Council of the Viceroy of India into a cabinet on the portfolio system. This cabinet had six ordinary members, each of whom was in charge of an independent department in the Calcutta Government comprising home, government, revenue, law and finance, and public works (post 1874). The Military Commander in Chief worked with the Council as a special member. Under the provisions of the Act, the Viceroy was allowed to overrule the Council when he deemed it necessary.

The Act offered many advantages to the members of the legislative council. They could discuss legislation and give their inputs or suggestions. The legislative power that was taken away by the Charter of 1833 was restored through this Act. On the other hand, there were some drawbacks of the Act as well. The members of the Council were not allowed to implement any legislation on their own.

The Act added a fifth member to the executive council of the Viceroy. The member was assumed to be a gentleman of legal professional service and a jurist. The Act further gave powers to the Governor-General to enact rules for convenient business transactions in the Council. Lord Canning used the power to pioneer the portfolio system in the Government of India. Until then, the government's rules administered the executive council as a whole due to which all official documents were brought under the notice of the council members.

As per the provisos of the Act, Canning divided the government amongst the council members. With this, the foundation of the cabinet government was formed in India. The Act further declared that each administrative branch would have its own spokesman and Head in the government, who would be responsible for the entire administration and defence. The new system witnessed the daily administrative matters taken care by the member-in-charge. In important cases, the concerned member had to present the matters before the Governor-General and consult him before taking any decision. The decentralization of business brought in some efficiency in the system, however, it could not be accomplished thoroughly.

The Indian Council Act of 1861 also introduced a number of legislative reforms in the country. The number of members in the Viceroy's executive council was increased, wherein, it was declared that additional members should be minimum six and maximum twelve. These were directly nominated by the Governor-General for two years. Not less than fifty per cent of the members were non-official members. The Act did not make any statutory provisions for admitting Indians. However, a few non-official seats

of high rank were offered to Indians. The Council's functions were strictly confined to the legislative affairs. It did not have any control over the administration, finance and the right of interpellation.

The Act reinstated the legislative powers of implementing and amending laws to the provinces of Madras and Bombay. Nevertheless, the provincial councils could not pass any laws until they had the consent of the Governor-General. Besides, in few matters, the prior approval of the Governor-General was made compulsory. After the Act, the legislative councils were formed in Bengal, Punjab and the north-western provinces during 1862, 1886, 1889, and so forth.

The Act significantly laid down the mechanical set-up of the government. There were three independent presidencies formed into a common system. The legislative and the administrative authority of the Governor-General-in-Council was established over different provinces. Further, the Act also gave legislative authority to the governments of Bombay and Madras. It laid many provisos for creating identical legislative councils in other provinces. This led to the decentralization of legislative powers which culminated in autonomy grants to the provinces under the Government of India Act, 1935.

However, no attempts were made under the Council Act of 1861 to distinguish the jurisdiction of the central legislature from the local legislature in the federal constitution. Furthermore, the main functions of the legislative councils, as established under the Act, were not carried out properly. Even the Councils could not perform in conformity to the Act. The Act could not establish representative government in India on the basis of the England government. It declared that the colonial representative assemblies would largely discuss financial matters and taxation. The Act paved the way for widespread agitation and public alienation.

1.2.3 Indian Council Act, 1892

It is important to understand the evolution of this Act. The Indian Constitution was incepted after the Act of 1861. The legislative reforms created under the Act of 1861 failed miserably in meeting the demands and aspirations of the people of India. The small elements of non-officials, which mainly comprised big zamindars, Indian princes or retired officials, were entirely unaware of the problems of the common man. Thus, the commoners of India were not happy.

The nationalist spirit began to emerge in the late 19th century. The establishment of universities in the presidencies led to educational developments in the country. The gulf between the British and the Indians in the field of Civil Services was not liked by the Indians. The Acts enacted by Lord Rippon, that is, the Vernacular Press Act and the Indian Arms Act of 1878, infuriated Indians to a great extent.

The controversy between the two governments over the banishment of five per cent cotton duties made Indians aware of the injustice of the British government. This gave rise to the formation of the Indian National Congress in 1885. The main aim of the Congress was to organize public opinions in India, make the grievances public and demand reforms from the British government.

Initially, the attitude of the British government towards the Indian National Congress was good but it changed when Lord Dufferin attacked the Congress and belittled the significance of the Congress leaders. He ignored the importance of the movement launched by the Congress. Dufferin secretly sent proposals to England to liberalize the councils and appoint a committee which can plan the enlargement of the provincial councils.

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As a result, a Committee report was sent to the Home authorities in England to make changes in the Councils' composition and functions. The report was aimed at giving Indians a wider share in the administration. In 1890, the Conservative Ministry introduced a bill in the House of Lords in England based on these proposals. The House of Lords took two years to adopt measures in the form of the Indian Council Act of 1892.

The Indian Council Act of 1892 was known to have dealt entirely with the powers, functions and compositions of the legislative councils in India. In respect of the central legislature, the Act ensured that the number of additional members should only be between six and twelve. An increase in the members was regarded worthless. Lord Curzon supported it saying that the efficiency of the body had no relation with the numerical strength of its members.

The Council Act of 1892 affirmed that 2/5th of the total members in the Council should be non-officials. Some of them were to be nominated and others elected. The election principle was compromised to some extent. According to the Act, the members of the legislatures were given equal rights to express themselves in financial issues. It was decided that all financial affairs statements would be prepared in the legislation. However, the members were not allowed to either move resolutions or divide the houses as per financial concerns. The members could only put questions limited to the governmental matters of interest on a six days' notice.

The Indian Council Act of 1892 also brought in many new rules and regulations. However, the only significant feature of the Act was the introduction of election procedure. The term 'election' was carefully used in the Act. In addition to the elected official members, the Act pronounced that there should be five non-official members. It further said that these members should be elected by the official members of the provincial legislatures of Bombay, Madras, Calcutta, the north-western province and the Calcutta Chamber of Commerce. The Governor-General had the authority to nominate the five non-official members.

The bodies were allowed to elect the members of District Boards, Municipalities, Universities and the Chamber of Commerce but the election methods were not clearly mentioned. The elected members were officially regarded as 'nominated' in spite of the fact that the recommendations of each legislative body was taken into consideration for the selection of these members. Often the person favoured by majority was not considered 'elected', but was directly recommended for nomination. According to this Act, the members were allowed to make observations on the budget and give their suggestions on how revenue can be increased and expenditure can be reduced. The principle of election, as introduced by the Acts of 1892, was used in the formation of the Constitution as well.

Nevertheless, there were numerous faults and drawbacks in the Acts of 1892 because of which the Act could not satisfy the needs of the Indian nationalists. It was criticized in various sessions of the Indian National Congress. The critics did not like the election procedure mentioned in the Act. They also felt that the functions of the legislative councils were rigorously confined.

1.2.4 Indian Council Act, 1909

This Act changed the name of the Central Legislative Council to the Imperial Legislative Council. The size of the Councils of provinces was enlarged by including non-official members. The functions of the legislative councils were increased by this Act.

Lord Morley, the Secretary of State for Indian Affairs, announced that his government wished to create new reforms for India, wherein the locals would be granted more powers in legislative affairs. Both Lord Morley and Lord Minto believed that terrorism in Bengal needed to be countered. The Indian government appointed a committee to propose a scheme of reforms. The committee submitted the report and the reforms mentioned in the report were agreed upon by Lord Minto and Lord Morley. Thus, the Act of 1909 was passed by the British Parliament, also referred as the Minto-Morley Reforms.

The Act of 1909 was significant due to the following reasons:

- It facilitated elections of Indians in legislative councils. Prior to this, some Indians were appointed in legislative councils, majority of which remained under the appointments of the British government.
- The electoral principle introduced under the Act laid down the framework for a parliamentary system.
- Muslims had expressed serious concern that a 'first past the post' British type of electoral system would leave them permanently subject to Hindu majority rule. The Act of 1909 as demanded by the Muslim leadership stipulated:
 - o That Indian Muslims should be allotted reserved seats in the municipal and district boards, in the provincial councils, and in the Imperial legislature;
 - o That the number of reserved seats be in excess of their relative population (25 per cent of the Indian population); and
 - o That only Muslims should vote for candidates for Muslim seats ('separate electorates')

The salient features of the Act of 1909 were as follows:

- The number of members of the legislative council at the Centre was increased from sixteen to sixty.
- The number of members of the provincial legislatures was also increased. It was made fifty in the provinces of Bengal, Bombay and Madras. For the rest of the provinces, the number was thirty.
- The members of the legislative councils were divided into four categories both at the Centre and within the provinces. These categories were ex-officio members (Governor-General and the members of their executive councils), nominated government official members by the Governor-General, nominated non-governmental and non-official members by the Governor-General, and members elected by different categories of Indians.
- Muslims were granted the right of a separate electorate.
- Official members were needed to be in majority. However, in provinces, non-official members formed the majority.
- The legislative council members were allowed to discuss budgets, recommend amendments, and vote in some matters excluding some matters which were categorized under 'non-voted items'. The members were also entitled to seek answers to their concerns during the legislative proceedings.
- India's Secretary of State was empowered to increase the number of executive councils from two to four in Madras as well as Bombay.

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- Two Indians were to be nominated in the Council of the Secretary of State for Indian Affairs.
- The power for nominating one Indian member to the executive council was with the Governor-General.

The provision for concessions under the Act was a constant source of strife between the Hindu and Muslim population from 1909 to 1947. British statesmen generally considered reserved seats as regrettable as it encouraged communal extremism. The Hindu politicians tried to eliminate reserved seats as they considered them to be undemocratic. They also believed that the reserved seats would hinder the development of a shared Indian national feeling among Hindus and Muslims.

1.2.5 Government of India Act, 1919

The Government of India Act, 1919 was an Act of the Parliament of the United Kingdom. It was passed to expand participation of the natives in the Indian government. The Act embodied the reforms recommended in the joint report of Sir Edwin Montagu and Lord Chelmsford. The retraction of British imperialism was a result of India's enthusiastic participation in the first World War.

The Act broadly ideated a dual form of government, called diarchy, for the major provinces. It also affirmed that a High Commissioner residing in London would represent India in Great Britain. The Government of India Act was enacted for ten long years, that is, from 1919 to 1929.

According to the Act, the Viceroy was responsible for controlling areas of defence, communications and foreign affairs. The government was responsible to take care of the matters related to health and education. Besides, there was a bicameral legislature located at the Centre, comprising legislative assembly with 144 members, out of which forty-one were nominated.

The Council of States constituted thirty-four elected members and twenty-six nominated members. The princely states were responsible for keeping control over political parties. The Indian National Congress was not satisfied with this law, and regarded it as 'disappointing'. There was a special session held in Bombay under Hasan Imam, wherein reforms were degenerated. Nevertheless, leaders such as Surendranath Banerjee appreciated these reforms.

This Act introduced important changes in the Home Government, at the Centre, as well as at the provinces. The changes introduced by the Act were as follows:

- **System of diarchy in the provinces:** According to this system, the subjects of administration were to be divided into two categories: central and provincial. The central subjects were exclusively kept under the control of the central government. On the other hand, the provincial subjects were sub-divided into 'transferred' and 'reserved' subjects.
- **Central control over the provinces was relaxed:** Under this provision, subjects of all-India importance were brought under the category 'central', while matters primarily relating to the administration of the provinces were put under 'provincial' subjects. This meant a relaxation of the previous central control over the provinces not only in administrative but also in legislative and financial matters. The previous provincial budgets were removed by the Government of India and the provincial legislatures were empowered to present their own budgets and levy taxes according to the provincial sources of revenue.

- **Indian legislature was made more representative:** The Indian legislature was made bicameral. It consisted of the upper house named the Council of States and the lower house named the Legislative Assembly. The Council of States had sixty members out of which thirty-four were elected. The Legislative Assembly had 144 members out of which 104 were elected. Nevertheless, the Centre did not introduce any responsibility and the Governor-General in Council remained accountable to the British Parliament. The Governor-General's overriding powers in respect of the central legislation were retained in many forms.

The British government in 1927 appointed a Statutory Commission, as envisaged by the Government of Act of 1919, to make an enquiry in the functioning of the Act and to announce that the domination status was the goal of Indian political developments. Sir John Simon was the Chairman of the Commission which gave its final report in 1930. This report was given consideration at a Round Table Conference that created a White Paper.

The White Paper was examined by the Joint Select Committee of the British Parliament. Lord Linlithgow was appointed the President of the Joint Select Committee. The Committee presented a draft Bill on 5 February 1935. The Bill was discussed for forty-three days in the House of Commons and for thirteen days in the House of Lords. After the signatures of the King, the Bill was enforced in July 1935 as the Government of India Act, 1935.

1.2.6 Government of India Act, 1935

The main features of the system introduced by the Government of India Act, 1935 were as follows:

1. **Federal features with provincial autonomy:** The Act established an all-India federation comprising the provinces and princely states as units. It segregated powers between the Centre and the units into three lists, that is, the Federal List, the Provincial List and the Concurrent List. Though the Act advocated the use of the provinces and the Indian states as units in a federation, it was optional for the Indian states to join the federation. No Indian state accepted this provision and hence the federation envisaged by the Act was not operational.

The provincial autonomy was initiated in April 1937. Within its defined sphere, the provinces were no longer delegates of the central government but were autonomous units of the administration. The executive authority of a province was to be exercised by a Governor on behalf of the Crown and not as a subordinate of the Governor-General. The Governor acted in consultation with the ministers who were accountable to the legislature. However, the Governor was given some additional powers which could be exercised by him at his 'discretion' or in the exercise of his 'individual judgement' in certain matters without ministerial advice.

2. **System of diarchy at the centre:** The Act abolished the diarchy in the provinces and continued the system of diarchy at the Centre. According to this system, the administration of defence, external affairs, ecclesiastical affairs, and of tribal areas, was to be made by the Governor-General with the help of 'counsellors' appointed by him. These counsellors were not responsible to the legislature. With regards to matters other than the above reserved subjects, the Governor-General was to act on the advice of a Council of Ministers who was responsible to the legislature. However, in regard to the Governor-General's 'special responsibilities', he could act contrary to the advice given by the ministers.

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3. Bicameral legislature: The central legislature was made bicameral which consisted of the Federal Assembly and Council of States. It also introduced bicameralism in six out of eleven provinces, such as Assam, Bombay, Bengal, Madras, Bihar, and the United Province. However, the legislative powers of the central and provincial legislatures had various limitations and neither of them had the features of a sovereign legislature.

Federal legislature needed to comprise two houses: The Council of State (Upper House) and the Federal Assembly (Lower House). The Council of State was required to have 260 members, out of which 156 needed to be elected from British India and 104 to be nominated by the rulers of princely states. The Federal Assembly was required to include 375 members, out of which 250 members were required to be elected by the Legislative Assemblies of the British Indian provinces and 125 to be nominated by the rulers of princely states.

4. Division of powers between centre and provinces: The legislative powers were divided between the provinces and the Centre into three lists —the Federal List, the Provincial List, and the Concurrent List. There was a provision for residuary subjects also. The Federal List for the Centre consisted of fifty-nine items such as external affairs; currency and coinage; naval, military and air forces, and census. The Provincial List consisted of fifty-four items which dealt with subjects such as police, provincial public services and education. The Concurrent List comprised thirty-six items dealing with subjects like criminal law and procedure, civil procedure, marriage and divorces, and abortion. The residuary powers were given to the Governor-General. He was empowered to authorize the Federal or the Provincial Legislature to ratify a law for any matter if not listed in any of the Legislative Lists. The provinces were, however, given autonomy with respect to subjects delegated to them.

Other salient features of the Government of India Act, 1935 were as follows:

- The central legislature was empowered to pass any bill though the bill required the Governor-General's approval before it became law. The Governor-General too had the power to pass ordinances.
- The Indian Council was removed. In its place, few advisors were nominated to assist the Secretary of State of India.
- The Secretary of State was not allowed to interfere in the governmental matters of Indian ministers.
- Sind and Orissa were created as two new provinces.
- One-third of members could represent the Muslim community in the central legislature.
- Autonomous provincial governments were set-up in eleven provinces under ministries which were accountable to legislatures.
- India was separated from Burma and Aden.
- The Federal Court was established at the Centre.
- The Reserve Bank of India was established.

The Indian National Congress as well as the Muslim League were strictly against the Act but they participated in the provincial elections of 1936–37, which were held under stipulations of the Act. At the time of independence, the two dominions of India and Pakistan accepted the Act of 1935, with few amendments, as their provisional Constitution.

1.2.7 Indian Independence Act, 1947

The Indian Independence Act, 1947 was the legislation passed and enacted by the British Parliament that officially announced the Independence of India and the Partition of India. The legislation of the Indian Independence Act was designed by Clement Attlee. (Attlee was leader of the labour party from 1935 to 1955, and served as Britain's Prime Minister from 1945 to 1951). The Indian Political Parties, the Indian National Congress, the Muslim League and the Sikh community came to an agreement on the transfer of power from the British government to the independent Indian government, and the Partition of India. The agreement was made with Lord Mountbatten, which was known as the 3rd June Plan or Mountbatten Plan.

The Indian Independence Act, 1947 can be regarded as the statute ratified by the Parliament of the United Kingdom propagating the separation of India along with the independence of the dominions of Pakistan and India.

Events leading to the Indian Independence Act

(a) 3 June Plan

On 3rd June 1947, a plan was proposed by the British government that outlined the following principles:

- The principle of Partition of India was agreed upon by the British government.
- The successive governments were allotted dominion status.

(b) Attlee's announcement

On 20 February 1947, the Prime Minister of United Kingdom, Clement Attlee made the following announcements:

- Latest by June 1948, the British government would endow absolute self-government to British India
- After deciding the final transfer date, the future of princely states would be decided

The Indian Independence Act, 1947 came into inception from the 3rd June Plan.

Structure of the Act

The structure of the Act included:

- Twenty sections
- Three schedules

The Indian Independence Bill was formally introduced in the British Parliament on 4 July 1947 and received the royal assent on 18 July 1947. It removed all limitations upon the responsible government (or the elected legislature) of the natives. It said that until they developed their own Constitutions, their respective Governor-Generals and provincial governors were to enjoy the same powers as their counterparts in other dominions of the Commonwealth. It meant that India and Pakistan would become independent from 15 August 1947.

1.2.8 Ideology of the Indian Constitution

On 13 December 1946, Pandit Jawaharlal Nehru laid down the Objectives Resolution of the Indian Constitution which depicted its ideology. These resolutions are as follows:

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Check Your Progress

1. Mention the main phases of British rule in India.
2. State any two main features of the Government of India Act, 1858?
3. What was the significance of the Indian Independence Act, 1947?
4. When was the Objectives Resolution of the Indian Constitution adopted by the Constituent Assembly?

- This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up a Constitution for her future governance.
- Wherein the territories that now comprise British India, the territories that now form the Indian states, and such other parts of India as are outside British India and the states as well as such other territories as are willing to be constituted into the Independent Sovereign India, shall be a Union of them all; and
- Wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous units, together with residuary powers and exercise all powers and functions of government and administration, save and except such powers and functions as are vested in or assigned to the Union, or as are inherent or implied in the Union or resulting therefrom; and
- Wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people; and
- Wherein shall be guaranteed and secured to all the people of India justice, social economic and political: equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and
- Wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and
- Whereby shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to justice and the law of civilized nations; and
- This ancient land attains its rightful and honoured place in the world and make its full and willing contribution to the promotion of world peace and the welfare of mankind.

This Resolution was unanimously adopted by the Constituent Assembly on 22 January 1947. On 29 August 1947, the Constituent Assembly set-up a Drafting Committee under the Chairmanship of Dr B.R. Ambedkar to prepare a Draft Constitution for India. While deliberating upon the draft Constitution, the Assembly moved, discussed and disposed of as many as 2,473 amendments out of a total of 7,635 tabled.

The Constitution of India was adopted on 26 November 1949 and the members appended their signatures to it on 24 January 1950. In all, 284 members actually signed the Constitution. The Constitution of India came into force on 26 January 1950. On that day, the Assembly ceased to exist, transforming itself into the Provisional Parliament of India until a new Parliament was constituted in 1952.

1.3 CONSTITUENT ASSEMBLY

The idea of making the Constitution cannot be attributed to the Constituent Assembly alone. It needs to be seen in the evolutionary perspective. The adoption of the famous Motilal Nehru Resolution in 1924 and 1925, on the national demand, was a historic event. It is because the central legislature had, for the first time, lent its support to the growing demand of the future Constitution of India. It also agreed to the opinion that the

Constitution of India should be framed by Indians themselves. In November 1927, the Simon Commission was appointed without any Indians represented in it. Therefore, all-party meetings, held at Allahabad, voiced the demand for the right to participate in the making of the Constitution of their country.

Earlier, on 17 May 1927, at the Bombay session of the Congress, Motilal Nehru had moved a resolution. The resolution called upon the Congress Working Committee to frame the Constitution for India in consultation with the elected members of the central and provincial legislatures, and the leaders of political parties. Adopted by an overwhelming majority with amendments, it was this resolution on the Swaraj Constitution which was later restated by Jawaharlal Nehru in a resolution passed by the Madras Session of the Congress on 28 December 1927.

In an all-party conference in Bombay on 19 May 1929, a committee was appointed under the Chairmanship of Motilal Nehru. The committee established the principles of the Constitution of India. The report of the committee, which was submitted on 10 August 1928, later became famous as the Nehru Report. It was the first attempt by Indians to frame the Constitution for their country.

The report depicted the perception of the modern nationalists. It also provided an outline of the Constitution of India. The outline was based on the principles of dominion status and it suggested that the government should be made on the parliamentary pattern. The report asserted the principle that sovereignty belongs to Indians. It laid down a set of fundamental rights and provided for a federal system with maximum autonomy granted to the units. The residuary powers were given to the central government.

A broad parliamentary system with government responsible to the Parliament, a chapter on justifiable fundamental rights and rights of minorities envisaged in the Nehru Report in 1928 largely embodied the Constitution of the independent India.

The Third Round Table Conference issued a White Paper outlining the British government's proposal for constitutional reforms in India. However, the joint parliamentary committees, which examined this proposal, observed that 'a specific grant of constituent power to authorities in India is not at the moment a practicable proposition'. In its response, the Congress Working Committee in June 1934 declared that the only satisfactory alternative to the White Paper was that the Constitution be drawn out by the Constituent Assembly. They demanded that the members of the Constituent Assembly be elected on the basis of adult suffrage. Significantly, this was the first time that a definite demand for a Constituent Assembly was formally put forward.

The failure of the Simon Commission and the Round Table Conference gave rise to the ratification of the Government of India Act, 1935. The Congress in its Lucknow Session in April 1936 adopted a resolution in which it declared that no constitution imposed by an outside authority shall be acceptable to India. The resolution asserted that it has to be framed by an Indian Constituent Assembly elected by the people of India on the basis of adult franchise. On 18 March 1937, the Congress adopted another resolution in Delhi which asserted these demands.

After the outbreak of World War II in 1939, the demand for a Constituent Assembly was reiterated in a long statement issued by the Congress Working Committee on 14 September 1939. Gandhi wrote an article in the *Harijan* on 19 November 1939, in which he expressed the view that the Constituent Assembly alone can produce a Constitution for the country which truly and completely represents the will of Indians. It declared that the Constituent Assembly was the only way out to arrive at the solution of

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communal and other problems of the country. The demand was partially considered by the British government in the 'August Offer of 1940'.

In March 1942, the British government sent the Cripps Mission to India with a draft declaration which needed to be implemented at the end of the Second World War. The main proposals of the Mission were:

- The Constitution of India was to be framed by an elected Constituent Assembly of the Indian people.
- The Constitution should give dominion status to India, that is, equal partnership of the British Commonwealth of Nations.
- There should be an Indian Union, comprising all the provinces and Indian states.
- Any province or Indian state, which was not prepared to accept the Constitution would be free to retain its constitutional position existing at that time. With such provinces, the British government could enter into separate constitutional arrangements.

However, the Cripps Mission was a failure and no steps were taken for the formation of the Constituent Assembly until the World War in Europe came to an end in May 1945. In July, when the new labour government came to power in England, Lord Wavell affirmed that His Majesty's intention was to convene a Constitution-making body as soon as possible.

In 1946, the British Cabinet sent three members, including Cripps to make another serious attempt to solve the problem. However, the Cabinet delegation rejected the claim for a separate Constituent Assembly and a separate state for the Muslims. It forwarded the following proposals:

- There would be a Union of India, comprising both British India and states, and having jurisdiction over the subjects of foreign affairs, defence and communications. All residuary powers would belong to the provinces and the states.
- The Union should comprise an executive and a legislature having representatives from the provinces and states.

To explain the actual meaning of the clauses of the proposals of the Cabinet Mission, the British Government published the following statement on 6 December 1946: 'Should a Constitution come to be framed by the Constituent Assembly in which large section of the Indian population had not been represented? His Majesty's government would not consider imposing such a Constitution upon any restrictive part of the country.'

The British Government for the first time pondered over the likelihood of forming two constituent assemblies and two states. The Cabinet Mission recommended a basic framework for the Constitution and laid down a detailed procedure to be followed by the Constitution-making body. In the election for the 296 seats, the Congress won 208 seats including all the General seats except nine. The Muslim League won seventy-three seats.

With the Partition and Independence of the country on 14 and 15 August 1947, the Constituent Assembly of India was said to have become free from the fetters of the Cabinet Mission Plan. Following the acceptance of the plan of 3rd June, the members of the Muslim League from the Indian dominion also took their seats in the Assembly. The representatives of some of the Indian states had already entered the Assembly on 28 April 1947. By 15 August 1947, most of the states were represented in the Assembly

and the remaining states also sent their representatives in due course. The Constituent Assembly, thus, became a body to fully represent the states and provinces in India, free from external authority. It could change any law made by the British Parliament.

1.3.1 Composition of the Constituent Assembly

The Constituent Assembly was first held on 9 December 1946. It included provinces comprising Pakistan and Bangladesh today, and represented the princely states of India as well. Further, the delegations from provinces of Sind, East Bengal, West Punjab, Baluchistan and the North West Frontier Province in June 1947 formed the Constituent Assembly of Pakistan in Karachi. After India became independent, the Constituent Assembly became the Parliament of India. The Constituent Assembly was indirectly elected by the Provincial Legislative Assembly members (lower house only), as per the scheme of the cabinet delegations. The prime features of the scheme were as follows:

- Every Indian state or group of states and the province were allotted a specific number of seats relative to their populations respectively. Due to this, the provinces were needed to elect 292 members and the Indian states were assigned a minimum number of ninety-three seats.
- Each provincial seat was distributed amongst three major communities—Muslim, Sikh and General proportional to their respective population.
- Within the Provincial Legislative Assembly, each community member elected his own representatives through proportional reorientation with single transferable vote.
- The selection method for Indian representatives had to be determined through consultation.

In all, the Constituent Assembly was to have 389 members but Muslim League boycotted the Assembly. Only 211 members attended its first meeting on 9 December 1946. Apart from that, the Partition Plan of 3 June 1947 gave rise to the setting up of a separate Constituent Assembly for Pakistan. The representatives of Bengal, Punjab, Sind, North West Frontier Province, Baluchistan, and the Sylhet district of Assam had to join Pakistan. Due to this, on 31 October 1947, when the Constituent Assembly reassembled, the House membership was lessened to 299. Out of these, 284 members were actually present on 26 November 1949 and signed the Constitution to regard it as finally passed.

1.3.2 Committees to Draft a Constitution

The salient principles of the proposed Constitution were outlined by various committees of the Assembly. There were twenty-two major committees formed by the Constituent Assembly to handle different tasks of the making of the Constitution. Out of these, ten focused on procedural affairs and twelve on substantive affairs. The reports of these committees created the basis for the first draft of the Constitution.

Committees on Procedural Affairs

- The Steering Committee
- The Rules of Procedure Committee
- The House Committee
- The Hindi-translation Committee

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- The Urdu-translation Committee
- The Finance and Staff Committee
- Press Gallery Committee
- The Committee based on the Indian Independence Act of 1947
- The Order of Business Committee
- The Credential Committee

Committees on Substantial Affairs

- The Drafting Committee (Chairman: Dr B.R. Ambedkar)
- The Committee for negotiating with States (Chairman: Dr Rajendra Prasad)
- The Union Constitution Committee (Chairman: Pandit Jawaharlal Nehru)
- The Provincial Constitution Committee (Chairman: Sardar Patel)
- A Special Committee to examine the Draft Constitution (Chairman: Sir Alladi Krishnaswami Iyer)
- The Union Powers Committee (Chairman: Pandit Jawaharlal Nehru)
- The Committee on Fundamental Rights and Minorities (Chairman: Sardar Patel)
- The Committee on Chief Commissioners Provinces
- The Commission of Linguistic Provinces
- An Expert Committee on Financial Provisions
- Ad-hoc Committee on National Flag
- Ad-hoc Committee on the Supreme Court

During its entire sitting, the Constituent Assembly had eleven sessions and 165 days of actual work. After three years, the historic document, that is, the Constitution of free India was adopted by the Assembly on 26 November 1949. It came into force on 26 January 1950.

The draft Constitution had 315 Articles and thirteen Schedules. The final form of the Constitution, as it was originally passed in 1949, had 395 Articles and eight Schedules. This shows that the original draft had undergone considerable changes. In fact, there were over 7000 amendments which were proposed to be made in the Draft Constitution. Of these, 2473 were actually moved, debated and disposed of. It was indeed a great democratic exercise as discussion, debates and deliberation were encouraged. There was also a great tolerance of criticism. It was truly a full-fledged democratic procedure which helped in the making of the Constitution.

Check Your Progress

5. State any three objectives of the Cripps Mission?
6. What were the two main events responsible for the ratification of the Government of India Act, 1935?
7. When did the Constitution of free India come into effect?

1.4 SUMMARY

In this unit, you have learnt that:

- The making of the Indian Constitution was in progress even before the country attained independence in 1947. Indian nationalism took birth in the 19th century as a result of the conditions created by British rule.
- The first historical session of Indian Constituent Assembly held its meeting on 9 December 1946 under the chairmanship of Dr Sachidananda Sinha. On 11 December, it elected Dr Rajendra Prasad as its permanent president.

- In the making of the Constitution, a very valuable role was played by the Drafting Committee. The Committee was constituted on 29 August 1947 with Dr B.R. Ambedkar as its chairman.
- The Constitution is a legally sanctified document consisting of the basic governing principles of the states. It establishes the framework as well as the primary objectives for the various organs of the government.
- The Government of India Act, 1858 ended the Company's rule and transferred the governance of the country directly to the British Crown. The Company's rule was, thus, terminated and the administration was carried out in the name of the Crown through the Secretary of the State.
- The Indian Council Act, 1861 introduced a representative institution in India for the first time. As per this Act, the executive council of the Governor-General was to comprise some Indians as non-official members for transactions of legislative business.
- The Indian Council Act of 1892 was known to have dealt entirely with the powers, functions and compositions of the legislative councils in India.
- The Indian Council Act, 1909 changed the name of the Central Legislative Council to the Imperial Legislative Council. The size of the Councils of provinces was enlarged by including non-officials members.
- The Government of India Act, 1919 was an Act of the Parliament of the United Kingdom. It was passed to expand participation of the natives in the government of India. The Act embodied the reforms recommended in the joint report of Sir Edwin Montagu and Lord Chelmsford.
- The Indian Independence Act, 1947 was the legislation passed and enacted by the British parliament that officially announced the Independence of India and the Partition of India.
- On 13 December 1946, Pandit Jawaharlal Nehru laid down the Objectives Resolution of the Indian Constitution which depicted its ideology.
- In an all-party conference in Bombay on 19 May 1929, a committee was appointed under the chairmanship of Motilal Nehru. The committee established the principles of the Constitution of India.
- After the outbreak of the second World War in 1939, the demand for a Constituent Assembly was reiterated in a long statement issued by the Congress Working Committee on 14 September 1939.
- The Constituent Assembly was first held on 9 December 1946. It included provinces comprising Pakistan and Bangladesh today, and represented the princely states of India as well.
- The salient principles of the proposed Constitution were outlined by various committees of the Assembly.
- The Constitution of free India was adopted by the Assembly on 26 November 1949. It came into force on 26 January 1950.

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1.5 KEY TERMS

- **Proviso:** It is a condition attached to an agreement.
- **Interpellation:** It is a procedure of interrupting the order of the day by demanding an explanation from the concerned minister in a government.

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- **Bicameral:** It refers to having two branches, chambers, or houses in a legislative body.
- **Diarchy:** It is a government by two independent authorities.
- **Dominion:** It refers to the territory of a sovereign or government.
- **Legislature:** It is an officially elected body of persons vested with the power and responsibility to create, amend and revoke laws for a political unit, such as a state or nation.

1.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The two main phases of British rule in India are as follows:
 - The Company Rule until 1858
 - The Crown Rule during 1858–1947
2. Two main features of the Government of India Act, 1858 are as follows:
 - It made no provision for separation of functions. The entire authority for the governance of India — civil, military, executive and legislative was handed over to the Governor-General of the Council, who was accountable to the Secretary of the State.
 - The Secretary of the State had absolute control over the Indian administration.
3. The Indian Independence Act, 1947 was the legislation passed and enacted by the British Parliament that officially announced the Independence of India and the Partition of India.
4. The Objectives Resolution of the Indian Constitution was unanimously adopted by the Constituent Assembly on 22 January 1947.
5. The three main objectives of the Cripps Mission were as follows:
 - The Constitution of India was to be framed by an elected Constituent Assembly of the Indian people.
 - The Constitution should give dominion status to India, that is, equal partnership of the British Commonwealth of Nations.
 - There should be an Indian Union, comprising all the provinces and Indian states.
6. The two main events responsible for the ratification of the Government of India Act, 1935 were the failure of the Simon Commission and the Third Round Table Conference.
7. The Constitution of free India came into effect on 26 January 1950.

1.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the Government of India Act, 1919 and the Government of India Act, 1935.
2. Trace the evolution of the Indian Council Act, 1892.

3. Briefly discuss the evolution of the Constituent Assembly.
4. List the Committees that were involved in the formation of the Indian Constitution.

Long-Answer Questions

1. Discuss the historical background of the Indian Constitution.
2. Assess the significance of the Indian Council Act, 1909.
3. State the ideology of the Indian Constitution. Have we been able to realize the expectations of our founding fathers of the Constitution? Justify.
4. Describe the composition of the Constituent Assembly.

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UNIT 2 THE INDIAN CONSTITUTION

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2.0 INTRODUCTION

The philosophical and socio-economic dimensions of the governance of India are reflected in the Preamble to the country's Constitution and the Directive Principles of State Policy enshrined in it. The Preamble enunciates the great objectives, such as making India a socialist, republic, democratic and secular; and the socio-economic goals, such as providing social, economic and political justice to the citizens of India. The Preamble, in brief, explains the objectives of the Constitution in two ways: one, about the structure of the governance, and the other, about the ideals to be achieved in independent India. It is because of this that the Preamble is considered to be the key of the Constitution.

The Preamble embodies a distinct philosophy which regards the state as an organ to secure the welfare of the people. This concept of state is further strengthened by the Directive Principles of State Policy, which set out the economic, social and political goals of the Indian constitutional system. These directives confer certain non-justiciable rights on the people and place the government under an obligation to achieve and maximize social welfare through education, employment, and health. In consonance with the modern beliefs of man, the Indian Constitution sets up machinery to achieve the goal of economic democracy along with political democracy, for the latter would be meaningless without the former.

In this unit, you will study about the Preamble added to the Indian Constitution, Fundamental Rights, Directive Principles of State Policy and Fundamental Duties.

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2.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Discuss the salient features of the Preamble
 - Explain the Fundamental Rights
 - Discuss the Directive Principles of State Policy
 - List the Fundamental Duties of the citizens of India
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2.2 THE PREAMBLE

The Preamble to the Indian Constitution was formulated in the light of the Objectives Resolution, which was moved by Nehru on 13 December 1946 and almost unanimously adopted on 22 January 1947. Also, the drafting committee of the Constituent Assembly, after a lot of deliberations, decided that the 'Preamble stands part of the Constitution'.

The Preamble to the Constitution of India reads as follows:

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 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.

The words of the Preamble make it clear that the basic tasks which the Constitution makers envisaged for the Indian state were to achieve the goals of justice, liberty, equality and fraternity. These objectives help us decode the messages and mandates of our Constitution in terms of our contemporary needs and futuristic perspectives.

Amendment to the Preamble

By Section 2 of the Constitution (Forty-second Amendment Act, 1976), two amendments were made in the Preamble.

- Instead of 'Sovereign Democratic Republic', India was declared 'Sovereign Socialist Secular Democratic Republic'
- For the words 'Unity of the Nation', the words 'Unity and Integrity of the Nation' were inserted.

Explanation of the Preamble

A careful study of the Preamble reveals the following points:

1. **Source of the Constitution:** The first and the last words of the Preamble, that is, 'We, the people of India' 'adopt, enact and give to ourselves this

constitution' convey that the source of the Constitution is the people of India. The people have formulated their Constitution through the Constituent Assembly, which represented them.

2. Nature of the Indian political system: The Preamble also discusses the nature of the Indian political system. The Indian polity is sovereign, socialist, secular, democratic and republic.

- (i) **Sovereign:** After the implementation of the Constitution on 26 January 1950, India became sovereign. It was no longer a dominion. Sovereignty means the absence of the external and the internal limitations of the state. It means that India has the supreme power to take its decision.
- (ii) **Socialist:** After the Forty-second Constitutional Amendment, the Constitution of India declares itself a socialist polity. A number of provisions in Part IV of the Constitution dealing with the Directive Principles of State Policy are intended to bring about a socialist order of society.
- (iii) **Secular:** Secularism is another aspect of the Indian polity, which was included by the forty-second Constitutional Amendment. It means that people have the right to follow their respective religion.
- (iv) **Democracy:** The Preamble declares India to be a democratic country. The term 'democratic' is comprehensive. In its broader sense, it comprises political, social and economic democracy. The term 'democratic' is used in this sense in the Preamble and calls upon the establishment of equality of status and opportunity.
In a narrow political sense, it refers to the form of government, a representative and responsible system under which those who administer the affairs of the state are chosen by the electorate and are accountable to them.
- (v) **Republic:** Lastly, the Preamble declares India to be a republic. It means that the head of the state is elected and this position is not hereditary. The President of India, who is the head of the state, is elected by an electoral college consisting of members of federal and state legislatures.

3. Objectives of the political system: The Preamble proceeds further to define the objectives of the Indian political system. These objectives are: justice, liberty, equality and fraternity.

- (i) **Justice:** The term 'Justice' implies a harmonious reconciliation of individual conduct with the general welfare of the society. In the light of Objectives Resolution and the Preamble, the idea of socio-economic justice signifies three things:
 - (a) The essence of socio-economic justice in a country can be valued only in terms of positive, material and substantive benefits to the working class in the form of services rendered by the state. Socio-economic justice, in the negative sense, means curtailment of the privileges of the fortunate few in the society, while positively, it suggests that the poor and the exploited have the rights and opportunities to rise to the highest stature in life.
 - (b) Socio-economic justice is qualitatively higher than political justice.
 - (c) The stability of the ruling authority is relative to its ability to promote the cause of socio-economic justice for the common man. Adult

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franchise would soon become a mockery if socio-economic justice is not encouraged. The objectives to secure justice for the citizens got concrete reflection in the provisions of Chapters III and IV, namely, the Fundamental Rights and Directive Principles.

- (ii) **Liberty:** The term 'liberty' is used in the Preamble both in the positive and negative sense. In the positive sense, it means the creation of conditions that provide the essential ingredients necessary for the complete development of the personality of the individual by providing liberty of thought, expression, belief, faith and worship.

In the negative sense, it means the absence of any arbitrary restraint on the freedom of the individual action.

- (iii) **Equality:** Liberty cannot exist without equality. Both liberty and equality are complementary to each other. Here, the concept of equality means that all human beings are equal in the eyes of the law irrespective of their caste, creed, religion and language.
- (iv) **Fraternity:** Finally, the Preamble emphasizes the objective of fraternity in order to ensure both the dignity of the individual and the unity of the nation. 'Fraternity' means the spirit of brotherhood, the promotion of which is absolutely essential in our country, which is composed of people of many races and religions.
- (v) **Dignity:** It is a word of moral and spiritual import and imposes a moral obligation on the part of the Union to respect the personality of the citizen and create conditions of work which will ensure self-respect.

The words 'unity and integrity' have been included to prevent tendencies of regionalism, provincialism, linguism, communalism and any other separatist activity so that the dream of national integration on the lines of the enlightened secularism is achieved.

2.2.1 Philosophy and Values Embodied in the Indian Constitution

Our Constitution is not just a mere set of fundamental laws that form the basis of governance of our country but it embodies and reflects certain basic values, philosophy and objectives that were held very dear to our founding fathers. These values do find expression in various articles and provisions of our Constitution and mostly, the Preamble to our Constitution embodies the fundamental values and the philosophy on which the Constitution is based.

The preamble provides a key to unlock and explore the spirit of our Constitution. Without it, a proper appreciation of the objectives and values that find place in our Constitution seems a remote possibility. Therefore, it is essential to turn to the various expressions contained in the Preamble for a better understanding and interpretation of the Indian Constitution. Recognizing its importance, the Preamble was amended in 1976 by the 42nd Constitution Amendment Act. According to an eminent Constitutional expert, Subhash C. Kashyap, the text of the Preamble stands for the fundamental constitutional values in which the founding fathers believed, which they wanted to foster among the people of the Republic and which, they hoped, would guide all those who, from generation to generation, were called upon to work. The values expressed in the Preamble are sovereignty, socialism, secularism, democracy, republican character, justice, liberty, equality, fraternity, human dignity and the unity and integrity of the Nation (all these points are discussed ahead in detail).

In addition to them, our Constitution promotes respect for diversity and minority rights, accommodates regional and political assertions through federalism and fosters international peace and cooperation.

Before discussing the values that our Constitution upholds, and the objectives it has set to achieve, it is of relevance to discuss their correlation. Value in a layman's understanding is that which is very essential or worth having for its existence as an entity. In that sense, there are some core values and secondary values of each state. Security of one's territory is definitely a basic or mainstay value of every state; whereas 'promotion of cultural relations with other states' could be a lesser value. Objective means what we want to have or we wish to achieve. Here the same values could be the objectives. Thus, objectives and values appear similar since there is a very thin line of difference between the two. For example, social justice or a just society could be both an objective and a value. An objective, usually, is guided by a value. In other words, the objectives set, are directly or indirectly linked with or are drawn from values. There is an integral relationship between them. However, value deals with 'what' of the same thing whereas the objective is concerned with the 'how' of that. It means that translation of values is the concern of objectives. Sometimes a value may not be an immediate objective but that still exists. Promotion of international peace may belong to that category.

And finally, one finds a correlation between and among all the values; no value stands alone and so also the objectives. Each contributes to the other. Let us now discuss some of basic values and objectives that provide basis and direction to governmental policy decisions.

1. Sovereignty

By declaring us as a sovereign entity, Preamble emphasizes complete political freedom. It implies that our state is internally powerful and externally free and is free to determine for itself without any external interference. There is none within the state to challenge its authority. Only this attribute of sovereignty has made the a member in the comity of nations. Without sovereignty the state has no essence. If a state cannot freely determine what it wants and how to achieve it, it loses the rationale to exist. Further, sovereignty gives the state the dignity of existence. It would not receive respect from within as well from outside if it does not possess the sovereign status. This suggests that sovereignty is one of the most important values of a state. Therefore, the government is duty bound to defend its sovereignty by preventing any kind of threat to it coming from any entity and direction.

Though our Constitution does not specify where the sovereign authority lies but by mentioning the source of our Constitution as 'We the people of India' it announces to the world that the ultimate sovereignty rests with the people of India as a whole. Political sovereignty is the hinge of our polity. Accordingly, it is implied that the Constitutional authorities and organs of government derive their power only from the people. Therefore, our political system should ensure the support and approval of the people to it.

Article-51A(c), on the other hand, says that it shall be the duty of every citizen to uphold and protect the sovereignty, unity and integrity of India.

2. Socialism

The word 'socialist' was added to the Preamble by the 42nd Amendment Act of 1976. However, several articles of our Constitution were already there giving credence to the

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ideal. The fathers of our Constitution had a wider vision of social transformation. Despite all social, economic and political inequality present and inherent in Indian traditional society, our Constitution started a crusade against that order. The Constitution has deliberately imposed on us the ideal of socialist pattern of society, a kind of Indian model of socialism to suit our needs and temperament. It stands to end all forms of exploitation in all spheres of our existence. Our Constitution directs the state to ensure a planned and coordinated social advance in all fields while preventing concentration of wealth and power in few hands.

The Constitution of India supports land reforms, promotes the well-being of working class and advocates for social control of all important natural resources and means of production for the well-being of all sections. To ensure a basic minimum to all has been the crux of many of our public policies today. The Government of India has adopted mixed economy, introduced five year plans and has framed many such laws to achieve the value of socialism in a democratic set up. To achieve the objective of socialism Part-IV of our Constitution has outlined the principles to be followed.

3. Secularism

India is a home to almost all major religions in the world. To keep the followers of all these religions together, secularism has been found to be a convenient formula. The ideal of secularism in Indian context implies that our country is not guided by any religion or any religious considerations. However, our polity is not against religions. It allows all its citizens to profess, preach and practice any religion of their liking. Articles from 25 to 28 ensure freedom of religion to all its citizens. Constitution strictly prohibits any discrimination on the ground of religion. All minority communities are granted the right to conserve their distinctive culture and the right to administer their educational institutions. The Supreme Court in *S.R Bommai v. Union of India* held that secularism was an integral part of the basic structure of the Constitution. Secularism thus is a value in the sense that it supports to our plural society. It aims at promoting cohesion among different communities living in India. Despite the constitutional provisions and safeguards it is unfortunate that we still remain insufficiently secular. Secularism has remained a challenging objective.

4. Democracy

India is a democracy. We have adopted parliamentary democracy to ensure a responsible and stable government. As a form of government it derives its authority from the will of the people. The people elect the rulers of the country and the latter remain accountable to the people. The people of India elect their governments at all levels (Union, State and local) by a system of universal adult franchise; popularly known as 'one man one vote'. Elections are held periodically to ensure the approval of the people to the governments at different levels. All the citizens without any discrimination on the basis of caste, creed, colour, sex, religion or education are allowed freedom of speech, thought and expression and also association. Democracy contributes to stability in the society and it secures peaceful change of rulers. It allows dissent and encourages tolerance. It rules by persuasion, not by coercion. It stands for a constitutional government, rule of law, inalienable rights of citizens, independence of judiciary, free and fair elections and freedom of press, etc. Therefore, to develop a democratic political culture has been an important objective.

5. Republic

As opposed to a monarchy, our Constitution prefers to remain a republic. The office of the head of the state is elective. This idea strengthens and substantiates democracy that every citizen of India (barring some who are constitutionally disqualified) after attaining a particular age is equally eligible to become the head of the state if he is elected as such. Political equality is its chief message. Any sort of hereditary rule is thus regarded as a disvalue in India.

6. Justice

Justice is called a total value. The fathers of our Constitution knew that political freedom would not automatically solve the socio-economic problems which have been deep rooted. Therefore, they stressed that the positive constructive aspect of political freedom has to be instrumental in the creation of a new social order, based on the doctrine of socio-economic justice. The message of socio-economic justice mentioned in the preamble to our Constitution has been translated into several articles enshrined in part-III and part-IV of the Constitution. A number of practical measures have been taken over the years to create more favourable social conditions for the millions of downtrodden. These include several developmental policies to safeguard minorities, backward, depressed and tribal people. Our constitution abolishes untouchability; prohibits exploitation of the women, children and the weak and advocates for reservation to raise the standard of the people. Whenever our government undertakes any developmental project, it always adds a human face to it. Therefore, this ideal of a just and egalitarian society remains as one of the foremost objectives.

7. Liberty

The blessings of freedom have been preserved and ensured to our citizens through a set of Fundamental Rights. It was well understood by the fathers of our Constitution that the ideal of democracy was unattainable without the presence of certain minimal rights which are essential for a free and civilized existence. Therefore, the Preamble mentions these essential individual rights such as freedom of thought, expression, belief, faith and worship which are assured to every member of the community against all the authorities of States by Part-III of the Constitution. There are however less number of success stories. Unless all dissenting voice is heard and tolerated and their problems are addressed liberty will be a distant dream.

8. Equality

Every citizen of India is entitled to equality before law and equal protection of law. As a human being everybody has a dignified self. To ensure its full enjoyment, inequality in all forms present in our social structure has been prohibited. Our Constitution assures equality of status and opportunity to every citizen for the development of the best in him. Political equality though given in terms of vote is not found in all spheres of politics and power. Equality before law, in order to be effective, requires some economic and education base or grounding. Equality substantiates democracy and justice. It is therefore held as an important value.

9. Fraternity

Fraternity stands for the spirit of common brotherhood. In the absence of that, a plural society like India stands divided. Therefore, to give meaning to all the ideals like justice,

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liberty and equality, our Constitution gives ample stress on fraternity. Democracy has been given the responsibility to generate this spirit of brotherhood amongst all sections of people. This has been a foremost objective to achieve in a country composed of so many races, religions, languages and cultures. Article-51A(e) therefore, declares it as a duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities. Article 51A(f) further asks each citizen to value and preserve the rich heritage of our composite culture. However, Justice D.D. Basu believes that, 'Fraternity will be achieved not only by abolishing untouchability amongst the different sects of the same community, but by abolishing all communal or sectional or even local or provincial anti-social feelings which stand in the way of unity of India.'

10. Dignity of the individual

Fraternity and dignity of the individuals have a close link. Fraternity is only achievable when the dignity of the individual is secured and promoted. Therefore, the founding fathers of our Constitution attached supreme importance to it. Our Constitution therefore, directs the state through the Directives enshrined in the Part-IV of our Constitution to ensure the development of the quality of life to all sections of people. Our Constitution acknowledges that all citizens, men and women equally, have the right to an adequate means of livelihood (Art.-39 a) and just and humane conditions of work (Art.-42). Article-17 has abolished the practice of untouchability by declaring it as a punishable offence. Our Constitution too directs the state to take steps to put an end to exploitation and poverty.

11. Unity and integrity of the Nation

To maintain the independence of the country intact and enduring, unity and integrity of the nation is very essential. Therefore, the stress has been given on the ideal of fraternity which would foster unity amongst the inhabitants. Without a spirit of brotherhood amongst the people, the ideals of unity and integration of people and nation seem unattainable. Our Constitution expects from all the citizens of India to uphold and protect the unity and integrity of India as a matter of duty.

12. International peace and a just international order

Indian Constitution directs the state to make endeavour to promote international peace and security; maintain just and honourable relations between nations; and foster respect for international law and treaty obligations in the dealings of organized people with one another; and encourage settlement of international disputes by arbitration. Thus India too cherishes the ideal of universal brotherhood beyond our national border. These provisions enshrined in Article 51 of the Indian Constitution have been a beacon light that provides a ray of hope for saving the world from the impending nuclear and environmental catastrophe. To fulfill these objectives India had provided leadership during the heydays of colonialism and also during Cold War. In a changed world scenario characterized by globalization, proliferation of the weapons of mass destruction, climate change and international terrorism, India has been making a constant bid for a permanent seat in the Security Council of the United Nations to provide direction to these world issues.

13. Fundamental Duties

Our Constitution too prescribes some duties to be performed by the citizens. All these duties though not enforceable in nature but reflect some basic values too. It highlights values like patriotism, nationalism, humanism, environmentalism, discipline, harmonious living, feminism, scientific temper and inquiry and individual and collective excellence. Article 51A provides a long list of these duties to be observed by all the citizens (discussed ahead in the unit in detail).

The above account shows how our Constitution is a value loaded document.

2.3 FUNDAMENTAL RIGHTS

The Constitution of India contained seven fundamental rights originally. But the Right to Property was repealed in 1978 by the Forty-fourth Constitutional Amendment bill during the rule of the Janata Party. These fundamental rights constitute the soul of the Constitution and thereby provides it a dimension of permanence. These rights enjoy an esteemed position as all legislations have to conform to the provisions of Part III of the Constitution. Not only this, its remarkable feature is that these rights encompass all those rights which human ingenuity has found to be essential for the development and growth of human beings.

The Constitution classifies fundamental rights into six categories:

- Right to equality (Articles 14–18)
- Right to freedom (Articles 19–22)
- Right against exploitation (Articles 23–24)
- Right to freedom of religion (Articles 25–28)
- Cultural and educational rights (Articles 29–30)
- Right to constitutional remedies (Article 32)

2.3.1 Right to Equality (Articles 14–18)

Article 14 declares that the state shall not deny any person the equality before the law or the equal protection of laws within the territory of India. As interpreted by the courts, it means that though the State shall not deny to any person equality before law or the equal protection of law, it shall have the right to classify citizens, provided that such a classification is rational and is related to the object sought to be achieved by the law.

(i) Equality before law: Equality before law does not mean an absolute equality of men which is a physical impossibility. It means the absence of special privileges on grounds of birth, creed or the like in favour of any individual. It also states that individuals are equally subjected to the ordinary laws of the land.

(ii) Equal protection of laws: This clause has been taken verbatim from the fourteenth amendment to the American Constitution. Equal protection means the right to equal treatment in similar circumstances both with regard to the legal privileges and liabilities. In other words, there should be no discrimination between one person and another, if their position is the same with regard to the subject matter of legislation. The principle of equal protection does not mean that every law must have a universal application for all persons, who are not by nature, circumstance or attainments (knowledge, virtue or money)

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Check Your Progress

1. Mention the two significant amendments made to the Preamble of the Indian Constitution.
2. What does the term 'liberty' used in the Preamble to the Indian Constitution denote?
3. Who according to the Preamble has constituted the Indian Constitution?

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in the same position as others. Varying needs of different classes or persons require separate treatment and a law enacted with this object in view is not considered to be violative of equal protection. The Constitution, however, does not stand for absolute equality. The state may classify persons for the purpose of legislation. But this classification should be on reasonable grounds. Equal protection has reference to the persons who have the same nature, attainments, qualifications or circumstances. It means that the state is debarred from discriminating between or amongst the same class of persons in so far as special protection, privileges or liabilities are concerned. Thus, equal protection does not require that every law must be all-embracing, all-inclusive and universally applicable.

(iii) Prohibition of discrimination (Article 15)

Article 15(1) prohibits discrimination on certain grounds. It declares, 'The state shall not discriminate against any citizen on ground only of religion, race, caste, sex, place of birth or any of them.' This discrimination is prohibited with regard to '(a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public'. Article 15 has, however, two notable exceptions in its application. The first of these permits the state to make special provision for the benefit of women and children. The second allows the state to make a special provision for the advancement of any socially and educationally backward class of citizens or for scheduled castes and scheduled tribes. The special treatment meted out to women and children is in the larger and long-term interest of the community itself. The second exception was not in the original Constitution, but was later on added to it as a result of the first amendment of the Constitution in 1951. While freedom contained in Article 14 is available to all persons, that in Article 15 is available only to the citizens and, therefore, it cannot be invoked by non-citizens.

Article 15(2) proclaims that no citizen shall, on grounds only of religion, race, casts, sex and place of birth be subject to any disability, liability, restriction or condition with regard to:

- Access to shops, public restaurants, hotels and places of public entertainment
- Use of wells, tanks, bathing-ghats, roads and places of public resort, maintained wholly or partly out of state funds or dedicated to the use of the general public

The prohibition in this clause is levelled not only against the state but also against private persons.

Article 15(3) provides that the state shall be free to make any special provision for women and children. This sub-article is in the nature of an exception in favour of women and children. Thus, the provision of free education for children up to a certain age or the provision of special maternity leave for women workers is not discrimination. However, discrimination in favour of women in respect of political rights is not justified, as women are not regarded as a backward class in comparison to men for special political representation.

Article 15(4) allows the state to make special provision for the advancement of any socially and educationally backward classes of citizens, including the scheduled castes and the scheduled tribes. The state is, therefore, free to reserve seats for them in the legislature and the services. This Article only allows the state to make special provisions for these classes. Inserted under Ninety-third Constitutional Amendment Act, this clause

conferred on the state the power to make any special provision by law for the advancement of any socially and educationally backward class or for the scheduled castes or the scheduled tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the state, other than the minority educational institutions.

(iv) Equality of opportunity (Article 16)

Article 16(1) reads: 'There shall be equality of opportunity for all citizens in matters relating to employment to any office under the State.' It confers on every citizen, a right to equality of economic opportunity, and subsequently provides that no citizen shall be discriminated against in this respect on grounds only of religion, race, caste, descent, place of birth or any of them. However, an equality of opportunity is only between equals, that is, between persons who are either seeking the same employment or have obtained the same employment. In other words, equality means equality between members of the same class or employees, and not between members of different classes.

Article 16 (2) reads: 'No citizen shall, on grounds only of religion, race, caste, sex, descent, place or birth, residence or any one of them be ineligible for or discriminated against in respect of any employment or office under the State.'

Article 16 (3) says that the President is competent to allow states to make residency as a necessary qualification in certain services for ensuring efficiency of work.

Article 16 (4) allows the state to reserve appointments in favour of backward class of citizens which in its opinion is not adequately represented in the services under the State. The Supreme Court had held that such reservation should generally be less than 50 per cent of the total number of seats in a particular service. Over and above the minimum number of reserved seats, member of backward classes are free to compete with others and be appointed to non-reserved seats, if otherwise, they are eligible on merit.

Article 16 (5) allows the State to provide that in case of appointment to religious offices, or offices in religious institutions, the candidates shall possess such additional qualifications or be members of that religious institution. This is an exception to the general rule that the State shall not discriminate on ground of religion in providing equal economic opportunities to the citizens.

Although Article 16 guarantees equality of opportunity in matters of public employment, for all citizens and is expected to provide a bulwark against considerations of caste, community and religion, the result so far has been far from satisfactory.

(v) Social equality by abolition of untouchability (Article 17)

Complete abolition of untouchability was one of the items in Mahatma Gandhi's programme for social reform. The present article adopts the Gandhian ideal without any qualification in abolishing untouchability and in forbidding its practice. It also declares that the enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law.

The practice of untouchability is a denial of human equality in an acute form. In pursuance of Article 17, the Parliament has enacted the Untouchability Offences Act, 1955, which was later amended in 1976. It prescribes punishment for the practice of untouchability, in any form, up to a fine of ₹500 or an imprisonment of six months or both, depending upon the seriousness of the crime.

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NOTES**(vi) Social equality by abolition of titles (Article 18)**

Article 18 is a radical application of the principle of equality it seeks to prevent the power of the state to confer titles from being abused or misused for corrupting the public life, by creating unnecessary class divisions in the society. The object of the Article is to prevent the growth of any nobility in India. Creation of privileged classes is contrary to the equality of status promised to all citizens by the Preamble to the Constitution.

Article 18(1) declares: 'No title, not being a military or academic distinction shall be conferred by the State'. It means that no authority in India is competent to confer any title on any person, excepting the academic title, or military titles of general, Major or Captain. Article 18(2) prohibits the citizens of India from receiving any title from any foreign state. This is an absolute bar. On the other hand, Article 18(3) prohibits the citizens from accepting any title from any foreign state without the consent of the President of India, if and so long they are holding any office of profit or trust under the state. Also, Article 18(4) prohibits both the citizens and aliens, who are holding any office of profit or trust under the state from accepting any present, emolument or office of any kind, from or under any foreign state.

Article 18, however, does not prohibit the institutions other than the state from conferring titles of honours by way of honouring their leaders or men of merit.

2.3.2 Right to Freedom (Articles 19–22)

In this section we will discuss Articles 19, 20, 21 and 22.

1. Article 19

Article 19 of the Constitution guarantees civil freedoms to the citizens as a matter of their right. Included in Clause 1 of Article 19, these freedoms are as follows:

- Right to Freedom of speech and expression
- Right to assemble peacefully and without arms
- Right to form associations or unions
- Right to move freely throughout the territory of India
- Right to reside and settle in any part of the territory of India
- Right to practice any profession, or to carry on any occupation, trade or business

These freedoms are discussed under the following heads:

(i) Right to freedom of speech and expression

The safeguarding of the freedom of speech and expression is essential to allow men to speak as they think on matters vital to them, and also to expose falsehood. Freedom of speech and expression lie at the foundation of all democratic organizations, for without political discussion, no political education is possible.

Freedom of expression in this clause means right to express one's convictions and opinions freely by word of mouth, writing, printing, picture or any other manner addressed to the eyes or ears. Thus, it includes not only the freedom of press but also the expression of one's ideas in any other form. Freedom of speech and expression also includes the freedom not to speak. Thus, the freedom to remain silent is included in this freedom. However, an individual is not free from the obligation of giving evidence in the judicial proceedings subject to constitutional and statutory provisions.

‘Reasonable’ restrictions on freedom of speech

As amended by the First and the Sixteenth Amendment Acts, Clause 2 of Article 19(1)(a) entitles the state to impose ‘reasonable’ restrictions on the freedom of speech on any one or more of the following grounds:

- Sovereignty and integrity of India
- Security of the state
- Friendly relations with foreign states
- Public order
- Decency or morality
- Contempt of court
- Defamation
- Incitement to an offence

These reasonable restrictions to the freedom of speech have been subject to much criticism since its inception. It is argued that words like ‘public order’ and ‘decency’ or ‘morality’ are deliberately made vague through amendments to the Constitution to allow the state to suppress dissent. On the other hand, it could also be argued that in a state as diverse as India, where people’s sentiments run high, such restrictions are necessary to maintain public order. While one can argue the merits of reasonable restrictions relating to public order, there can be no argument on the unreasonableness of restricting freedom of speech in relation to ‘relations with foreign states’. Such a restriction theoretically puts curbs on citizens of the country from criticizing the foreign policy of the Indian state, which is the democratic right of citizens.

(ii) Right to assemble peacefully and without arms

Article 19 (1)(b) guarantees to every citizen the right to assemble peacefully and without arms. This right is subject to the following limitations:

- Assembly must be peaceful
- Assembly must be unarmed
- It must not be in violation of public order

(iii) Right to form association and unions [Articles 19 (1) and (4)]

Article 19(1)(c) guarantees to all citizens the right to form associations and unions, the formation of which is vital to democracy. If free discussion is essential to democracy, no less essential is the freedom to form political parties to discuss questions of public importance. They are essential as much as they present to the government alternative solutions to political problems. Freedom of association is necessary not only for political purpose but also for the maintenance and enjoyment of the other rights conferred by the Constitution.

In short, the freedom of association includes the right to form an association for any lawful purpose. It also includes the right to form trade union with the object of negotiating better conditions of service for the employees.

Clause 4 of Article 19 empowers the state to make reasonable restrictions upon this right on grounds only of:

- Sovereignty and integrity of India
- Public order
- Morality

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(iv) Right to move freely throughout the territory of India

Articles 19(1)(d) and (e) guarantee to all citizens the right to move freely throughout the territory of India and to reside and settle in any part of the territory of India. These freedoms are aimed at the removal of all hindrances in the enjoyment of these rights.

The freedom of movement of a citizen has three aspects:

- Freedom to move from any part of his country to any other part
- Freedom to move out of his country
- Freedom to return to his country from abroad

The second of these provisions is not guaranteed by our Constitution as a fundamental right and has been left to be determined by the Parliament.

Freedom of movement and residence is subject to restrictions only on the following grounds:

- In the interest of any scheduled tribes
- In the interest of the general public, that is, public order morality and health

(v) Right to practice any profession, or to carry on any occupation, trade or business

Article 19(1)(f) guarantees to all citizens right to practice any profession or to carry on any occupation, trade or business. The freedom of profession, trade or business means that every citizen has the right to choose his own employment, or take up any trade, subject only to the limitations mentioned in Clause (6).

The right is subject to reasonable restrictions, which may be imposed by the state in the interest of general public. The state may prescribe professional or technical qualifications necessary for carrying on any business, trade or occupation. It also has the right itself, or through a corporation, to carry on any occupation, trade or business to the complete or partial exclusion of private citizens.

2. Protection in criminal convictions (Article 20)

Article 20 (1) declares that 'a person cannot be convicted for an offence that was not a violation of law in force at the time of the commission of the act, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.' Clause 2 declares: 'No person shall be prosecuted and punished for the same offence more than once.' And, Clause 3 says that 'no person accused of any offence shall be compelled to be a witness against himself.'

3. Right to life and personal liberty (Article 21)

Article 21 says that no person shall be deprived of his life or personal liberty, except according to procedure established by law. The object of this article is to serve as a restraint upon the executive, so that it may not proceed against the life or personal liberty of the individual, except under the authority of some law and in conformity with the procedure laid down therein. This article can be invoked only if a person is detained by or under the authority of the state.

Furthermore, the Supreme Court on various occasions ruled that the expression 'life' in Article 21 does not connote merely physical or animal existence, but includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life.

Right to Information

As interpreted by the Supreme Court, the right to information flows from Article 19(1)(a) of the Constitution. The concerned bill, however, was introduced in the Parliament as Freedom of Information Bill, 2002 which along with certain restrictions made it mandatory for the government to provide information pertaining to public sphere. This right of information was further illustrated by the Supreme Court, which held that 'a voter has a fundamental right to know the antecedents of a candidate'. Accordingly, Supreme Court struck down some parts of Representation of People (Amendment) Act, 2002 by making a clear distinction between the constitutional right of a voter and his rights under general laws. The court declared that voter's fundamental right to know the antecedents of a candidate is independent of statutory right under election law.

Right to Education (Article 21(a))

Under Eighty-sixth Amendment Act 2002, right to education was provided. For the purpose, a new Article in Part III was inserted and two Articles in Part IV were amended. The newly inserted Article 21(a) declared that 'The state shall provide free compulsory education to all children of the age of 6–14 years in such manner as the state may, by law, determine.'

4. Protection against arrest and detention (Article 22)

Article 22 has two parts: Part I consists of Clauses 1 and 2, and deals with the rights of persons arrested under the ordinary criminal law. Part II consists of Clauses 3–7 and deals with the right of persons who are detained under the law of preventive detention.

Clauses 1 and 2 of this article recognize the following rights of the persons arrested under ordinary criminal law:

- The arrested person shall, as soon as possible, be informed of the grounds of his arrest. The arrested person will be in a position to make an application to the appropriate court for bail, or move the high court, for the grant of the writ of habeas corpus.
- The second protection granted by clause 1 is that the arrested person shall be given the opportunity of consulting and of being defended by the legal practitioner of his choice. This clause confers only right to engage a lawyer. It does not guarantee the right to be supplied with a lawyer, free of charge, nor does it guarantee the right to engage a lawyer who has been disqualified to practice under the law.
- Clause 2 declares that the arrested person shall be produced before the nearest magistrate within twenty-four hours of his arrest, excluding the time necessary for journey from the place of arrest to the court of the magistrate.

Preventive detention

Clause 3 of Article 22 constitutes an exception to clauses 1 and 2. The result is that enemy-aliens (that is, foreigners belonging to the countries which are the enemies of the state) and other persons who are detained under the law of preventive detention have neither the right to consult nor to be defended by a legal practitioner.

Clause 4 requires that a person may be detained under the Preventive Detention Act for three months. If a person is to be detained for more than three months, it can only be done in the following cases:

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- Where the opinion of an Advisory Board, constituted for the purpose has been obtained within ten weeks from the date of detention; and
- Where the person is detained under law made by the Parliament for this clause 5 considers two things, namely:
 - (a) That the detainee should be supplied with the grounds of the order of detention; and
 - (b) That he should be provided with the opportunity of making representation against that order to the detaining authority for the consideration of the Advisory Board.

Clause 6 declares that the detainee cannot insist for the supply of all the facts, which means evidence and which the government may not consider in public interest. In this context, the Supreme Court has held that an order of detention is mala fide, if it is made for a purpose other than what has been permitted by the legislature.

Clause 7 of this article gives exclusive power to the Parliament to prescribe:

- The circumstances under which and the cases in which a person may be detained for more than three months without obtaining the opinion of the an Advisory Board.
- The period of such detention (which it has determined to be not more than twelve months); and
- The procedure to be followed by an Advisory Board.

The Preventive Detention Act, 1950 was passed by the Parliament, which initially constituted the law of Preventive Detention in India. The Act was amended seven times, each for a period of three years. The revival of anarchist forces obliged parliament to enact a new Act, named The Maintenance of Internal Security Act (MISA) in 1971, having provision broadly similar to those of Preventive Detention Act of 1950. In 1974, Parliament passed the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPSA) as an economic adjunct of the MISA. MISA was repealed in 1978, but COFEPSA still remains in force. Further, in 1980, National Security Act (NSA) was enacted. According to the NSA, the maximum period for which a person may be detained shall be six months from the date of detention. Next in the series was Essential Services Maintenance Act (ESMA), 1980, and also the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 which empowered the government to ban strikes, lockouts and lay-offs and gave powers to dismiss strikers and erring employees, arrest them without warrant, impose fine and imprison them. An upsurge in terrorist activities, further, compelled the Government to enact The Terrorist and Disruptive Activities (Prevention) Act (TADA), 1985, which, in fact, empowered the executive for suppression of all kind of dissent and was widely criticized for being undemocratic. In wake of intensified terrorist activities in many parts of the country, Vajpayee government was compelled with yet another enactment in 2002, named as Prevention of Terrorism Act (POTA), which has been criticized for its probable misuse.

2.3.3 Right against Exploitation (Articles 23–24)

Clause 1 of Article 23 prohibits traffic of human beings, beggars and other similar forms of forced labour, and makes the contravention of this prohibition an offence punishable in accordance with law. In this context, ‘traffic in human beings,’ includes the institutions

of slavery and prostitution. 'Begar' means involuntary or forced work without payment, for example, tenants being required to render certain free services to their landlords.

Under Clause 2 of this article, the state has been allowed to require compulsory service for public purposes, namely, national defence, removal of illiteracy or the smooth running of public utility services like water, electricity, postage, rail and air services. In matters like this, the interests of the community are directly and vitally concerned and if the government did not have this power, the entire life would come to a standstill. In making any service compulsory for public purposes, the state has, however, been debarred from making discrimination on grounds only of religion, race, caste, class or any of them.

Article 24 provides that no child below the age of fourteen years shall be employed to work in any factory or mine, or engaged in any other hazardous employment. Our Constitution goes in advance of the American Constitution in laying down a constitutional prohibition against employment of children below the age of fourteen in factories, mines or other difficult employments, for example, railways or transport services. Our Parliament has passed necessary legislation and made it a punishable offence.

2.3.4 Right to Freedom of Religion (Articles 25–28)

In pursuance of the goal of liberty of belief, faith and worship enshrined in the Preamble to the Constitution, Articles 25–28 underline the secular aspects of the Indian state.

Article 25(1) grants to all persons the freedom of conscience, and the right to freely profess, practice and propagate religion. This article secures to every person, a freedom not only to subscribe to the religion of his choice, but also to execute his belief in such outward acts as he thinks proper. He is also free to propagate his ideas to others.

Clause 2 of this Article allows the state to make law for the purpose of regulating economic, financial or other activities of the religious institutions. At the same time, it allows the state to provide from, and carry on social welfare programmes, especially by throwing open the Hindu religious institutions of a public character to all classes and sections of Hindus, including the Sikhs, the Jains and the Buddhists.

The Parliament enacted the Untouchability Offences Act, 1955, which prescribes punishment for enforcing religious disabilities on any Hindu simply because he belongs to a low caste. The purpose of this reform is to overcome the evils of the Hindu religion.

Explanation 1 to Article 25 declares that the wearing or carrying of kirpan (sword) by the Sikhs shall be deemed to be included in the profession of Sikh religion. Constitutional expert, Basu points out that this right is granted subject to the condition that no Sikh will carry more than one sword without obtaining licence.

Article 26 guarantees to every religious denomination the following rights:

- To establish and maintain institutions for religious and charitable purpose
- To manage its own affairs in matters of religion
- To own and acquire movable and immovable property; and
- To administer such property in accordance with law

While rights guaranteed by Article 25 are available only to the individuals and not to their groups, those under Article 26 are conferred on religious institutions and not on individuals. In this article, religious denomination means a religious sect or body having a common faith and organization and designated by a distinctive name. This was the definition accepted by the Supreme Court. This article grants to a religious denomination

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complete autonomy in deciding what rites and ceremonies were essential according to the tenets of a religion. No outside authority has any jurisdiction to interfere in its decisions in such matters.

Article 27 declares that ‘No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination’.

This article secures that the public funds raised by taxes shall not be utilized for the benefit of any particular religion or religious denomination. Thus, a local authority which raises taxes from persons of all communities who reside within its jurisdiction would not be entitled to give aid to those educational institutions which provide instructions relating to any particular religion. In other words, an educational institution, which provides compulsory instructions relating to a particular religion is not entitled to any financial aid from the state.

Article 28 is confined to educational institutions, maintained, aided or recognized by the state. Clause 1 of this article relates to educational institutions wholly maintained out of the state funds. It completely bans imparting religious instructions in such institutions. Clause 2 relates to educational institutions which are administered by the state under some endowment or trust, like the Banaras Hindu University. In such institutions, religious instructions may be given.

2.3.5 Cultural and Educational Rights (Articles 29–30)

The object of Article 29 is to give protection to the religious and linguistic minorities. Clause 1 of Article 29 declares that any section of the Indian citizens, having a distinct language, script or culture of its own, shall have the right to conserve the same. The right to conserve or protect a language includes the right to agitate for the protection of that language. It also means that every minority group shall have the right to impart instructions to the children of their own community in their own languages.

Clause 2 of Article 29 is a counterpart of Article 15. It says that there should be no discrimination against children on grounds only of religion, race, caste or language, in the matters of admission into any educational institution maintained or aided by the state. Thus, this clause gives to an aggrieved minority of citizens the protection in matters of admission to educational institutions against discrimination on any of these grounds. The persons belonging to scheduled castes or tribes are in any case to be given special protection in matters of admission to educational institutions.

The Supreme Court observed that preference in admission given by institutions, established and administered by minority community, to candidates belonging to their own community in their institutions on grounds of religion alone is violation of Article 29(2). Minorities are not entitled to establish and administer educational institutions for their exclusive benefit.

Clause 1 of Article 30 is a counterpart of Article 26, and guarantees the right to all linguistic or religious minorities to establish and administer educational institutions of their choice. It entitles the minority community to impart instructions to the children of their community in their own language.

The right to establish educational institutions of their choice amounts to the establishment of the institutions which will serve the needs of the minority community, whether linguistic or religious. When such institutions are established and seek aid from the state, it cannot be denied to them simply on the ground that they are under the management of a linguistic or religious minority.

2.3.6 Right to Constitutional Remedies (Articles 32–35)

A declaration of fundamental rights is meaningless unless there are effective judicial remedies for their enforcement. The Constitution accords a concurrent jurisdiction for this purpose on the Supreme Court under Article 32, and on the state high courts under Article 226. An individual who complains the violation of his fundamental rights can move the Supreme Court or the state high court for the restoration of his fundamental rights.

Article 32(1) declares that the right to move the Supreme Court by appropriate proceedings for the enforcement of the fundamental rights included in Part III of the Constitution is guaranteed. Clause 1, thus, guarantees the right to move the Supreme Court for the enforcement of fundamental rights. In other words, the right to move the Supreme Court for the violation of fundamental rights is itself a fundamental right.

Article 32(2) empowers the Supreme Court to issue directions, orders or writs including writs in the nature of habeas corpus, mandamus, prohibition, quo-warranto or certiorari, whichever may be appropriate for the enforcement of any of the fundamental rights.

(i) Habeas corpus: The writ of habeas corpus literally means ‘have the body’. It is a writ or order to an executive authority to produce the body of a person, who has been detained in prison and to state the reasons for his detention. Thus, habeas corpus is the citizen’s guarantee against arbitrary arrest or detention. By virtue of this writ, the Supreme Court or the high court can have any detained person produced before it for examining whether he has been lawfully detained or not, and for dealing with the case in accordance with the Constitution and the laws in force at that time.

(ii) Mandamus: The writ of mandamus means ‘we command’. It is an order directing person, or body, to do his legal duty. It lies against a person, holding a public office or a corporation or an inferior court, for it is to ask them to perform their legal duties. They are under legal obligation not to act contrary to law, without the authority of law, or in excess of authority conferred by law. As such, mandamus is available in the following cases:

- To compel the performance of obligatory duties imposed by law; and
- To restrain action which is taken without the authority of law, contrary to law, in excess of law

(iii) Certiorari: The writ of certiorari means ‘to be more fully informed of’. It is issued by a superior court to an inferior court requesting the latter to submit the record of a case pending before it. It lies not only against the inferior courts but also to any person, body or authority, having the duty to act judicially. It may be issued to the Union government, the state governments, municipalities or other local bodies, universities, statutory bodies, the individual ministers, public officials and departments of the state. It is not available against private persons for the enforcement of fundamental rights, because these rights are available only against the state.

(iv) Prohibition: The writ of prohibition is issued by a superior court to an inferior court preventing it from dealing with a matter over which it has no jurisdiction. It is generally issued to transfer a case from a lower to a higher court. When an inferior court takes up for hearing a matter over which it has no jurisdiction, the person against whom proceedings have been taken can move the superior court for the writ of prohibition. If the request is guaranteed by the superior court, the interior court is stopped from continuing the

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proceedings in that case, and the case is transferred to another court to secure justice.

(v) Quo warranto: The writ of quo warranto is issued to stop the irregular and unlawful assumption of any public position by any person. Through this writ, the courts may grant an injunction to restrain a person from acting in any office to which he is not entitled, and may also declare the office vacant.

Article 32(3) provides that, without prejudice to the powers conferred on the Supreme Court by Articles 32(1) and (2), the Parliament may by law empower any court to issue these writs for the purpose of the enforcement of the fundamental rights.

Article 32(4) provides that fundamental rights guaranteed by Article 32(1) shall not be suspended except as otherwise provided by this Constitution.

2.4 DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles of State Policy, Part IV of the Constitution of India, constitute directions given to the central and state governments for the establishment of a just society. They commit the state to promote the welfare of the people by affirming social, economic and political justice, as well as to fight economic inequality.

Article 31C, added by the Twenty-fifth Amendment Act of 1971, upgraded the Directive Principles so that if the government made laws to give effect to the Directive Principles over Fundamental Rights, they would remain valid. In case of a conflict between Fundamental Rights and Directive Principles, if the latter aimed at promoting larger interest of the society, the courts would have to uphold the case in favour of Directive Principles. It is clearly stated in Article 37 that the provisions contained in the Directive Principles is not enforceable in any court of law, but the principles therein laid down are nevertheless fundamental in the governance of the country and it would be the duty of the State to apply these principles in making laws.

(I) Economic and Social Principles

Directive Principles relating to the economic and social sphere are as follows:

1. **Article 39** states that:

The state shall, in particular, direct its policy towards securing that:

- (a) The citizens, men and women equally, have the right to an adequate means of livelihood.
- (b) The ownership and control of the material resources of the community are so distributed as best to subserve the common good.
- (c) The operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.
- (d) There is equal pay for equal work for both men and women.
- (e) That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength.
- (f) Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Check Your Progress

4. State the fundamental rights identified by the Indian Constitution.
5. Define habeas corpus.
6. What does the Right to Education provide?

2. Article 39A states that:

The state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

3. Article 41 states that:

The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases as such that might be considered necessary.

4. Article 42 states that:

The state shall make provision for securing just and humane conditions of work and for maternity relief.

5. Article 43 states that:

The state shall endeavour to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the state shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas.

6. Article 43A states that:

The state shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry.

7. Article 44 states that:

The state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

8. Article 45 states that:

The state shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

This stand was substituted by the Constitution—Eighty-sixth Amendment Act, 2002, which stated that the state shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

9. Article 46 states that:

The state shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the scheduled castes and the scheduled tribes, and shall protect them from social injustice and all forms of exploitation.

(II) Gandhian Principles

Directive Principles relating Gandhian principles include the following:

1. Article 40 states that:

The state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

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2. **Article 47** states that:

The state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the state shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

3. **Article 48** states that:

The state shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

4. **Article 48A** states that:

The state shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

(III) Cultural Principles

Directive Principles relating to the cultural sphere are as follows:

Article 49 states that:

It shall be the obligation of the state to protect every monument or place or object of artistic or historic interest, declared by or under law made by the Parliament to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.

(IV) Directive Principles Related to Foreign Affairs

Article 51 states that:

The state shall endeavour to:

- (a) Promote international peace and security
- (b) Maintain just and honourable relations among nations
- (c) Foster respect for international law and treaty obligations in the dealings of organized peoples with one another
- (d) Encourage settlement of international disputes by arbitration

Defending the adoption of the Directive Principles of State Policy in the Indian Constitution, Dr Ambedkar stated:

In the Draft Constitution the Fundamental Rights are followed by what are called 'Directive Principles'. It is a novel feature in a Constitution framed for Parliamentary Democracy. The only other constitution framed for Parliamentary Democracy which embodies such principles is that of the Irish Free State. These Directive Principles have also come up for criticism. It is said that they are only pious declarations. They have no binding force. This criticism is of course superfluous. The Constitution itself says so in so many words. If it is said that the Directive Principle have no legal force behind them, I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force at all. Nor am I prepared to concede that they are useless because they have no binding force in law.

2.4.1 Reaffirmation of Ideology of Egalitarianism

Put together, the Preamble to the Constitution and the Directive Principles of State Policy comprised the ideology of egalitarianism, that is, the rulers of independent India committed themselves to bring about political, economic and social equality and bring to

an end the age-old sufferings of the people. The State (that is the governments at the Centre and in the states) was required to follow these principles in the determination of its policies and executive actions. It was, however, worth noting that the Directive Principles could not be enforced in the way the Fundamental Rights could be enforced by the Supreme Court and the High Courts. The reason for this was that even though the framers of the Constitution were sincere and enthusiastic about egalitarianism they were fully conscious of the limitations of the future rulers of the country, particularly the limitations of scant financial resources, widespread illiteracy and fast-increasing population. Had they made the Directive Principles enforceable by the courts, the State would have become involved in endless litigation. Devotion to the egalitarian credo was, nevertheless, affirmed time and again in the successive Five Year Plans, that spelt out goals for development, the egalitarian ideology was prominent. At its 1955 session at Avadi (January 21–23) the Congress Party adopted a resolution on economic policy, and realised what became known as ‘socialist pattern of society.’ At the Government’s initiative the Lok Sabha adopted, in 1956, a resolution recommending that ‘appropriate measures be taken in order to reduce the disparity in income within society.’ The Avadi resolution on economic policy was reiterated at the Bhubaneshwar session in January 1964.

After the assumption of Prime Ministerial office by Mrs Indira Gandhi on 24 January 1966, the concept of socio-economic justice and equality was stressed every now and then. On the eve of the mid-term poll for the Lok Sabha, held in March 1971, Mrs Gandhi coined a new slogan *garibi hatao*, and on the occasion of fifth General Election to state Assemblies, in March 1972, she came out with another, ‘*annaya hatao*’ (remove injustice). All political parties and their leaders reiterated time and again their commitment to the gospel of egalitarianism, and the implementation of the equalization ideal became an instrument of both policy and faith for them.

Specific measures to implement directive principles almost from the very inauguration of the Indian Republic (on 26 January 1950), the Government authorities at the Centre and in the states took steps to implement the Directive Principles. On 28 February, the then Union Finance Minister, Dr John Matthai, announced that the Government had decided to set up a Planning Commission so that the development of the country could be taken up in a planned manner. The central objective of planning was declared to be the raising of the standard of living and opening to the people new opportunities for a richer and more varied life. The aim of the first-Five Year Plan was to use more effectively the available human and material, resources, so as to obtain from them a larger output of goods and services and to reduce inequalities of wealth, income and opportunity. The Plan envisaged a substantial increase in the volume of employment through the expansion of irrigation, power, basic industries, transport and other resources. The objectives of the successive Plans were laid down almost on the same lines, that is, in the direction of socio-economic justice and equality.

In order to implement Article 39, a series of Acts were passed from time to time. Some of these were: Employees State Insurance Act, Minimum Wages Act, Workmen’s Compensation Act, Wealth Tax Act, Gift Tax Act, and Estate Duty Act. In order to reduce disparities in income the Fundamental Right to property was amended several times. A number of industrial products and specialized services, that were considered vital to economic development, were brought under public sector. In 1969, fourteen top commercial banks of the country were nationalized. In 1956, the life insurance, and in 1971 the general insurance companies were nationalized. The same year Privy Purses and Special Privileges of the Princes were abolished. These and a few other measures were taken so that the financial resources could be utilized for promoting common good.

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The responsibility for land reforms and their implementation was, under the Constitution, primarily the responsibility of the states, and in the discharge of this responsibility the legislatures of almost all the states and Union Territories passed Acts for the abolition of intermediaries like *zamindars*, *jagirs* and *inams*. Laws were also passed to fix ceiling on land holdings, and the surplus land acquired from land-owners was distributed among the landless. More than three crores of farmers became the owners of land. Huge areas of cultivable wastelands were distributed among landless labourers and were brought under cultivation. In many states, tenants were made secure over the lands they cultivated and they could not be ejected before a fixed period. Consolidation of land holdings was taken up and completed in several states such as Uttar Pradesh, Gujarat, Madhya Pradesh, Maharashtra, Rajasthan, Delhi, Mysore and Himachal Pradesh. The National Cooperative Farming Advisory Board prepared several plans and promoted the programme of cooperative farming. In order to bring about the integrated development of rural India, covering social, cultural and economic aspects, Community Development Programmes were launched on 2 October 1952 in 55 selected projects each project covering an area of about 1,300 sq kms, about 300 villages and a population of about 2 lakhs. By 1969, the entire country was covered by 5,265 Community Development blocks. A Consultative Council on Community Development was constituted under the chairmanship of the Union Minister of Food and Agriculture to establish coordination between the Union Government and state Ministers, in charge of Community Development.

In January 1985, the National Development Council recommended that in order to bring about the development of rural areas there should be devolution of power and decentralization of machinery for the exercise of such power, and that such a machinery should be controlled and directed by popular representatives of the local area. In pursuance of this recommendation panchayat raj was established with a three-tier structure of local self-governing bodies at the village, block and district, levels. Specific powers and functions were assigned to these institutions in the field of development and local administration. Almost the entire country was covered by the panchayati raj.

In order to organize agriculture on modern and scientific lines, as enjoined in Article 48 of the Constitution, a number of projects were launched with the purpose of better utilization of river waters for irrigation, for generating electricity and power and for flood control. Some of these were Nagarjunasagar Project (Andhra Pradesh), Tungabhadra Project (Andhra Pradesh and Mysore), Gandak Project (Bihar and Uttar Pradesh), Kosi Project (Bihar), Chambal Project (Madhya Pradesh and Rajasthan), Hirakud Dam Project (Orissa), Bhakra Nangal Project (Punjab, Haryana and Rajasthan), Farakka Project (West Bengal) and Damodar Valley Corporation (West Bengal and Bihar). Several factories were set up for the manufacture of chemical fertilisers. In 1969, the Seeds Act was passed, and the National Seeds Corporation supplied seeds of high yielding variety of different crops, including vegetables, to the farmers throughout the country. Plant protection and locust control programmes were undertaken. The Indian Council of Agricultural Research and several agricultural universities were set up in the country for promoting research and training in new methods of farming and animal husbandry. The Market Research and Survey Wing of the Directorate of Marketing and Inspection carried out surveys for important agricultural, horticultural and livestock commodities. Intensive cattle development projects and poultry farming were developed on a commercial scale. Programmes of sheep and fisheries development were undertaken.

Although health programmes were primarily the responsibility of the states, the Union Government, in order to implement the principles laid down in Article 47, sponsored and supported major schemes for improving the standard of health of the nation. During the period of the four Five Year Plans, ₹1,050 crores were spent, on promoting medical education and research, establishing primary health centres, controlling communicable diseases, promoting indigenous systems of medicine and on setting up hospitals and dispensaries. Special programmes were launched for eradicating malaria, filaria, tuberculosis, leprosy, venereal diseases, small pox and cancer.

In 1960, Parliament passed the Children's Act, and juvenile courts, child welfare boards, remand observation homes and special schools were set up to look after the neglected and delinquent children.

Under the Child Marriage Restraint Act of 1929, no marriage to which a male under 18 years of age or a female under 12 years of age was a party could be solemnized. The Special Marriage Act of 1954 permitted marriage of people from different religious faiths without changing their religions and laid down the minimum age of marriage as 18 years for girls and 21 years for boys.

In order to implement the Directive Principles, the States took steps to protect the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation. Parliament passed, the Untouchability (Offences) Act in May 1955. This Act provided penalties for preventing a person, on grounds of untouchability, from entering a place of public worship or taking water from a sacred tank, well or spring. Penalties were provided for enforcing all kinds of social disabilities, such as denying access to any shop, restaurant, public hospital or educational institution, hotel, the use of any road, river, water tap, bathing *ghat*, cremation ground or *dharamshala* or utensils kept in such institutions and hotels and restaurants. The Act also prescribed penalties for enforcing occupational, professional or trade disabilities or disabilities in the construction or occupation of any residential premises in any locality or the observance of any social or religious usage or ceremony. The Act laid down penalties for refusing to sell goods or render services to a Harijan. In 1976, Parliament passed the Protection of Civil Rights Act, and it provided for more severe punishment.

In order to promote international peace, as enjoined in Article 51 of the Constitution, the Union Government followed a policy of non-alignment and *Panchsheel*.

2.4.2 Relationship between Fundamental Rights and Directive Principles

In order to uphold the constitutional validity of legislations, Directive Principles have been added to the Indian Constitution to deal with circumstances of conflict with the Fundamental Rights. The 25th Amendment added Article 31C in 1971, which provided that any law made to give effect to the Directive Principles in Article 39 (B) and (C), will not be deemed invalid on the basis that they depreciate Fundamental Rights conferred under Article 14, 19 and 31. In 1976, the 42nd Amendment was to extend all Directive Principles, however the Supreme Court struck down the extension to be null and void as it violated the basic structure of the Indian Constitution. Fundamental Rights and Directive Principles have been combined in forming the basis of legislation for social welfare. After the *Kesavananda Bharati vs. State of Kerala* of 1973, the Supreme Court of India views the Fundamental Rights and Directive Principles to complement each other where one supplements the role of other in the goal of establishing a welfare state by the

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means of a social revolution. In a similar manner, the Supreme Court has used the Fundamental Duties to uphold the constitutional validity of statutes which seeks to promote the objectives laid out in the Fundamental Duties. These duties are obligatory to all citizens, subject to the state enforcing the same by means of a valid law. Supreme Court has also issued relevant directions to the state in this regard, in order to make the provisions effective and enabling citizens to perform their duties appropriately.

Main features of the relationship between Fundamental Rights and Directive Policy

- In various cases the Supreme Court has evolved the Doctrine of Harmonization which aims to make a consistent whole of law.
- Fundamental Rights and Directive Principles supplement each other and together form an integrated scheme
- If the Fundamental Rights and Directive principles cannot work together than Fundamental Rights will prevail over the Directive Principles
- Currently, Article 39 (B) and 39 (C) can be given precedence over Article 14, 19 and 31.

2.4.3 Basic Structure Doctrine

The Basic Structure doctrine is a judicial principle whereby certain features are beyond the limit of the powers of amendment of the Indian Parliament. This doctrine was first recognized by the Indian Supreme Court in 1973 during the *Kesavananda Bharati vs. State of Kerala* case. It reflected concern at the liberal constitutional order posed by the Indian National Congress' majority at the centre and state levels under Prime Minister Indira Gandhi. One important point to remember is that the Basic Structure doctrine applies only to the constitutionality of amendments and not to ordinary Acts of the Indian Parliament, which completely adapts to the Indian Constitution and not just its basic structure. On 24 April 1973, the Supreme Court decision in the *Kesavananda Bharati vs. State of Kerala* case suggested that though the Twenty-Fifth Amendment of 1971 was valid, the court still reserved for itself the right to reject any constitutional amendment passed by the Indian Parliament as the amendments cannot change the Indian Constitution's basic structure.

Main features which comprised the basic structure of the Indian Constitution are:

- The supremacy of the constitution.
- A republican and democratic form of government.
- The secular character of the Constitution.
- Maintenance of the separation of powers.
- The federal character of the Constitution.

During the Emergency situation in 1976, a bench of thirteen judges was assembled to hear the case of *Indira Gandhi vs. Raj Narain*. The hearing was presided by Justice A. N. Ray and the court needed to decide the degree to which amendments were restricted by the Basic Structure Doctrine. For two days, on November 10 and 11, a team of barristers led by Palkhivala made continuous arguments against the Union government's application to reconsider Kesavananda decision. Slowly the judges accepted his argument and by the second day the Chief Justice was reduced to the minority of one. On 12 November 1976, Chief Justice Ray dissolved the bench and the judges rose.

Therefore, the doctrine was applied in the *Indira Gandhi vs. Raj Narain* to the 39th Amendment of 1975, which attempted to pass legislative judgment, besides other provisions, over the election of Indira Gandhi in 1971.

The Basic Structure doctrine was expanded in 1981, during the *Minerva Mills Ltd. vs. Union of India*. Palkhivala was successful in initiating the Supreme Court of India to declare Clauses (4) and (5) of Article 368 of the Indian Constitution as being invalid as these clauses had been inserted as a response by the Indira Gandhi government regarding the decision in the Kesavananda case through the Forty-Second Amendment. The Court held that since, as had been previously held in the Kesavananda case, the power of Parliament to amend the Constitution was limited, it could not by amending the Constitution convert the power into an unlimited power by this amendment. The court went on to invalidate the amendment of Article 31-C by the Forty-second Amendment. This view of Article 31-C, but not the basic structure doctrine, was questioned but not overruled in *Sanjeev Coke Mfg. Co vs. Bharat Cooking Coal Ltd.*

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2.5 FUNDAMENTAL DUTIES

The Constitution of India laid disproportionate emphasis on the rights of citizens as against their duties. With the result, the Constitution of India did not incorporate any chapter of fundamental duties. It was during the 'Internal Emergency', declared in 1975, that the need and necessity of fundamental duties was felt and accordingly a Committee under the chairmanship of Sardar Swaran Singh was appointed to make recommendations about fundamental duties. The Committee suggested for inclusion of a chapter of fundamental duties, provision for imposition of appropriate penalty or punishment for non-compliance with or refusal to observe any of the duties and also recommended that payment of taxes should be considered as one of the fundamental duties. But these recommendations were not accepted by the Congress government.

However, under the Forty-second Amendment, carried out in 1976, a set of Fundamental Duties of Indian citizens was incorporated in a separate part added to Chapter IV under Article 51(a). Under this Article, this shall be the duty of every citizen of India:

- To abide by the Constitution and respect the national flag and national anthem.
- To cherish and follow the noble ideas, which inspired our national freedom struggle.
- To protect the sovereignty, unity and integrity of India.
- To defend the country.
- To promote the spirit of common brotherhood amongst the people of India transcending religious, linguistic, regional or sectional diversities and laws to renounce practices derogatory to women.
- To preserve the rich heritage of our composite culture.
- To protect and improve the natural environment.
- To develop the scientific temper and spirit of enquiry.
- To safeguard public policy.
- To strive towards excellence in all spheres of individual and collective activity.
- As a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years (this clause was inserted through Eighty-sixth Amendment Act, 2002).

Check Your Progress

7. State the Directive Principles related to foreign affairs.
8. What are the main objectives for the inclusion of the Directive Principles of State Policy in the Indian Constitution?

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Insertion of these fundamental duties along with Directive Principles of State Policy suggests that these are not justifiable. In fact, Constitution does not define how these will be implemented. No punishment or compulsive provisions have been mentioned on their violation. According to constitutional expert D.D. Basu, the legal utility of these duties is similar to that of the Directives as they stood in 1949, while the Directives were addressed to the state without any sanction, so are the duties addressed to the citizens without any legal sanction for their violation.

Also the duties enumerated are quite vague and can be interpreted in more than one ways. It is, therefore, very difficult to have their universally acceptable definitions. One of the duties of the citizens is to follow the noble ideals that inspired our freedom struggle, while each section, which participated in freedom struggle, had its own ideals. The term 'noble ideal', therefore, becomes ineffable and vague. Another duty expects every citizen of India to value and preserve the rich heritage of composite culture. A question that can be asked as to which is India's composite culture. Similarly, it is difficult to define scientific temper, humanism or spirit of enquiry.

Notwithstanding these criticisms, the fundamental duties have been the accepted part of the Constitution. These duties may act as a social check on reckless activities indulged in by irresponsible citizens and as a reminder to citizens that while exercising or claiming the right they have also to be conscious of these duties they owe to the nation and to their fellow citizens. In brief, the incorporation of fundamental duties in the Constitution was, no doubt, an attempt to balance the individual's civic 'freedoms' with his civic 'obligations' and, thus, to fill a gap in the Constitution.

2.6 SUMMARY

In this unit, you have learnt that:

- The philosophical and socio-economic dimensions of the governance of India are reflected in the Preamble to the country's Constitution and the Directive Principles of State Policy enshrined in it.
- The Preamble embodies a distinct philosophy which regards the state as an organ to secure good and welfare of the people. This concept of state is further strengthened by the Directive Principles of State Policy, which set out the economic, social and political goals of Indian constitutional system.
- The Preamble to the Indian Constitution was formulated in the light of the Objectives Resolution, which was moved by Nehru on 13 December 1946 and almost unanimously adopted on 22 January 1947.
- The words of the Preamble make it clear that the basic tasks which the Constitution makers envisaged for the Indian state were to achieve the goals of justice, liberty, equality and fraternity.
- The Constitution of India contained seven Fundamental Rights originally. But the Right to Property was repealed in 1978 by the Forty-fourth Constitutional Amendment bill during the rule of the Janata government.
- Article 14 declares that the state shall not deny any person the equality before the law or the equal protection of laws within the territory of India.
- Article 19 of the Constitution guarantees seven civil freedoms to the citizens as a matter of their right.

Check Your Progress

9. List the fundamental duties of the citizens of India as added to Chapter IV under Article 51(a).
10. When were Fundamental Duties added in the Indian Constitution?

- The safeguarding of the freedom of speech and expression is essential to allow men to speak as they think on matters vital to them, and also to expose falsehood.
- Under Eighty-sixth Amendment Act 2002, right to education was provided.
- The object of Article 29 is given protection to the religious and linguistic minorities. Clause 1 of Article 29 declares that any section of the Indian citizens, having a distinct language, script or culture of its own, shall have the right to conserve the same.
- A declaration of fundamental rights is meaningless unless there are effective judicial remedies for their enforcement. The Constitution accords a concurrent jurisdiction for this purpose on the Supreme Court under Article 32, and on the state high courts under Article 226.
- The Directive Principles of State Policy, Part IV of the Constitution of India, constitute directions given to the central and state governments for the establishment of a just society.
- In the Draft Constitution the fundamental rights are followed by what are called 'Directive Principles'. It is a novel feature in a Constitution framed for Parliamentary Democracy.
- The Constitution of India laid disproportionate emphasis on the rights of citizens as against their duties. With the result, the Constitution of India did not incorporate any chapter of fundamental duties.
- However, under the Forty-second Amendment, carried out in 1976, a set of Fundamental Duties of Indian citizens was incorporated in a separate part added to Chapter IV under Article 51(a).

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2.7 KEY TERMS

- **Preamble:** It is the introductory part of a statute or deed, stating its purpose, aims and justification.
- **Resolution:** It refers to a formal expression of opinion or intention agreed on by a legislative body or other formal meeting, typically after taking a vote.
- **Detention:** It is the action of confining someone or the state of being confined to official custody.
- **Mandamus:** It is an order directing person, or body, to do his legal duty.
- **Quo warrant:** It is a writ issued to stop the irregular and unlawful assumption of any public position by any person.

2.8 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The two significant amendments made to the Preamble of the Indian Constitution are as follows:
 - Instead of 'Sovereign Democratic Republic', India was declared 'Sovereign Socialist Secular Democratic Republic'
 - For the words 'Unity of the Nation', the words 'Unity and Integrity of the Nation' were inserted.

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2. The term 'liberty' used in the Preamble of the Indian Constitution denotes both positive and negative aspects. In the positive sense, it means the creation of conditions that provide the essential ingredients necessary for the complete development of the personality of the individual by providing liberty of thought, expression, belief, faith and worship. In the negative sense, it means the absence of any arbitrary restraint on the freedom of the individual action.
3. The Preamble states that the people of India have constituted the Constitution. The people have formulated their Constitution through the Constituent Assembly, which represented them.
4. The six fundamental rights identified by the Indian Constitution are as follows:
 - Right to Equality
 - Right to Freedom
 - Right against Exploitation
 - Right to Freedom of Religion
 - Cultural and Educational Rights
 - Right to Constitutional Remedies
5. Habeas corpus is a writ or order to an executive authority to produce the body of a person, who has been detained in prison and to state the reasons for his detention.
6. The Right to Education was included under the Eighty-sixth Amendment Act, 2002. The newly inserted Article 21(a) declared that 'The state shall provide free compulsory education to all children of the age of 6–14 years in such manner as the State may, by law, determine.'
7. Directive Principles related to foreign affairs are given in Article 51. This article states that the state shall endeavour to:
 - Promote international peace and security
 - Maintain just and honourable relations among nations
 - Foster respect for international law and treaty obligations in the dealings of organized peoples with one another
 - Encourage settlement of international disputes by arbitration
8. The Directive Principles of State Policy, Part IV of the Constitution of India, constitute directions given to the central and state governments for the establishment of a just society. They commit the state to promote the welfare of the people by affirming social, economic and political justice, as well as to fight economic inequality.
9. The fundamental duties of the citizens of India as added to Chapter IV under Article 51(a) are as follows:
 - To abide by the Constitution and respect the national flag and national anthem.
 - To cherish and follow the noble ideas, which inspired our national freedom struggle.
 - To protect the sovereignty, unity and integrity of India.
 - To preserve the rich heritage of our composite culture.

- To protect and improve the natural environment.
 - To develop the scientific temper and spirit of enquiry.
 - To safeguard public policy.
10. Under the Forty-second Amendment, carried out in 1976, a set of fundamental duties of Indian citizens was incorporated in a separate part added to Chapter IV under Article 51(a).

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2.9 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Why is the Preamble of the Indian Constitution important?
2. Write a short note on Right to Freedom given in the Indian Constitution.
3. Why were Fundamental Duties added to the Indian Constitution?

Long-Answer Questions

1. 'The philosophical and socio-economic dimensions of the governance of India are reflected in the Preamble to the country's Constitution and the Directive Principles of State Policy enshrined in it.' Discuss.
2. What are the six categories of fundamental rights? Give reasons for their inclusion in the Indian Constitution.
3. Explain the Directive Principles of State Policy relating to Gandhian principles.

2.10 FURTHER READING

- Johari, J.C. 1974. *Indian Government and Politics*. New Delhi: Vishal Publications.
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UNIT 3 THE PARLIAMENT AND THE EXECUTIVE

The Parliament and the Executive

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Structure

- 3.0 Introduction
- 3.1 Unit Objectives
- 3.2 Structure and Functions of the Parliament
 - 3.2.1 Composition of the Parliament
 - 3.2.2 Qualifications for the Membership of the Parliament
 - 3.2.3 Term of the Houses of the Parliament
 - 3.2.4 Presiding Officers of Two Houses
 - 3.2.5 Functions of the Parliament
 - 3.2.6 Parliamentary Committees
- 3.3 Powers and Functions of the President
 - 3.3.1 Position and Role of the President
 - 3.3.2 Powers of the President
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 - 3.4.1 Role, Power and Functions of the PM
- 3.5 Powers and Functions of a Governor
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 - 3.5.2 Functions of a Governor
 - 3.5.3 Position and Role of a Governor
- 3.6 Summary
- 3.7 Key Terms
- 3.8 Answers to 'Check Your Progress'
- 3.9 Questions and Exercises
- 3.10 Further Reading

3.0 INTRODUCTION

The Union Executive is headed by the President, the Head of State of the Indian Republic, who exercises his power directly or through his subordinates. The President is the formal head of the legislature, executive and judiciary branches of Indian democracy and is the commander-in-chief of the Indian Armed Forces. The Vice President of India is the second-highest ranking government official in the Government of India. He can act as President in case of latter's death, resignation or removal and in the absence of the President.

The Prime Minister of India is the chief of government, chief advisor to the President of India, head of the Council of Ministers and the leader of the majority party in Parliament. The Prime Minister leads the executive branch of the Government of India. The PM selects and can dismiss other members of the cabinet; allocate posts to members within the Government; is the presiding member and chairman of the cabinet and is responsible for bringing proposal of legislation. The resignation or the death of the Prime Minister dissolves the cabinet.

State executive consists of a Governor and Council of Ministers with a Chief Minister as its head. The Governor of a state is appointed by the President for a term of five years. Only Indian citizens above thirty-five years of age are eligible for appointment to this office. Executive power of the state is vested in the Governor.

In this unit, you will study about the structure and functions of the Indian Parliament, powers and functions of the Indian President, powers and functions of the Indian Prime Minister, and powers and functions of a Governor.

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3.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Describe the structure and functions of the Indian Parliament
- Explain the powers and functions of the Indian President
- Discuss the powers and functions of the Indian Prime Minister
- Explain the powers and functions of a Governor

3.2 STRUCTURE AND FUNCTIONS OF THE PARLIAMENT

Our Parliament or the Union Legislature, the supreme legislative body in the country, comprises two Houses—Lok Sabha (House of the People) and Rajya Sabha (Council of States). The President has the power to summon and prorogue either House of Parliament or to dissolve Lok Sabha. This is why the President is also one of the constituents of our Parliament. Lok Sabha is the body of representatives of the people. Its members are directly elected, normally once in every five years by the adult population who are eligible to vote. The present membership of Lok Sabha is 545. Rajya Sabha is the Upper House of Parliament. It has not more than 250 members. Members of Rajya Sabha are not elected by the people directly but indirectly by the Legislative Assemblies of the various states. Lok Sabha elects one of its own members as its Presiding Officer and he is called the Speaker. The Vice-President of India is the ex-officio Chairman of Rajya Sabha.

The main function of both the Houses is to pass laws. Every Bill has to be passed by both the Houses and assented to by the President before it becomes law. The subjects over which Parliament can legislate are the subjects mentioned under the Union List of the Constitution of India. Broadly speaking, Union subjects are those important subjects which for reasons of convenience, efficiency and security are administered on all-India basis. The principal Union subjects are defence, foreign affairs, railways, transport and communications, currency and coinage, banking, customs and excise duties. There are numerous other subjects on which both Parliament and State Legislatures can legislate. Under this category mention may be made of economic and social planning, social security and insurance, labour welfare, price control and vital statistics. Besides passing laws, Parliament can by means of resolutions, motions for adjournment, discussions and questions addressed by members to ministers exercise control over the administration of the country and safeguard people's liberties.

Rajya Sabha and Lok Sabha

The Indian Parliament is the supreme representative authority of the people. It is the highest legislative organ and the rational forum for the articulation of public opinion. The Parliament of India is the centre and focus of our political system. It is the federal legislature of the Indian Union with limited and specified powers. The Parliament has

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been entrusted with an exclusive jurisdiction in ninety-nine Union matters, a concurrent, yet superior jurisdiction in fifty-two (earlier it was forty-seven) matters included in the Concurrent List, an occasional and excessively restricted jurisdiction in sixty-six (now sixty-one) State matters, and a first and final say with respect to all matters not enumerated in any of the lists of the VII Schedule. The jurisdiction of the British Parliament, which is known as the mother of Parliaments, is absolutely unrestricted. It can make and unmake law on all matters, for all persons, and throughout the territory of Britain. The Power of our Parliament is not unlimited and, hence, it cannot claim the same attributes of unlimited sovereignty, which the British Parliament has claimed and exercised in the last seven-and-a-half centuries.

The Indian Parliament is a bicameral legislature in the setting of a Parliamentary executive. The formal executive head of the State, known as the President, is an integral part of the Parliament. The Parliament consists of the President and the two Houses, known respectively as the Rajya Sabha and the Lok Sabha. The Rajya Sabha is the federal upper chamber, while the Lok Sabha is the popularly elected lower chamber. Not only is the President an integral part of the Parliament, the Vice-President, too, is made the Ex-officio Chairman of the Rajya Sabha and is its Chief Presiding Officer. The Council of Ministers headed by the Prime Minister is to consist of the members of Parliament, barring a few temporary exceptions and is made directly and collectively accountable to the Lok Sabha. Making the formal and actual executive a part of the Parliament, and also accountable to it, has immensely added to the prestige and power of the Parliament.

3.2.1 Composition of the Parliament

Under Article 79, the Union Parliament consists of the President, the Council of States (Rajya Sabha) and the House of the People (Lok Sabha).

The maximum strength of the Rajya Sabha has been fixed at 250 members, of which not more than twelve are to be nominated by the President on the ground of such matters as art, literature, science and social service.

Not more than 238 members are to be elected by the State and Union Territories in accordance with the allocation of seats in the IV Schedule. This Schedule provides and allocates 229 seats to the states and four to the Union Territories. The remaining five seats are still unallocated. The Rajya Sabha was duly constituted for the first time on 3 April 1952 and it then consisted of 204 elected and twelve nominated members. Since then, the IV Schedule has been amended a dozen times by various Acts of the Parliament, and the allocation of seats has varied from time to time in accordance with the reorganization of states, formation of new States and the addition of Union Territories.

The representatives of each State and Union Territory in the Rajya Sabha are elected by the elected members of the State Legislative Assemblies and by members of specially constituted Electoral Colleges for Union Territories. The elections are held in accordance with the system of proportional representation and the seats are, therefore, allocated to states and Union Territories in terms of the proportion of their population, as determined at the last census. The votes are cast on the basis of single transferable vote. The voters indicate their preferences in favour of three different persons (I, II and III) contesting the membership. The candidates who receive the requisite majority of votes are declared elected. Voting at these elections is secret, and the electors are not required to disclose their identity. The Rajya Sabha is not subject to dissolution; one-third of its members retire every second year.

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The maximum sanctioned strength of the Lok Sabha is 552, of which 530 are to be elected by the State, 20 by the Union Territories and the remaining two to be nominated by the President from amongst the Anglo-Indian community. These 2 members are nominated and appointed by the President only if he or she is satisfied that this community has not been adequately represented in the House through the normal channels of election. The appointment of these 2 members was originally sanctioned by Article 331 only for 10 years. (Under 8th, 23rd, 45th, 62nd, 79th Amendment Acts, this provision has been extended until 2010). At present, the strength of Lok Sabha is 545.

The allocation of seats to the States and Union Territories is in proportion to their population as ascertained in the last census. In elections to the Lok Sabha, seats are reserved in various states and Union Territories for Scheduled Castes and Scheduled Tribes. Elections to the Lok Sabha are direct and are held on the basis of universal adult franchise. All citizens who have attained the age of 18 years on the date prescribed by the Election Commission become eligible as voters. On the basis of this universally recognized principle, fourteen General Elections have so far been held for the Lok Sabha.

When a General Election is due, the President calls upon all parliamentary constituencies to elect members to the Lok Sabha on such dates as recommended by the Election Commission. The elections are held in accordance with the provisions of the Representation of People's Act 1951, as amended up to date, and the rules or orders made under it. As soon as the notification is issued by the President, the Election Commission declares the date for filing nominations, for scrutiny and withdrawal of nominations and the actual dates of polling. A candidate for election is required to deposit a security of ₹10,000 to make his nomination valid. In case of the candidates belonging to scheduled castes and scheduled tribes, the security deposit is only ₹ 5,000. On the expiry of the date of withdrawals, the Returning Officer prepares and publishes a list of validly nominated candidates. Sufficient number of polling stations are set up in each constituency, keeping in view that the voters do not have to travel for more than two miles to cast their votes. The voters have to appear in person on the polling booths to cast their votes as no proxy is allowed. The candidate who receives the largest number of votes is declared elected by the Returning Officer, who issues to him the certificate of election. It is only when the newly elected member presents the certificate of election to the Secretary of Lok Sabha that the Presiding Officer can administer to him or her the oath of this office.

3.2.2 Qualifications for the Membership of the Parliament

Articles 84 and 102 provide the following qualifications which the persons desiring to become members of either House of Parliament must fulfill:

- (a) He must be a citizen of India and must swear or affirm that he shall bear true faith and allegiance to the Constitution of India that he shall uphold the sovereignty and integrity of India;
- (b) In case of Rajya Sabha, he must be at least 30 years of age, and in case of Lok Sabha he must at least be 25 years;
- (c) He must not be holding any office of profit under the Government India, excepting the office of Ministers of the Union and the states, and the Speaker of Lok Sabha;
- (d) Must not have been declared by a competent court as a person of unsound mind;
- (e) Must not be an undischarged bankrupt;

- (f) Must not owe allegiance or adherence to any foreign State;
- (g) In case of Rajya Sabha, he must be an elector in the State or the Union Territory from where he is seeking the election. This condition has, however, been waved by the Union Government in March 2003.

3.2.3 Term of the Houses of the Parliament

Members of the Rajya Sabha are elected for a period of 6 years, one-third of them retiring every second year. This makes the Rajya Sabha a continuous and permanent chamber, never subject to dissolution. On the other hand, members of the Lok Sabha are elected for a period of 5 years. Normally, the term of each member's office as well as the life of the Lok Sabha is 5 years. If the Lok Sabha is dissolved earlier, the membership of its members automatically terminates. During the Proclamation of Emergency, under Article 352, the Parliament may extend the life of the Lok Sabha for not more than 1 year at a time, but not beyond a period of 6 months after the Proclamation of Emergency has ceased to operate. In case of extension of the Lok Sabha, the term of its members stands automatically extended.

3.2.4 Presiding Officers of Two Houses

For the smooth, efficient and impartial conduct of its proceedings, each House of Parliament has been empowered by the Constitution to have a Chief and a Deputy Chief Presiding Officer. The Chief Presiding Officer of the Lok Sabha is known as the Speaker and that of the Rajya Sabha is known as the Chairman. The Speaker is assisted by the Deputy Speaker; while the Chairman is assisted by the Deputy Chairman. Each House also has a chairman to preside over the House in the absence of the Chief Presiding Officers.

Speaker of the Lok Sabha

The Speaker is the most important conventional and ceremonial head of the Lok Sabha. Within the walls of the House, his or her authority is supreme. The most salient feature of his office is his or her impartiality. He or she is expected to wield his authority with the 'cold neutrality of the impartial judge'. His impartiality is ensured by the provision that he or she would remain above party considerations and that he would vote only in case of a tie.

In India, the Speaker does not sever his or her party affiliation after being elected to the office. The first Speaker G.V. Mavalankar, a Congressman, is credited for establishing such tradition. Except for the two exceptions, Neelam Sanjeeva Reddy and G.S. Dhillon who resigned from their parties after becoming the Speakers, the rest of the Speakers have followed the tradition set by Mavalankar. Further, in India (unlike the Speaker in the British Parliament), the office of the Speaker is not the end of political career to its incumbent. Speakers have become ministers, Governors, High Commissioners and even the Presidents of India. Consequently, the office of the Speaker has not been untouched by controversies in India.

Election of the Speaker

The Speaker is to be elected by the members of Lok Sabha from amongst themselves. The election of the Speaker is to take place after each general election of the Lok Sabha and as and when there is a vacancy in his office. The Constitution provides for his election by the members of the Lok Sabha while the rules of the House provide for the

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procedure through which he or she is to be elected. Now, there is an established tradition that the Speaker should be the unanimous choice of the House. The party-in-power decides on the appointment of the Speaker after due consultation with the opposition.

Term of Office

Once elected, the Speaker holds office from the date of his or her election until the first meeting of the Lok Sabha after the dissolution of the one to which he or she was elected. The Speaker is eligible for re-election. Bal Ram Jakhar (1980–85 and 1985–89) is the only Speaker who has so far been re-elected.

The Speaker ceases to hold office if he or she ceases to be a member of the Lok Sabha. The person may resign from the office by addressing his or her resignation to the Deputy Speaker, who informs the House of the Speaker's resignation, but while in office, he or she exercises the functions of the office throughout the term and cannot delegate them to any one else.

Removal of the Speaker

The Speaker may be removed from his or her office by a resolution passed by the majority of the total membership of the Lok Sabha. However, such a resolution can be moved only if at least 14 days notice has been given by a member of his intention to move such a resolution. This resolution must clearly specify the charges against the Speaker. When such a resolution is under consideration of the House, then, the Speaker is debarred from presiding over the House. In that case, the Deputy Speaker, or if he or she too is not available, then any member of the Panel of Chairman presides. The Speaker, however, has the right to be present during the course of debate on this resolution and to defend himself.

There have been resolutions of removal against the Speakers of Lok Sabha like Mavalankar, Sardar Hukum Singh, G.S. Dhillon and Balam Jakhar. However, hitherto no Speaker has been removed by such resolution.

Powers and Functions of the Speaker

As the Chief Presiding Officer of the popularly elected Lok Sabha, the Speaker has been entrusted with many powers by the Constitution and the Rules of the House. The Speaker is the spokesman of the House and the custodian of the privileges and immunities of the House and its members. He or she is the ex-officio President of the Indian Parliamentary Group and the Head of the Lok Sabha Secretariat.

The following are the powers and functions of the Speaker of Lok Sabha:

- The basic function of the Speaker is to preside over the sessions of the House when he or she is present in the House. As the Chief Presiding Officer of the House, the Speaker fixes the hour of the commencement or termination of a sitting and determines the days on which the House will sit.
- The Speaker's decision in all parliamentary matters is final. A request may be made to the Speaker for reconsideration but his or her decision cannot be challenged, criticized or questioned.
- No member can speak in the Lok Sabha without the Speaker's permission. He or she also decides in what order members will speak and how long a member should continue to speak. The Speaker may ask a member to finish

his or her speech and in case the member does not listen, then the Speaker has the power to order the member's speech not to go on record. The Speaker may also ask a member to withdraw unparliamentary language.

- The Speaker permits a member to speak in his or her mother tongue if the member does not know English and Hindi.
- The members of the House can only address to the Speaker while speaking.
- All the bills, reports, motions and resolutions are introduced with the Speaker's permission.
- The Speaker puts the motion to vote in the Lok Sabha. In case there is a tie, the Speaker is empowered with a casting vote. However, he or she is expected to cast vote so as to retain impartiality and independence.
- Except making formal statements while performing his functions, the Speaker does not, ordinarily, participate in the discussion. He or she seldom addresses the House of his or her own accord and unless requested by the members, the Speaker refrains from expressing or giving personal opinion.
- The Speaker determines a bill to be a money bill and his or her decision is final. The Speaker also certifies a money bill.
- The Speaker also determines whether a motion of no-confidence in the Council of Ministers is in order. He or she is also empowered to select amendment in relation to bills and motions and can refuse to allow a member to move an amendment, if he or she thinks it is unwarranted or unnecessary. Finally, the Speaker's opinion and consent is final in determining whether a motion to adjourn the House or to postpone its regular business for discussing a matter of general public interest or urgent public importance.
- The Speaker has to conduct the meetings of the House in an orderly manner. Whenever there is conundrum or indiscipline in the House, the Speaker has sufficient disciplinary powers to handle such a situation. The Speaker derives his or her disciplinary powers from the Rules of Procedure of the House and his or her decisions in the matter of discipline cannot be generally challenged. In case of grave disorder, the Speaker may adjourn the House.
- The Speaker is the chief spokesman of the House. He or she represents its collective voice to the outside world. In the first place, all communications of the House to the President are made through the Speaker in the form of a formal address. On the other hand, all the communications from the President to the House are made through the Speaker. Similarly, all communications from the Lok Sabha addressed to the Rajya Sabha are sent through the Speaker. It is the Speaker who receives all communications addressed to the Lok Sabha by the Rajya Sabha.
- In the event of disagreement over a bill between the Lok Sabha and the Rajya Sabha, the President calls a joint-sitting of both the Houses and the Speaker presides over the joint-sitting. In this case, his or her decisions, rulings and interpretations on matters before the Joint Session are final.
- The Speaker regulates the debates and proceedings of the House. Even at the secret sittings, which are held at the request of the leader of the House, the Speaker determines the manners of reporting, the proceedings and the procedure to be adopted on such occasions.

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- The rules relating to asking and answering of the questions depend upon the interpretation of the Speaker. He or she has a very large discretion in this matter. He or she may cut short or increase the 'question hour'. He or she may ignore the condition of the notice period for the question and may permit a question to be asked at a short notice.
- The Speaker is the supreme head of all the Parliamentary Committees whether nominated by him or her or chosen by the House. He or she appoints their chairman and issues such directions to them as deemed necessary. The Speaker holds consultations with them from time to time. The committee meetings cannot be held outside the Parliament House without the prior permission of the Speaker, nor can officials of state government be summoned by the committee without his or her consent. The Speaker can remove a member of the committee on the recommendation of its chairman, if the member is absent from two or more consecutive sittings of the committee. Finally, the Speaker is the chairman of certain committees of the House, including the Business Advisory Committee, the General Purposes Committee and the Rules Committee.
- The Speaker appoints a committee consisting of three persons for investigating the charges for the removal of Chief Justice and other judges of the Supreme Court and high courts.
- The Speaker has the power to disqualify a member if he or she defects under the Anti-defection Act but the decision is subject to judicial review.
- The Speaker is the custodian of the rights and privileges of the members of the Lok Sabha. Without his or her permission, no member can be arrested in the Parliament. The Speaker also accepts the resignation of the members of Lok Sabha.
- The Speaker authenticates all the bills passed by the Lok Sabha and sends them to the Rajya Sabha or the President, as the case may be.
- The Speaker is also the Head of the Lok Sabha Secretariat, which functions under his or her control and direction. The Secretary-General is appointed by the Speaker from amongst those who have made their mark in the service of Parliament in various capacities. The Secretary-General is always present in the House during its sittings and advises the Speaker. But the Speaker is not bound by his or her advice.
- The Speaker is the ex-officio President of the Indian Parliamentary Group, which is the Indian branch of the Inter-Parliamentary Union and the Commonwealth Parliamentary Association. He or she nominates the personnel for various parliamentary delegations to foreign countries.
- The Speaker is also the Ex-officio Chairman of the conference of presiding officers of legislative bodies in India. This body consists of the Chairman and Deputy Chairman of the upper chambers, and the Speakers and Deputy Speaker of the lower chambers of Parliament and Legislatures of States and Union Territories. This body evolves uniform rules for the conduct of proceedings in Indian Legislatures.

Thus, the Speaker enjoys a very formidable position in the Lok Sabha. Not only the framers of the Constitution, but also the leaders of the House, have from time to time, recognized that the Speaker should enjoy the same status and privileges, which the

Speaker of British House of Commons enjoys. Acharya Kriplani, a former political leader and spiritual guru, rightly pointed out that the Speaker was not only to guide and regulate the proceedings of the House, he was also 'the guardian of the liberties of the House and through the House, of the liberties of the people'.

3.2.5 Functions of the Parliament

The primary function of the Parliament to make laws. The law proposal originates in the Parliament in the form of a bill. There are four types of bills, excluding budget, that come up before the Parliament.

1. Ordinary or non-money bill
2. Money bill
3. Constitution amendment bill
4. Budget

The legislative process of these bills is as follows:

1. **Ordinary bill:** Every member of the Parliament has a right to introduce an ordinary bill and from this point of view, there are two kinds of ordinary bills: (i) Government bill, and (ii) Private Member's bill.

A Government bill is a bill moved by a minister and any bill not moved by a minister is a Private Member's bill, which means that the bill has been moved by a private member. A major part of the Parliament time is consumed by the Government's bill, while Private Member's bill has little possibility of being passed. Only on Fridays, the Parliament devotes time on Private Member's bills. A bill which is a government's bill is passed in the following manner:

- (a) When the government decides that a particular bill is to be brought before the Parliament, its initiation takes place in the ministry dealing with its subject-matter. At this stage, it is a mere proposal for passing a law to implement a policy. The sponsoring ministry must, however, consult the Ministry of Law, whose function is to give advice on the proposed legislation and its constitutional implications, if any. The final proposals are then prepared and a summary of the proposals is submitted to the Cabinet for approval.

When the Cabinet's approval has been obtained, the proposals are referred to the Ministry of Law with a statement of the exact purpose and form of the legislation. The Ministry of Law is requested to draft a bill. During the process of drafting, there are regular consultations between the Ministry of Law and the ministry initiating the proposal. The final draft is then printed. It cannot, however, be introduced in the Parliament unless it is accompanied by a 'Statement of Objects and Reasons' signed by the minister concerned and accompanied by the President's sanction or recommendation in cases where this is required by the Constitution. A financial memorandum is also necessary where expenditure is involved. Finally, if the bill proposes the delegation of legislative power, a memorandum explaining the scope of the delegation is also essential.

After all this process, the bill is introduced in one of the two Houses. With the introduction of the bill, the first reading of the bill starts.

- (i) **First reading:** In the first reading, the minister who moves the bill asks for the permission to do so from the Speaker. After its introduction, the bill is published in the Gazette of India. The Speaker may allow the

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publication of the bill in the Gazette without it being introduced in the House.

- (ii) **Second reading:** The second reading of the bill is the most vital stage. In this stage, the bill is discussed in detail. The second reading consists of two stages. In the first stage, the bill in general is discussed and not the details. The House may decide to (i) refer it to a Select Committee of the House or to the Joint Committee of both the Houses or (ii) to circulate it to elicit public opinion.

If the bill is referred to a Select Committee of the House or the Joint Committee of both the Houses, the concerned committee considers the Bill clause by clause. Amendment can also be moved by the members of the committee. The committee can also consult experts and public bodies who may be interested in the measure. After due consideration, the committee submits its report to the House. If the bill has been circulated to elicit public opinion the same is done through the agencies of the states and Union Territories. After the opinions are elicited, the bill is ordinarily referred to a Select Committee or Joint Select Committee for considerations. The Committee considers the Bill in the light of opinion elicited and submits its report to the House.

The second stage of the second reading starts when the House considers the report of Select Committee or Joint Select Committee. In this stage, a detailed discussion of the Bill, clause by clause, is done in the House. The amendments may also be moved. The bill is passed if the majority of the members present and voting favour its passage in the voting. Amendments, if accepted by the same majority, also become part of the bill.

- (iii) **Third reading:** After the completion of the second reading, the minister may move the bill to be passed. At this stage, not much discussion takes place. It is confined to arguments either in support of the bill or for its rejection, without referring to the details than is absolutely necessary. Only verbal, formal and consequential amendments are allowed to be moved at this stage. After the bill is put to vote, it has to be passed by the simple majority of members, present and voting.
- (b) **Bill in the other House:** After the bill is passed by one of the two Houses, it goes to the other House for consideration. Here again, it has to undergo three readings. The other House may take either of the following courses:
- (i) It may pass it. In that case, the bill is sent for President's assent.
 - (ii) It may reject it, leading to a deadlock between the two Houses.
 - (iii) It may pass it with amendments. In such a case, the bill is referred back to the first House. The first House may accept the amendments and they are incorporated in the bill and the bill is referred to the President for assent. The bill will not go back to the other House. However, if the first House refuses to accept the amendments, the bill

is sent back to the other House. If the other House still insists on its amendments, this means there is a deadlock.

- (iv) It may take no action on the bill and if more than 6 months have elapsed and the House takes no action at all for its consideration, again this means there is a deadlock between the two Houses.

(c) Joint sitting of the Parliament: As per Article 108, a joint sitting can be called by the President if:

- (i) One House passes a bill but the other House rejects it or
- (ii) The two Houses disagree on the amendment to be made to a bill or
- (iii) A House does not consider the bill even after 6 months since its receipt and
- (iv) The concerned bill is not a money bill

In case the President has called for the joint sitting of the Parliament and in between, the Lok Sabha is dissolved, the joint sitting will still take place, since the President notified his or her intention to summon the House to meet therein. The president of the joint sitting is the Speaker of the Lok Sabha. In such a joint-sitting, the bill is passed by the majority of the total members of both the Houses present and voting.

Such sessions are rare in the history of the Parliament of India.

(d) President's assent to the bill: After being passed by both the Houses, separately, or in a joint sitting, the bill is sent to the President for assent. The President takes one of the following courses upon receiving the bill:

- (i) He or she may give his or her assent. In such a case, the bill becomes the law.
- (ii) He or she may withhold assent and in such a case the Parliament has no power to overrule him. This means the death of the bill.
- (iii) He or she may suggest recommendations to the bill. In such a case, the bill is referred back to its originating House. However, if both the Houses pass the bill again, with or without the recommendations of the President, the President will have to give his assent.
- (iv) In 1986, President Giani Zail Singh took a new course when he, instead of giving or withholding assent or returning it to the Parliament for reconsideration, did not take any action. The bill was the Post Office (Amendment Bill), 1986. His successors also did not take any action.

2. Money bill: Article 110 clearly defines what constitutes a 'money bill'. The Speaker of the Lok Sabha certifies whether a bill is a 'money bill' or a non-money bill.

The money bill is also passed by the Parliament by the different phases of three readings. However, there are substantial differences in the legislative process in relation to an ordinary bill. They are as follows:

- (a) Money bill can be introduced, only along with the prior recommendation of the President, in the Lok Sabha and not in the Rajya Sabha.

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- (b) After being passed by the Lok Sabha, the bill is sent to the Rajya Sabha for its recommendation. The Rajya Sabha has 14 days from the receipt of the money bill for its consideration.
- (c) The Rajya Sabha cannot reject the money bill. It can only make recommendations.
- (d) In case the Rajya Sabha makes recommendations, the Lok Sabha may accept or reject those recommendations. Thereafter, the bill will be directly sent to the President for his assent.
- (e) If the Rajya Sabha does not return the money bill within 14 days, the bill will be deemed to have passed by both the Houses after the lapse of 14 days and sent to the President for assent. There can be no joint sitting of both Houses on a money bill.
- (f) The President cannot withhold his or her assent to a money bill passed by the Parliament.

3. Constitutional amendments: With regard to the amendment of the Constitution, both the Rajya Sabha and the Lok Sabha have been placed at par. Though it is true that most of the bills to amend the Constitution had been introduced in the Lok Sabha, both the Houses have got equal powers with regard to the amending process. In order to amend the constitution, a bill must be passed by both the Houses of the Parliament. It may be mentioned in this connection that the Constitution (Twenty-Fourth Amendment) Bill, 1970, which was passed by an overwhelming majority in the Lok Sabha, was defeated in the Rajya Sabha by only a fraction of a vote and consequently the measure fell through. On 13 October 1989, Rajiv Gandhi's government suffered an unprecedented defeat in the Rajya Sabha. The Rajya Sabha refused to pass two major Constitutional amendment bills. These bills were introduced for streamlining the Panchayati Raj and reorienting the municipalities and corporations.

4. Budget in Parliament: Every year, the budget is presented before the Lok Sabha. The Finance Ministry prepares the budget. The budget is presented in two parts: (a) Railway Budget and (b) General Budget. Railway budget is presented by the Railway Minister while the general budget is presented by the Finance Minister. The budget passes through various stages, which are as follows:

- (i) **Presentation of the budget:** The railway budget is generally presented in the third week of February while the general budget is normally presented on the last working day of February. The general budget is presented along with the budget speech of the Finance Minister, which is divided into two parts A and B. Part A contains 'a general economic survey' of the country and part B deals with 'the taxation proposal' for the ensuing financial year. The budget remains a closely guarded secret until its presentation. After the budget speech, the Finance Minister introduces the finance bill, which contains the taxation proposal made by the government. There is no discussion by the members of the House on the day of the presentation of the budget.
- (ii) **Discussion on budget:** The discussion on budget is done through two stages: (a) General discussion and (b) demands for grants for each ministry. In the 'general discussion', the general economic policy is discussed and there is no detailed discussion on taxation and expenditures in both the Houses of the Parliament. In these discussions, both Houses express their opinion regarding the economic policy of the government and a general appraisal of

the economic policy is made. Here, it should be noted that the Rajya Sabha also discusses the budget; however, it cannot go beyond general discussion. The 'general discussion' is followed by the discussion and voting for demands for grants. Demands for grants for each ministry are discussed in detail. The demands are expenditures to be incurred by the ministries and they are in the nature of request made by the Executive to the Lok Sabha for the grant of authority to spend the amount asked for.

At this stage, the various ministries come to a close scrutiny by the Lok Sabha. During this stage, cut motions can be proposed. A 'cut motion' is a device which members can employ to draw attention to specific grievances or criticize particular policies of the government. The cut motions, if passed, may lead to the resignation of the government as it amounts to a vote of censure of the government. The discussion on demand for grants is held along with the motion of Guillotine, which means that a time limit is set for various demands and as the time is over, the demand is put to vote irrespective of whether enough and satisfactory discussion has taken place or not. On the last day of the discussion allotted to demands for grants, all the remaining demands, even on which no discussion has taken place, are put to vote. With this, the discussion on demands for grants is concluded.

- (iii) **Appropriation bill:** The next stage is the appropriation bill, which incorporates all the demands for grants voted by the Lok Sabha and the expenditures charged on the Consolidated Fund of India. The bill seeks the legal authority to be given to government to appropriate expenditure from and out of the Consolidated Fund of India.

The appropriation bill is introduced, considered and passed in the same manner as any other bill. However, the discussion is restricted to those matters which were not covered in the debate on demands and no amendments are allowed. After the appropriation bill is passed by the Lok Sabha, the Speaker certifies it to be a money bill and sends it to the Rajya Sabha. After the Rajya Sabha's approval, as per the procedure laid down by the Constitution, the bill is sent to the President for his or her assent.

- (iv) **Finance bill:** It contains government proposals for raising revenues. The move for leave to introduce a finance bill cannot be opposed and it is forthwith put to vote. This bill has to be considered and passed by the Parliament and assented to by the President within 75 days after it is introduced. Passing of the finance bill is the final act of Parliament's financial procedure.
- (v) **Vote on account:** Sometimes, the Lok Sabha passes the Vote on Account. Vote on Account is passed normally for 2 months, when the passage of budget is delayed for some reason. During an election year, it may be passed for 3–4 months. As a convention, vote on account is treated as a formal matter and passed by the Lok Sabha without discussion. Thus, the House is able to consider the Budget at a convenient time.

3.2.6 Parliamentary Committees

The diverse nature of the vast functions of the Parliament make it impossible to make an exhaustive examination of all Legislative and other matters that come up before it. It is for this reason that a substantial amount of parliamentary business is executed in the

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committees. The committee structure of both the Houses of Parliament are alike barring a few exceptions. Article 118(1) of the Constitution deals with their appointment, terms of office, functions and procedure of conducting business which are also more or less similar and are regulated as per rules made by the two Houses.

A significant amount of its business is, therefore, transacted by what are called the Parliamentary Committees.

Parliamentary committees are of two kinds:

- Ad hoc committees
- Standing committees

Ad hoc committees are appointed for a specific purpose and they cease to exist when they finish the task assigned to them and submit a report. The principal ad hoc committees are the Select and Joint Committees on Bills. Others like the Railway Convention Committee, the Committees on the Five Year Plans and the Hindi Equivalents Committee were appointed for specific purposes. Apart from the ad hoc committees, each House of Parliament has standing committees like the Business Advisory Committee, the Committee on Petitions, the Committee of Privileges and the Rules Committee.

1. Public Accounts Committee

The parliamentary power by which it can vote for transfer of money for specific purposes is meaningless unless it has the power to find out that whether the money has been utilized for the correct purposes or not? This is secured by subjecting the public accounts to an audit by an independent authority – the Comptroller and Auditor General – and, further, the examination of his report by a special committee of Parliament, called the ‘Public Accounts Committee’. A committee of Parliament is preferred because, first, that august body has time to undertake detailed examination of the report; secondly, the scrutiny being essentially technical, can best be done by a committee and lastly, the non-party character of the examination can be possible only through a committee and not in the House.

Functions

The function of the Committee is to satisfy itself about the following:

- The money shown in the accounts as having been disbursed was legally available or applicable to the service or purpose to which it has been applied or charged.
- The expenditure conforms to the authority that governs it.
- Every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by the competent authority.

It shall also be the duty of the Public Accounts Committee to do the following:

- To examine, in the light of the report of the Comptroller and the Auditor General, the statement of accounts showing the income and expenditure of state corporations, trading and manufacturing schemes and projects, together with the balance sheets and statements of profit and loss accounts, which the President may have required to be prepared, or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading concern or a project.
- To examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Comptroller and Auditor General of India either under the directions of the President or by a statute of Parliament.

- To consider the report of the Comptroller and Auditor General in cases where the President may have required him/her to conduct an audit of any of the receipts or to examine the accounts of stores and stocks.

2. Estimates Committee

The constitution of the Estimates Committee was urged as early as 1937, but the proposal could not materialize. There had been, of course, the Standing Finance Committee, first created in 1921, and attached to the Finance Department of the Government of India. This committee, however, functioned under severe limitations and there was no justification for not constituting the Estimates Committee. The Estimates Committee was first created in April 1950, and its functions were enlarged in 1953.

The Estimates Committee is a standing committee, and is set-up every year. Its functions, method of appointments and other relevant matters are laid down in the Rules of Procedure and Conduct of Business in the Lok Sabha. It consists of thirty members, all belonging to the Lok Sabha, elected according to the system of proportional representation by single transferable vote. It does not contain any member from the Rajya Sabha. The Chairman of the Committee is nominated by the Speaker. If, however, the Deputy Speaker is a member of the Committee, he automatically becomes the Chairman. The ministers cannot be appointed on the Estimates Committee.

Functions

The Estimates Committee has been entrusted with the following functions:

- To report what economies, improvements in organization, efficiency and administrative reforms, consistent with the policy underlying the estimates, may be affected.
- To suggest alternative policies in order to bring out the efficiency and economy in the administration.
- To examine whether the money is well laid out within the limits of the policy implied in the estimates.
- To suggest the form in which the estimates shall be presented to the Parliament.

3.3 POWERS AND FUNCTIONS OF THE PRESIDENT

Under the Constitution of India, the office of the President of India is virtually analogous to that of the British monarchy in keeping with the spirit of the parliamentary executive. Being the ceremonial head of state, the office of the President is an exalted one, with enormous prestige, authority, grace, dignity, respect and adoration, but very less activism. The executive power of the union is based on the assumption of the President being a rubber stamp of the government in order to authenticate the decisions made by the Council of Ministers, barring a few cases ordained by circumstances. The President and the Vice President are the formal executive heads of the Union, while the actual executive is the Union Council of Ministers, with Prime Minister as its Chairman.

The Constitution of India provides for various conditions of his office. Though any Indian with thirty-five years of age, and is eligible to be elected to the Lok Sabha, is entitled to contest for the office of the President; in reality, only persons with either exceptional qualities and stature or having the blessings of the leader of majority party in

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Check Your Progress

1. How are members of the Lok Sabha elected?
2. What are the amending functions of the Indian Parliament?
3. Which are the two kinds of parliamentary committees?

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Parliament have been elected to the President's office. The elections to the office of the President are indirectly held through an electoral college consisting of the elected members of both the Houses of Parliament and the elected members of the State Legislature Assemblies. The President is elected for a term of five years with an entitlement for re-election. However, with the exception of Dr Rajendra Prasad, no President has been re-elected to office. The President may be removed from the office by the process of impeachment, which is a cumbersome one, on the charges of violation of the Constitution. Though the various aspects of the office of the President have contributed to his figurehead and ceremonial position, the Constitution has also ensured him a stable tenure so that he can function without fear or favour in the exceptional cases when he may be required to take a position that is unpleasant to the party in power.

3.3.1 Position and Role of the President

Let us study the position and role of President.

Constitutional Position

Broadly speaking, there have been two views regarding the actual position of the President, which are as follows:

- President is a nominal head
- President is not a nominal head

President is a nominal head

We have a parliamentary system of government in which the President can only be a nominal head. The actual powers lie with the Prime Minister and his Council of Ministers. Article 74 states that there shall be a Council of Minister with the Prime Minister as the head to aid and advice the President who shall, in the exercise of his functions, act in accordance with such advice. The President may ask the Council of Ministers to reconsider its aid and advice, but is bound to act according to the advice tendered after such reconsideration. There is no provision in the Constitution which says that the President shall be responsible to the Lok Sabha or the Parliament. The fact that the Council of Ministers takes the decision is clear from Article 78, which enumerates the duties of the Prime Minister in relation to President. The Indian President has not been given any discretionary power and exercises all powers and functions strictly according to the advice of the Council of Ministers. Last but not the least, in the functioning of the Indian political system during the last sixty years, the Presidents have acted as nominal head.

President is not a nominal head

This has been more or less a legalist view, which was more relevant before the 42nd Constitutional Amendment Act. The Amendment Act provided that the President would act according to the advice tendered by the Council of Ministers. But still there are certain arguments which believe that at least the Constitution did not provide for Nominal Head. Before assuming his office, the President takes an oath to faithfully execute the office of the President of India and to preserve, protect and defend the Constitution and the Law and that he will devote himself to the service and well-being of the people of India. For the purpose of following his oath, he acts independently if he feels that the Cabinet advice is contrary to the oath he has undertaken. Further as per the Article 53, he has to exercise the executive powers of the Union, either directly or through officers

subordinate to him in accordance with the Constitution. This also leaves certain undefined powers with the President.

2. Constitutional Role

The President of India is vested with the role ‘to advise, to encourage and to warn’, which lends the office of the President much authority and influence. In spite of the finality of the issue that he or she is merely a figurehead without any real powers, circumstantial dynamics may probably afford him few, if not many occasions to use his discretion in making decisions. Three such circumstances are as follows:

- First, when after a fresh general elections, no party is able to command a majority in the Lok Sabha; the President is inadvertently put in a situation to apply his wisdom, without any aid and advice from a Council of Ministers.
- Second, if an incumbent government loses its majority in the Lok Sabha and the Council of Ministers recommends the dissolution of the House, the President might be in a position to use his mind to find out whether a reasonably stable government can be formed and the country is saved from another general election, thereby acquiring a discretionary power to accept or reject the recommendation of the Council of Ministers.
- Last, due to the lack of time frame, the President must assent to a bill, he may, in his discretion, use the pocket veto to kill a bill.

Article 53(1) of the Constitution vests in the President ‘the executive power of the Union’ that is to be ‘exercised by him either directly or through officers subordinate to him’ in accordance with the provisions of the Constitution. However, the Constitution also states that the Council of Ministers, headed by the Prime Minister, is to ‘aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice’. However, Article 74(2) bars all courts completely from assuming even an existence of such an advice. Therefore, from the courts’ point of view, the real executive power lies with the President. As far as President’s decision and action are concerned no one can challenge such decision or action on the ground that it is not in accordance with the advice tendered by the ministers or that it is based on no advice.

3.3.2 Powers of the President

Let us now study in detail, the various powers of the President.

1. Executive Powers

As you studied, being the chief executive of the Indian Union, the executive powers of the central government have been vested in the President, to be exercised by him either directly or through officers subordinate to him, in accordance with Article 53 of the Constitution. His position is such that every significant institution and functionary is either directly or indirectly connected with him.

The executive powers of the President are as follows:

- The President is invested with powers of making and unmaking executive appointments. In the first place, he appoints the Prime Minister and on the latter’s advice, the other members of the Union Council of Ministers, to aid and advise him in the exercise of his functions. The President is also authorized to receive and accept their resignations and also dismiss them individually or collectively as they all hold office during his pleasure.

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- The President appoints the Attorney-General of India. He can appoint any person as the Attorney-General who is qualified to be appointed as a judge of the Supreme Court.
- He has the authority to appoint the Comptroller and Auditor General of India, provided the candidate to be appointed is qualified to be a judge of the Supreme Court.
- He appoints the Governors of states. These appointments are done in consultation with the Prime Minister.
- He alone can receive the Governor's resignation or dismiss him, as the latter holds his office during the pleasure of the President.
- The President also appoints the administrators of Union Territories and determines the designations to be held by them. They are variously known as Lt. Governors, chief commissioners or administrators.
- He is competent to appoint an inter-state council to exercise the following functions: (a) Advising upon the disputes between the states (b) Investigate and discuss matters of common interest between the Union and the state or amongst the states themselves.
- The President appoints chairmen and members of the Union Public Service Commission and the Joint Public Service Commissions.
- He nominates the Chief Election Commissioner and the Deputy Chief Election Commissioners.
- He chooses commissioner to report to him on the administration of the 'scheduled areas' and the welfare of scheduled tribes. He also appoints another commissioner to investigate the conditions of the backward classes in the states.
- He decides on an Official Language Commission to recommend to him the ways through which Hindi can be progressively used in place of English for the official purposes of the Union. He also appoints a special officer for all matters relating to the safeguards provided for linguistic minorities under the Constitution.
- The President has also been empowered to entrust to the states, or to its officer with the exercise of executive power of the Union, provided that the state or the officers concerned, consent to do so.
- He has the power to administer Union Territories either directly or through officers or administrators of his choice. The executive power of the Union with respect to the Union Territories extends to all subjects.
- The President has the power to receive reports of the Comptroller and Auditor General of India, Union Public Service Commission, Election Commissioners, the Official Language Commission, commissioners for scheduled areas and backward classes, and the special officers for scheduled castes and tribes, and for the linguistic minorities.

2. Legislative Powers

The legislative powers of the President are as follows:

- The President is an integral part of the Parliament in as much as the Union Parliament, which consists of the President and two Houses known respectively as the Rajya Sabha and the Lok Sabha. So, a bill before becoming an Act must

not only be approved by the two Houses of Parliament but must also be accepted by the President.

- The President has the power to nominate a maximum of twelve members to the Rajya Sabha on the ground that they possess special knowledge or practical experience in the fields of art, science, literature and social service. Article 331 empowers him to nominate not more than two members belonging to the Anglo-Indian community to Lok Sabha. The President appoints acting Speaker of the Lok Sabha in case both, the Speaker and Deputy Speaker are not available. Similarly, he appoints the acting Chairman of the Rajya Sabha in case both the Chairman and Deputy Chairman are not available.
- The President administers the oath of office to the members of both the Houses of Parliament.
- He decides the final authority, after consultations with the Election Commission, as to whether any Member of Parliament (MP) has become ineligible to hold office as an MP.
- The President has the power to specify the period within which a person who has been elected as a member both to the Parliament and to a State Legislature must resign from either of his seats.
- He has the power to summon, from time to time, each House of the Parliament in such a manner that six months do not intervene in between the sessions. He has the power to prorogue either or both the Houses. He is also empowered to summon the joint sitting of the two Houses of Parliament in case of deadlocks over non-money bills passed by one House and either rejected or delayed for more than six months by the other House.
- The President inaugurates the first session of Parliament after each general election to the Lok Sabha, and delivers his inaugural address to the two Houses sitting together in a joint session.
- Article 123 authorizes the President to promulgate ordinances during the recess of Parliament.
- All bills passed by the Parliament are sent to him for his consideration. He may or may not give his assent to the bill. And only upon his assent, the bill becomes a law. If, however, he wants the Parliament to modify or amend the bill, he is free to return it for their reconsideration, with or without his recommendations.
- He also has the power to recommend to the Parliament to formulate laws to form new states or to alter areas, boundaries, or names of the existing states.
- The President has been authorized by Article 370 to extend the various provisions of the Constitution to the states of Jammu and Kashmir, with the concurrence of its government.
- He has also been authorized to consider and approve state laws and ordinances which under various provisions of this Constitution are reserved by state Governors for his assent. Finally, he has the power to make regulations for the peace, progress, and good governance of all the Union Territories, excepting Chandigarh and Delhi.

3. Judicial Powers

- The President appoints the Chief Justice and other judges of the Supreme Court of India in consultation with the former. He may dismiss the judges if and only if

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the two Houses of Parliament pass resolutions to that effect by two-thirds majority of the members present.

- He appoints the judges of the state high courts, in consultation with the Chief Justice of India and the Governor of the concerned state.
- The President can transfer judges from one high court to another in consultation with the Chief Justice of India.
- Article 143 empowers the President to consult the Supreme Court.
- The President also exercises the power of pardon. He may grant pardon, suspend or commute the sentence of any person.
- The President has the right to be represented and appear at the investigation of charges against him by either House of Parliament on a resolution of impeachment. The President is, however, not answerable to any court for the exercise or performance of powers and duties of office or for any act done by him in the exercise of his official duties. Neither any criminal proceedings can be instituted against him in any court, nor can any court order his arrest or imprisonment during his term of office. Civil suits can be instituted against him by giving him a written notice of at least two months.

4. Financial Powers

The financial powers exercised by the President of India are as follows:

- The President has control over the finance of the nation. It is President who causes the national budget to be laid before each House of Parliament.
- He has been authorized by Article 280 to appoint a Finance Commission consisting of a chairman and other members every fifth year, or earlier if necessary.
- The President has also been given control over the Contingency Fund of India. He can advance money from this fund to the Government of India for meeting unexpected expenditures.
- Certain Money Bills (Article 110) and bills affecting the taxation in which states are interested (Article 274) are to be reserved by the state Governors for the approval by the President.

5. Military Powers

The military powers of the President are as follows:

- Article 53 makes the President—the Supreme Commander of the defence forces of the Union. The exercise of the military power by him is not discretionary. It is regulated according to the law passed by the Parliament. In the exercise of his military powers, the President nominates and appoints the Chiefs of the Staff of Army, Navy and Air Force. He is the Chairman of the Defence Council which consists, besides him, the Prime Minister, the Defence Minister, and the three Chiefs of Staff.
- With the concurrence of the Parliament, the President can declare war and conclude treaties of peace with foreign states.

6. Diplomatic Powers

The President is invested with the following diplomatic powers:

- The President represents India in international affairs. He appoints and recalls India's Ambassadors, High Commissioners and other diplomatic envoys to the foreign states, the United Nations and its specialist agencies. He receives the credentials of the Ambassadors, High Commissioners, and other diplomatic envoys accredited to India by the United Nations and the foreign States.
- All international treaties and agreements to which India is a party are concluded on his behalf and are finally signed by him.

7. Emergency Powers

The emergency powers of the President are as follows:

- Part XVIII of the Constitution is entitled 'Emergency Provisions'. It deals with the circumstances in which a state of emergency can be proclaimed by the President and the steps he may take to cope with it. The purpose is to restore the normal functions of the government at the earliest opportunity. The framers of the Constitution have provided for three types of emergencies, namely:
 - (a) Emergency caused by war, external aggression or internal revolt
 - (b) Emergency caused by the breakdown of the Constitutional machinery in the states
 - (c) Emergency caused by the threat to financial stability or credit of India, or of any part of the territory thereof

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3.4 POWERS AND FUNCTIONS OF THE PRIME MINISTER

In the parliamentary system of the Government in India, the Prime Minister (PM) is the real executive in contrast to the ceremonial position of the President of India. The office of the PM is a prominent one as it has attained immense power and authority in the Indian political system. But the executive system is not a one-man show. Emphasizing the collective nature of responsibility, true to the essence of a parliamentary democracy, the Constitution of India has also accorded a position of prime importance to the Council of Ministers under the leadership of the PM. The Indian system is symbolic in ensuring a leading position to the PM with the collective responsibility of the cabinet. The PM is the pivot, the guiding star that perceives and responds to the situation much ahead of others. Under Article 75 of the Indian Constitution, the appointment of the PM is ordained by the President who conventionally invites the leader of the majority party in the Lok Sabha to form the government. However, the President may afford his discretion if the multi party system fails to throw up an obvious choice.

After assuming office at the prestigious South Block, the ministers are appointed according to the choice of the Prime Minister. It must be noted here that the PM has a prerogative to be twisted at times to suit to the compulsions of running a coalition government.

A convention has always been followed in India that the PM needs to be a member of the Lok Sabha. However, Dr Manmohan Singh remains an exception, when as a member of the Rajya Sabha, he was elected as the Prime Minister in the United

Check Your Progress

4. State the tenure of the President of India.
5. What is the constitutional role of the President of India?
6. Mention any one military power of the President.

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Progressive Alliance (UPA) government. Noteworthy is the fact that the President is free to appoint any person as PM if he is of the opinion that the person to be appointed is likely to enjoy the confidence of the Lok Sabha. He may appoint the PM from amongst the members of either House of the Parliament or even from amongst the outsiders. In case, an outsider is appointed as the PM or as a minister, he must become a member of either House of Parliament within six months of his appointment. The continuation of the PM in office depends upon his majority support in the Lok Sabha, though the Constitution provides that the ministers hold office during the pleasure of the President. However, the pleasure of the President is, in fact, the pleasure of the majority support of the Lok Sabha, to whom the government is collectively responsible and whose vote of no-confidence leads to the withdrawal of the pleasure of the President, resulting in the ouster of the government.

3.4.1 Role, Power and Functions of the PM

The Constitution of India vests executive powers of the Union in the hands of the Prime Minister and his team. But the propensity of the post and the role of the PM in the Indian polity is much more widespread and demanding, than what has been defined in the Constitution. The group is, at least, dominant, if not absolute. Not only this, assertive personalities at times have added more power to the position.

The PM's role spans many diverse areas. These are as follows:

- The power to advise the President about the appointment of other ministers to constitute the Union Council of Ministers. He has a free choice in selecting his colleagues. The only thing which the Prime Minister has to keep in mind, while preparing the list of ministers, is that he has given representation to various groups in his party and that ministers are drawn from different states.
- The political life and death of ministers also depends upon the PM. He assigns to them various ministries and departments. He may change their portfolios or may even advise the President to dismiss them.
- The PM influences to a great extent every other appointment made by the President. The President appoints Chief Justices and Judges of the Supreme Court and the high courts, Comptroller and Auditor General, Attorney General, Election Commissioners, Chiefs of Staff of Army, Navy and Air Force, State Governors, Ambassadors and High Commissioners and many other State officers. All these appointments are essentially the choice of the PM.
- The Parliament is summoned and prorogued by the President on the advice of the PM. The PM also advises the President about the dissolution of the Lok Sabha.
- The Prime Minister is the channel of communication between the President and the Council of Ministers.
- As Chairman of the Union Council of Ministers, the Prime Minister summons meetings of the Council of Ministers and presides over them.
- The Prime Minister, being the Chairman of the Council of Ministers, not only supervises the departments under his personal charge but also coordinates and supervises the work of all other departments and ministers.
- The Council of Ministers is collectively responsible to the Lok Sabha. They can do this only if their leader shields and defends them and their actions both inside and outside the Parliament. They must speak with one voice.

- Important policy matters are initiated by the PM in both the Houses of Parliament. It is he who gives his opening speech on important policy matters and informs the Houses of the purpose the government wants to achieve.
- It has been the prerogative of the PM to take a direct and keen interest in India's international relations.
- The PM, being the leader of the majority party, has to take the whole party into confidence, so that he continues to command the confidence and support of his party.

The office of the PM in the Indian political system has exhibited varied leadership styles and performances due to various factors whether personal or circumstantial. From Nehru to Manmohan Singh, there have been distinct modes of perceptions and achievement orientations. However, in the era of coalition governments, the role and outlook of the PMs have become more cautious, cooperative, controlled but constrained in order to fix support of the participating parties of the government. The cabinet, at times, may also become problematic that would compel the PM to take a back seat. Thereby, the question of PM's autonomy becomes really crucial in such situations. For PM it is not just an issue of the survival of his party, but also of the people and the nation.

3.5 POWERS AND FUNCTIONS OF A GOVERNOR

In accordance with the federal characteristics, the Constitution of India envisages two tiers of government, one at the level of the Union, and the other at the level of the states. Part IV of the Constitution of India lays down the structure of the state governments and stipulates a parliamentary form of government like that for the Centre.

In accordance with the parliamentary framework, like the Union government, the State governments also have two forms of executive—the constitutional head and the real executive. The Governor is the constitutional head of the state and the Chief Minister is the real executive of the state.

The ambiguity about the dual role of the Governor, his powers and functions has provoked sharp debates and controversies both in terms of nature of the federation and Union-State relations.

3.5.1 Office of the Governor

Appointment: According to Article 153 of the Constitution, each state in India has a Governor and the executive power of the state is vested in him. He is appointed by the President of India for a term of five years and holds office during the pleasure of the President (Article 156). This means that a Governor can be removed by the President at any time even before the expiry of the term.

Regarding the appointment of the Governor, there have been two conventions in India:

- The Governor is appointed from outside the state concerned. This convention is there to ensure impartiality of the Governor in state politics. However, there have been instances when this convention was not followed.
- The states are consulted by the Centre in the appointment of the Governor. However, this practice is also not always followed in every appointment.

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Check Your Progress

7. How is the Prime Minister (PM) of India appointed?
8. State two functions of the Prime Minister.

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A study of the persons appointed as Governors clearly reveals that a considerable number of retired politicians have been appointed as Governors. Besides, retired bureaucrats, judges and retired army officials have also been made Governors. Thus, frequently, the Governors have been accused of playing in favour of the party-in-power at the Centre.

Qualification: The Constitution prescribes the following qualifications for a person to become a Governor:

- Must be a citizen of India
- Must have completed thirty-five years of age
- Should not be a Member of Parliament or State Legislature
- Should not hold any office of profit

3.5.2 Functions of a Governor

The powers and functions of the Governor can be categorized as follows:

- **Executive Powers:** The Governor appoints the Chief Minister and his Council of Ministers. However, following the parliamentary form of government norms, they are responsible to the State Assembly and remain in power till they enjoy the confidence of the State Assembly. The Governor also appoints the Advocate General, and the members of the State Police Service Commission.

All the executive actions of the state are executed in the name of the Governor. It is the duty of the Chief Minister to communicate the Governor all the decisions of the Council of Ministers relating to the administration of the state and proposals for legislation.

- **Legislative Powers:** The State Legislature consists of the Governor and the State Legislative Assembly. Thus, he is an integral part of the legislature and enjoys a variety of powers. Governor may summon, address, prorogue and dissolve the legislature. When a bill is passed by the legislature, it has to be presented to the Governor and the Governor shall declare either that he assents to the bill or that he withholds assent or that he reserves the bill for the consideration of the President. Article 213 empowers the Governor to promulgate ordinances during the recess of the legislature. He also has the power of causing to be laid before the State Legislature the annual financial statement and recommending Money Bills.
- **Judicial Powers:** The Governor of a state has the power to grant pardon, reprieve, respite or remission of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends.
- **Discretionary Powers:** Apart from the normal functions which the Governor exercises as a constitutional head, he exercises certain discretionary powers. Some of them have been expressly conferred on him, some other flow by necessary implication.

Article 163 (1) states that the Governor should act according to the advice of the cabinet except when he is required by the Constitution to act in his discretion. Article 163 (2) confers the Governors the blanket discretion to decide when they are required to act in their discretion. The Governor's satisfaction, as well as certain responsibilities, therefore, becomes vulnerable to the discretionary power.

With regard to the discretionary power by implication, they are significant in two matters. One is with regard to the appointment of Chief Minister when neither a single party nor a combination of parties emerges from the election with a clear majority. Related to this is also the question of dismissal on the loss of majority support. The second matter is with regard to making a report to President under Article 356 about his satisfaction that a situation has arisen in which the government of state cannot be carried on in accordance with the provisions of the Constitution, thereby recommending the imposition of the President's rule.

The above mentioned powers were meant by the Constitution makers to be used for extraordinary and emergency situations. But in practice, not only these but also some normal powers, like that of reservation of bills for the consideration of President, have been used in quite controversial manners which suggests partisan motives thereby creating tensions between Union–State relations.

3.5.3 Position and Role of a Governor

From the description about the powers and functions of the Governor, there emerge some very significant characteristics about the office of Governor which have important bearings on state politics. To begin with, the Constitution intended that the Governor should be the instrument to maintain the fundamental equilibrium between the government and the people of the state and to ensure that the mandates of the Constitution are respected in the State. That is, with regard to the office of the Governor, Article 159 says that the Governor shall, to the best of his ability 'preserve, protect and defend the Constitution and the law' and will devote himself 'to the service and well-being of the people' of the state.

Thus, the Constitution of India envisages a dual role for the Governor of a state as follows:

- The Constitutional head of the state
- The agent of the Centre

Governor as the Head of the State

The Governor as the head of the state works under the parameters of parliamentary democracy. Thus, he acts as a nominal head and exercises his functions strictly according to the 'aid and advise' of the Council of Ministers. Though the administration is carried out in the name of the Governor, the real authority is exercised by the Chief Minister and his Council of Ministers, who are collectively responsible to the Legislative Assembly. After the fourth General Elections in 1967, the monopoly of political power by the Congress party was broken and the non-Congress governments were formed in seven states. This phenomenon continues even today where no one party is capable of forming governments in both the Union and in many of the States. This changed scenario redrafted and redefined the position and role of the Governor in state politics. The Governors became actively involved in state politics and invariably acted in the interests of the party-in-power at the Centre. They also used their discretionary powers for their party purposes and thus made the office of the Governor highly controversial, with the result that there was a demand to abolish the office of the Governor.

Governor as an Agent of the Centre

According to writer and educationist K.M. Munshi, 'Governor is the watch-dog of Constitutional propriety and the link which binds the State to the Centre, thus securing

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the Constitutional unity of India.’ The Governor performs the following functions as the agent of the Centre in the states:

- The Union government is responsible for good governance in all the states. In case of the constitutional breakdown of state machinery, the Governor may recommend President’s rule or emergency in the state under Article 356.
- The Governor sends his report regarding the affairs of the state to the President, periodically.
- The Centre has the power to issue directives to the states and it is the duty of the Governor to see that such directives are followed by the state government.
- The Governor of a state can reserve a bill passed by the State Legislature for the consideration of the President. Moreover, certain types of bills must be reserved by the Governor for the President’s consideration.

Controversy Regarding the Role of the Governor

Since 1967, the deterioration in political standards and practices in the wake of multi party ministries, inter-party rivalries, political defections—all have made the Governor ‘a political head’ rather than a ‘Constitutional Guardian’.

One of the reasons for the attack or the criticism of Governor’s role in state politics is the way the Governors have been appointed in the past. In January 1990, eighteen Governors were asked to resign by the President to facilitate a reshuffle by the Union government led by V.P. Singh, which in turn, made the office of the Governor a puppet position. As mentioned earlier, the Centre has generally followed the policy of appointing people as Governors who have either failed to win any seat in the elections, or they are ex-bureaucrats or ex-judges (as a reward to their loyalty). Thus, such Governors owe their loyalty more towards the Centre and less towards the state. Moreover, during their appointment, the Centre sometimes does not consult the Chief Minister and his Council of Ministers. Thus, the state Chief Ministers complain that the selection of the Governors is imposed on them.

3.6 SUMMARY

In this unit, you have learnt that:

- The Union Executive is headed by the President, the Head of State of the Indian Republic, who exercises his power directly or through his subordinates.
- India has adopted a parliamentary form of government in which the Parliament enjoys a pivotal position. However, unlike England, our Parliament is not supreme.
- The Lok Sabha is the House of the People as it is directly elected by the people. It is also known as the Lower House. Until 1853, there was no legislative body in India.
- The Lok Sabha is presided over how the Speaker who is elected in the very first meeting of the Lok Sabha after the general elections for a term of five years from amongst the members of the House.
- The principal function of the Indian Legislature is to make laws. The Constitution of India has divided the Legislative powers between the Centre and States.
- Along with the State legislature, the Indian Legislature can make laws on the subjects mentioned in the Concurrent List as well.

Check Your Progress

9. How is the Governor of a State appointed?
10. List the qualifications for a person to become a Governor.

- The Parliament is the repository of the Union purse. It has the sole power not only to authorize expenditure for the public services and to specify the purpose to which that money shall be appropriated but also to provide the ways and means to raise the revenue required.
- The Parliament participates in the election of the President and the Vice President of India. Besides, both the Houses elect their presiding officers – the Speaker and Deputy Speaker of the Lok Sabha, Chairman and Deputy Chairman of the Rajya Sabha.
- The Parliament can make laws regulating the Constitution, organization, jurisdiction and powers of the courts.
- The Parliament can amend a major portion of the Constitution but it needs ratification by at least half of the states to amend the Constitution.
- A Money Bill can be introduced only in Lok Sabha. After it is passed by that House, it is transmitted to Rajya Sabha for its concurrence or recommendation.
- The Constitution of India has assigned a unique role to Rajya Sabha in the Indian parliamentary and constitutional set-up.
- The principal ad hoc committees are the Select and Joint Committees on Bills. Others like the Railway Convention Committee, the Committees on the Five Year Plans and the Hindi Equivalents Committee were appointed for specific purposes.
- The Estimates Committee was first created in April 1950, and its functions were enlarged in 1953.
- Under the Constitution of India, the office of the President of India is virtually analogous to that of the British monarchy in keeping with the spirit of the parliamentary executive.
- The President of India is vested with the role ‘to advise, to encourage and to warn’, which lends the office of the President much authority and influence.
- The President is an integral part of the Parliament in as much as the Union Parliament, which consists of the President and two Houses known respectively as the Rajya Sabha and the Lok Sabha.
- The President appoints the Chief Justice and other judges of the Supreme Court of India in consultation with the former.
- In the parliamentary system of the Government in India, the Prime Minister (PM) is the real executive in contrast to the ceremonial position of the President of India.
- After assuming office at the prestigious South Block, the ministers are appointed on his choice. It must be noted here that the PM has a prerogative to be twisted at times to suit to the compulsions of running a coalition government.
- In accordance with the parliamentary framework, like the Union Government, the state governments also have two forms of executive—the constitutional head and the real executive. The Governor is the constitutional head of the state and the Chief Minister is the real executive of the state.
- The Governor appoints the Chief Minister and his Council of Ministers. The State Legislature consists of the Governor and the State Legislative Assembly.
- The Governor as the head of the state works under the parameters of parliamentary democracy.

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3.7 KEY TERMS

- **Probity:** It refers to quality of having strong moral principles such as honesty and decency.
- **Suffrage:** It is the right to vote in political elections.
- **Amendment:** It refers to a change or addition to a legal or statutory document.
- **Prorogue:** It implies the discontinuation of a session of a Legislative Assembly without dissolving it.
- **Appropriation:** It is the action of taking something for one's own use.

3.8 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The members of the Lok Sabha are elected on the basis of the universal adult suffrage. Every citizen of India who is not less than eighteen years of age is entitled to vote in elections to the Lok Sabha unless the individual is otherwise disqualified under law (Article 326).
2. The Parliament can amend a major portion of the Constitution but it needs ratification by at least half of the states to amend the Constitution. However, the Parliament cannot amend the basic features of the Constitution.
3. The two kinds of parliamentary committees are as follows:
 - Ad hoc committees
 - The standing committees
4. The President of India is elected for a term of five years with an entitlement for re-election.
5. The President of India is vested with the role 'to advise, to encourage and to warn', which lends the office of the President much authority and influence. In spite of the finality of the issue that he or she is merely a figurehead without any real powers, circumstantial dynamics may probably afford him few, if not many occasions to use his discretion in making decisions.
6. The President is the supreme commander of the defence forces.
7. Under Article 75 of the Indian Constitution, the appointment of the PM is ordained by the President who conventionally invites the leader of the majority party in the Lok Sabha to form the government.
8. Two important functions of the Prime Minister are as follows:
 - The Parliament is summoned and prorogued by the President on the advice of the Prime Minister. The PM also advises the President about the dissolution of the Lok Sabha.
 - The Prime Minister is the channel of communication between the President and the Council of Ministers.
9. The Governor of a state is appointed by the President of India for a term of five years and holds office during the pleasure of the President (Article 156).

10. The qualifications required for a person to become a Governor are as follows:

- Must be a citizen of India
- Must have completed thirty-five years of age
- Should not hold any office of profit

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3.9 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the judicial functions of the Indian Parliament.
2. What are the emergency powers of the President of India?
3. Briefly discuss the role of the Prime Minister.
4. What is the role of a Governor?
5. Differentiate between Lok Sabha and Rajya Sabha.

Long-Answer Questions

1. Discuss the powers and functions of the Indian Parliament.
2. Explain the constitutional position of the President of India.
3. Describe the powers and functions of the Indian President.
4. What are emergency powers of the President?

3.10 FURTHER READING

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UNIT 4 SUPREME COURT AND HIGH COURTS

*Supreme Court and
High Courts*

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- 4.1 Unit Objectives
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- 4.8 Further Reading

4.0 INTRODUCTION

In India, the world's largest democracy, the judiciary plays a very significant role. Justice is conducted by the Judiciary, according to law. The Judiciary administers justice through legal reasoning, review of evidence and argumentation. The reliability of the process of justice administered by the Judiciary depends on the way in which it carries out justice. The judgments of the Judiciary can promote social justice, in the absence of which the sufferings of the common man will be too many. The Supreme Court is the highest judicial body in India. It is headed by the Chief Justice of India and comprises thirty other judges. There are twenty-four high courts in India. Each high court is a court of record exercising original and appellate jurisdiction within its respective state or territory.

In this unit, you will study about the composition, jurisdiction and powers of the Supreme Court and high courts of India.

4.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Discuss the jurisdiction and powers of the Supreme Court
- State the composition of a high court
- Discuss the tenure and qualification of high court judges
- Explain the jurisdiction of the high courts

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4.2 SUPREME COURT

The members of the Constituent Assembly aspired to idealize the courts for two basic reasons:

- Strengthening the fundamental rights
- Acting as guardians of the Constitution

This vision guided the framers to design an independent judiciary and vesting it with powers to make the judicial provision of the Constitution congruent with the broad contours of the parliamentary democracy in the country.

During the British rule, the civil and criminal laws were administered by judges-cum-magistrates, with the Judicial Committee of the Privy Council (JCPC) in England acting as the final court of appeal. The separation between the Executive and the Judiciary was made gradually by the Government of India Act of 1935. The highest court in India was established in the form of the Federal Court, which however was subordinate only to the JCPC. The British colonial period also witnessed the emergence of a corporate legal profession that provided pleaders and advocates for presenting the cases of clients to judges or magistrates.

The Supreme Court of India, the first fully independent court for the country, was first set up 28 January 1950. The Constitution also set-up an integrated hierarchy of courts for a more parliamentary federal system, compared to the Government of India Act, 1935.

4.2.1 Composition

Article 124 of the Constitution establishes the Supreme Court of India as the highest court of the Indian Republic. It provides that the Supreme Court shall consist of the Chief Justice and thirty other judges. Each judge is appointed by the President after consultations with other judges of the Supreme Court and the State High Courts, as deemed necessary. However, the President is bound to consult the Chief Justice of India, before appointing an ordinary judge of the Supreme Court.

When the office of the Chief Justice of India is vacant or when he is unable to perform the duties of his office, due to absence or otherwise, the duties of his office are performed by the other judge of the Supreme Court, as the President may appoint. The acting Chief Justice is entitled to the same rights, privileges, emoluments and other facilities, which are available to the Chief Justice.

A person is qualified to be appointed the judge of the Supreme Court as per the following requirements:

- Should be a citizen of India
- Must have been a high court judge for at least five years, or a high court advocate for at least ten years
- Must be a distinguished jurist in the opinion of the President

The judges hold office until retirement at the age of sixty-five years. Nevertheless, they may be removed earlier only by a process of impeachment.

4.2.2 Independence of the Supreme Court

The framers of the Indian Constitution were concerned with the independence of the Judiciary due to the following reasons:

- The appointing authority, the President, has to consult the members of the Judiciary.
- The Constitution provides a fixed tenure for the judges and they cannot be removed from the office, as and when the government feels like.
- The Second Schedule to the Constitution provides for the salaries of the judges, whereas the terms and conditions of their services are regulated by the Acts of Parliament.
- The terms and conditions of services of a judge cannot be varied to his disadvantage, after his appointment (Article 125).
- The administrative expenses of the Supreme Court, the salaries and allowances of the judges as well as of the staff shall be charged on the Consolidated Fund of India (CFI) and shall not be voted in Parliament (Article 146 [3]).
- No discussion should take place in Parliament regarding the conduct of any judge in the discharge of his duties, except when an impeachment resolution is under consideration (Article 121).
- A retired judge of the Supreme Court shall not plead or act in any court or before any other authority within the territory of India.

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4.2.3 Jurisdiction of the Supreme Court

The Supreme Court originally holds appellate and advisory jurisdictions, besides a right to grant special leave for appeal.

1. Original Jurisdiction

The original jurisdiction of the Supreme Court is of two types, namely exclusive and concurrent. Article 131 ensures its exclusive original jurisdiction in all disputes between (i) The Government of India and one or more states; or (ii) The Government of India and any state or states on one side and one or more states on the other, or (iii) Between two or more states.

Secondly, under Articles 32 and 226, the Supreme Court has a concurrent, original as well as appellate jurisdiction in all cases and disputes involving fundamental rights. Any case or dispute involving violation of fundamental rights by the government, may be brought before the Supreme Court as an appeal against the decision of a high court.

Furthermore, under Articles 13 and 32, the Supreme Court of India is empowered to exercise the power of judicial review. It can consider any civil, criminal, or any other case directly, if it involves the interpretation of the Constitution, or of any law.

Finally, Article 71 of the Constitution exclusively empowers the Supreme Court to decide, as the final authority, all doubts and disputes arising out of, or in connection with, the election of the President or Vice President of India.

2. Appellate Jurisdiction

The Supreme Court has appellate jurisdiction in constitutional, civil and criminal cases. It has appellate jurisdiction in all cases involving a substantial question of law according to

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the interpretation of the Constitution. Such cases and disputes may be brought before it against the decision of a high court, if the high court gives such a certificate, or if the Supreme Court itself grants 'special leave to appeal'. The Supreme Court is not only competent to interpret the Constitution of India, Article 147 but it also empowers it to decide any issue of law involving interpretation of the Government of India Act of 1935 and the Indian Independence Act of 1947.

3. Advisory Jurisdiction

Under Article 143 of the Constitution, the Supreme Court has the constitutional obligation to advise the President. The President is free to refer any question of law or fact to the Supreme Court for its opinion, if he is satisfied that the question is of such a nature and of public importance that it is critical to obtain the opinion of the Supreme Court.

4. Special Leave for Appeal

The Supreme Court is empowered by Article 136 to grant Special Leave to Appeal against the judgment, decree, sentence or order in any case by any Tribunal in India, except those of courts or tribunals that are especially constituted for the armed forces. This extraordinary power has been given to the Supreme Court to ensure justice and fairness to all parties in all civil, criminal and constitutional cases.

5. Review Power

Article 137 empowers the Supreme Court to review any of its earlier judgments or orders. The Supreme Court would ordinarily adhere to its previous judgment. If, however, an error is detected in a subsequent case, the court should be able to rectify it rather than adhere to an earlier decision, which is found inapplicable to changed conditions and circumstances, for example, in the *Golak Nath* case, the Supreme Court reviewed its earlier judgment by declaring that it was wrong in allowing the Parliament to curtail fundamental rights and that, therefore the Parliament should have no such right.

6. Miscellaneous Powers

Article 129 makes the Supreme Court a court of record. Similarly, Article 141 makes its decisions binding on all courts, within the territory of India. No court can give a verdict contrary to the one given by the Supreme Court.

The Supreme Court has the power to punish persons guilty of contempt of itself. The Supreme Court is also empowered to make rules and regulations for regulating the practices and procedures of the Court. The Supreme Court also enjoys complete control over its own establishment. Under Article 146, the Chief Justice of India is empowered to appoint officers and servants of the Supreme Court, after consultations with the UPSC (Union Public Service Commission). The rule related to the salaries, allowances, leave or pensions payable to the officers and servants of the Court, are also charged upon the Consolidated Fund of India and, therefore, do not form a votable item of the Union Budget.

Under Articles 257 and 258, the Chief Justice of India has been empowered to appoint arbitrator to decide cases and disputes relating to extra-costs incurred by a State government in carrying out the directions of the Union government in the following matters: (i) Construction and maintenance of the means of communications (ii) Protection of railways within states (iii) Powers and duties conferred upon a state government or its officers with their consent.

Check Your Progress

1. When was the Supreme Court of India established?
2. State the qualifications required for a person to be appointed as the judge of the Supreme Court.
3. Mention the matters in which the Supreme Court of India exercises original jurisdiction.

4.3 HIGH COURTS

According to Article 125 of the Constitution, each state should have a high court. A high court exercises powers within the territorial jurisdiction of the state concerned. There are in total 24 high courts in the country (see Table 4.1).

Table 4.1 High Courts in India

Court name	Established	Act established	Jurisdiction	Seat
Allahabad High Court	1866	Indian High Courts Act, 1861	Uttar Pradesh	Allahabad
Bombay High Court	1862	Indian High Courts Act, 1861	Maharashtra, Goa, Dadra and Nagar Haveli, Daman and Diu	Mumbai
Calcutta High Court	1862	Indian High Courts Act, 1861	West Bengal, Andaman and Nicobar Islands	Kolkata
Chhattisgarh High Court	2000	Madhya Pradesh Reorganisation Act, 2000	Chhattisgarh	Bilaspur
Delhi High Court	1966	Delhi High Court Act, 1966	National Capital Territory of Delhi	New Delhi
Gauhati High Court	1948	Government of India Act, 1935	Arunachal Pradesh, Assam, Nagaland, Mizoram	Guwahati
Gujarat High Court	1960	Bombay Reorganisation Act, 1960	Gujarat	Ahmedabad
High Court of Judicature at Hyderabad	1954	Andhra State Act, 1953	Andhra Pradesh, Telangana	Hyderabad
Himachal Pradesh High Court	1971	State of Himachal Pradesh Act, 1970	Himachal Pradesh	Shimla
Jammu and Kashmir High Court	1943	Letters Patent issued by then Maharaja of Kashmir	Jammu and Kashmir	Srinagar/Jammu
Jharkhand High Court	2000	Bihar Reorganisation Act, 2000	Jharkhand	Ranchi
Karnataka High Court	1884	Mysore High Court Act, 1884	Karnataka	Bengaluru
Kerala High Court	1956	States Reorganisation Act, 1956	Kerala, Lakshadweep	Kochi

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Madhya Pradesh High Court	1936	Government of India Act, 1935	Madhya Pradesh	Jabalpur
Madras High Court	1862	Indian High Courts Act, 1861	Tamil Nadu, Puducherry	Chennai
Manipur High Court	2013	North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012	Manipur	Imphal
Meghalaya High Court	2013	North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012	Meghalaya	Shillong
Orissa High Court	1948	Orissa High Court Order, 1948	Odisha	Cuttack
Patna High Court	1916	Government of India Act, 1915	Bihar	Patna
Punjab and Haryana High Court	1919	High Court (Punjab) Order, 1947	Punjab, Haryana, Chandigarh	Chandigarh
Rajasthan High Court	1949	Rajasthan High Court Ordinance, 1949	Rajasthan	Jodhpur
Sikkim High Court	1975	The 36th Amendment to the Indian Constitution	Sikkim	Gangtok
Tripura High Court	2013	North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012	Tripura	Agartala
Uttarakhand High Court	2000	Uttar Pradesh Reorganisation Act, 2000	Uttarakhand	Nainital

The position of the high courts under a federal constitution, like that of India is substantially different from that of USA (a federal country). In the USA, every state has its own constitution and the high courts in the constituent states are constituted under the state Constitution. The structural features of the judicial courts (for example, method of appointment of the judges, their salary structure, service conditions as well as their jurisdiction, etc.) differ from state to state. On the contrary, in India, all the high courts are constituted either under the authority of the Indian Constitution or by the Indian Parliament, with the state governments having no substantive say in the creation of a high court. Being part of an integrated and unified judicial system, the high courts stand in the hierarchical order below the Supreme Court with an organic relationship between the two of them. Following the principle of separation of powers, it is provided in the Constitution that neither the state executive nor the State Legislature has any power to control the high court or to alter the Constitution or organization of the high court.

Three New High Courts for North East

In 2013, the Centre constituted three new High Courts in the northeast—Meghalaya, Manipur and Tripura—taking the total number of High Courts in the country from 21 to 24. It was announced that the strength of judges in each High Court will be as follows: Tripura 4 (including the Chief Justice), and Meghalaya and Manipur: three each (including the Chief Justice).

Now, only Nagaland, Mizoram and Arunachal Pradesh are left with outlying benches of the Gauhati High Court, which has since its establishment in 1948 had jurisdiction over the entire North East.

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4.3.1 Composition of a High Court

A high court stands at the apex of judicial system of a state. A high court consists of a Chief Justice and such other judges as the President may, from time to time, determine. The number of judges of the state high courts has not been fixed by the Constitution. Therefore, it varies from court to court.

The Chief Justice of a high court is appointed by the President by warrant under his hand and seal, after due consultation with the Chief Justice of India and the Governor of the state. In case of appointing the other judges of the high court, the President is required to consult, in addition to the Chief Justice of India, and the Governor of the state, the Chief Justice of the high court where the appointment of the judges is to be made. The practice has also been evolved to appoint at least one-third of the judges of a high court from outside the state in order to maintain impartiality in the functioning of the high court.

4.3.2 Qualification of High Court Judges

An Indian citizen can be qualified as a high court judge when he fulfills the following conditions:

- He has either held for at least ten years a judicial office in the territory of India.
- Has been, at least, ten years, an advocate of a high court in any state.

In computing the ten-year period for the purpose of appointment, experience as an advocate can be combined with that of a judicial officer.

4.3.3 Tenure of High Court Judges

A judge shall hold office till he attains sixty-two years of age. He may resign from his office by writing to the President. A judge can be removed by the President from his office before the expiry of his term on grounds of proven misbehaviour or incapacity. However, such an action can be taken by the President only if both the Houses of Parliament pass a resolution by a two-thirds majority of the members present in each House, which should also be the majority of the total membership of the House, accusing the judge with proven misbehaviour or incapacity. After retirement, a person who has held office as a permanent judge of the high court shall not plead or act in any court or before any authority in India except the Supreme Court and other high courts (Article 220).

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4.3.4 Jurisdiction of High Court

Since the high courts had been functioning in the country with a fairly satisfactory level of independence and impartiality for many years by the time India became independent, the Constitution makers did not think it fit to detail the jurisdiction of the high courts. On the other hand, the Supreme Court of India was a newly created institution necessitating a clear definition of its powers and functions. Thus, the Constitution of India has not made any special provision relating to the general jurisdiction of the high court.

The civil and criminal jurisdictions of the high courts are primarily governed by two codes of civil and criminal procedures. At present, the high court of a state enjoys the following powers:

- **Original:** The original criminal jurisdiction of the high court has been completely taken away by the Criminal Procedure Code, 1973. The original civil jurisdiction of the high courts has been confined in the matters of admiralty, probate, matrimonials, contempt of court and enforcement of the fundamental rights.
- **Appellate:** The appellate jurisdiction of the high court is both civil and criminal. On the civil side, an appeal to the high court is either a first appeal or a second appeal. Appeals from the decisions of the district judges and from those of subordinate judges in case of a higher value are made directly to the high court. The criminal appellate jurisdictions of the high court extends to appeals from the decisions of a Sessions Judge or an Additional Sessions Judge, where the sentence of imprisonment exceeds seven years and from the decisions of an Assistant Sessions Judge, Metropolitan Magistrate or other Judicial Magistrates in certain specified cases other than 'petty' cases.
- **Power of superintendence:** According to Article 227, every high court has the power of superintendence over all courts and tribunals, except those dealing with the armed forces functioning with its territorial jurisdiction. Interpreting the scope of this power, the Supreme Court said that all types of tribunals including the election tribunals operating within a state are subject to the superintendence of the high courts and also that the 'superintendence is both judicial and administrative'.
- **Control over subordinate courts:** Article 228 empowers the high courts to transfer constitutional cases from lower courts to high courts. Thus, if the court is satisfied that a case pending in one of its subordinate courts involves a substantial question of law as to the interpretation of the Constitution, the determination of which is necessary for the disposal of the case, it shall then withdraw the case and may either dispose of the case itself or determine the constitutional question and then send the case back to the court wherefrom it was withdrawn.
- **The writ jurisdiction of the high court:** Every high court shall have the power to issue to any person or authority including the government (within the territories in which it exercises jurisdiction) orders or writs including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari or any of them for the enforcement of the fundamental rights guaranteed by the Constitution, and for any other purposes (Article 226).
- **Power of appointment:** According to Article 229, the Chief Justice of the high court is empowered to appoint officers and servants of the court. The

Governor may, in this respect, require the Court to consult the Public Service Commission in appointing person to the judicial service of the state. The powers of posting and promotions and grant of leave to persons belonging to the judicial service is also vested in the high court.

4.3.5 Position of High Courts

High courts in India have been given full freedom and independence in imparting justice to the people and ensure that executive and legislature shall in no way interfere in the day-to-day life of the people. As a court of record, the high court has the power to punish those who are adjudged as guilty of contempt of court. All its decisions are binding and cannot be questioned in any lower court. The independence of the judiciary in India is ensured by permanence of tenure and the conditions of service of the judges.

Observers have cited certain inherent defects in the working of the state high courts:

- The Constitution of India has clearly stated that the appointment of the judges to the high court should be on merit basis. However in practice, the appointments are not always made on merit. This is because the state ministry continues to have a powerful voice in the matter, which has eroded the whole concept of independence of judiciary.
- Also, the Constitution prohibits judges of the high court to hold office under the government after their retirement and there have been a number of instances where the high court judges have been appointed as Governors, ministers, ambassadors and vice chancellors.
- The idea of independence of judiciary is eroded when the judges who stand up against the executive are sought to be transferred to other states with the ostensible purpose of furthering 'national integration'.

4.4 SUMMARY

- In India, the world's largest democracy, the Judiciary plays a very significant role. Justice is conducted by the Judiciary, according to law.
- The Supreme Court is the highest judicial body in India. It is headed by the Chief Justice of India and comprises thirty other judges.
- The original jurisdiction of the Supreme Court is of two types, namely exclusive and concurrent.
- The Supreme Court has appellate jurisdiction in constitutional, civil and criminal cases. It has appellate jurisdiction in all cases involving a substantial question of law according to the interpretation of the Constitution.
- Article 137 empowers the Supreme Court to review any of its earlier judgments or orders. The Supreme Court would ordinarily adhere to its previous judgment.
- The Indian Constitution provides for an integrated judicial system. At the apex of the judiciary is the Supreme Court of India whose decisions are applicable all over the country.
- A high court stands at the apex of judicial system of a state. A high court consists of a Chief Justice and such other judges as the President may, from time to time,

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Check Your Progress

4. How is the Chief Justice of a high court appointed?
5. State the qualifications required for a person to be appointed as the judge of a high court.

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determine. The number of judges of the state high courts has not been fixed by the Constitution.

- The Constitution of India has not made any special provision relating to the general jurisdiction of the high court.
- The civil and criminal jurisdictions of the high courts are primarily governed by two codes of civil and criminal procedures.
- High courts in India have been given full freedom and independence in imparting justice to the people and ensure that executive and legislature shall in no way interfere in the day-to-day life of the people.

4.5 KEY TERMS

- **Jurisdiction:** It refers to the right, power, or authority to administer justice by hearing and determining controversies.
- **Appellate jurisdiction:** It implies the power of the Supreme Court to review decisions and change outcomes of the decisions of lower courts.
- **Advisory jurisdiction:** It is the power of a court to give advisory opinion on specific issues of law.
- **Amicus Curiae:** It is a party that is not involved in a particular litigation but is allowed by the court to advise it on a matter of law directly affecting the litigation.

4.6 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. The Supreme Court of India was established on 28 January 1950.
2. The qualifications required for a person to be appointed as the judge of the Supreme Court are as follows:
 - He is the citizen of India.
 - He must have been a high court judge for at least five years, or a high court advocate for at least ten years.
 - He must be a distinguished jurist in the opinion of the President.
3. The Supreme Court of India exercises original jurisdiction in all disputes between (i) The Government of India and one or more States (ii) The Government of India and any State or States on one side and one or more States on the other, or (iii) Between two or more States.
4. The Chief Justice of a high court is appointed by the President by warrant under his hand and seal, after due consultation with the Chief Justice of India and the Governor of the state.
5. The qualifications required for a person to be appointed as the judge of a high court are as follows:
 - He has either held for at least ten years a judicial office in the territory of India.
 - Has been, at least, ten years, an advocate of a high court in any state.

4.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the composition of the Supreme Court.
2. Why was the independence of the Judiciary considered important by the framers of the Indian Constitution?
3. Identify the shortcomings in the working of the state high courts.

Long-Answer Questions

1. Discuss the jurisdiction and the powers of the Supreme Court.
2. Discuss in detail the jurisdiction of the high courts of India.
3. 'The Indian Constitution provides for an integrated judicial system.' Explain.

4.8 FURTHER READING

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UNIT 5 DEMOCRATIC DECENTRALIZATION

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- 5.1 Unit Objectives
- 5.2 Local Self-Government: Ideas and Principles
 - 5.2.1 The Relation between Local Self-government and Democracy
 - 5.2.2 Evolution of the Local Self-government
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5.0 INTRODUCTION

Unlike national or central authorities, local authorities do not enjoy any power beyond their defined territorial boundaries. One of the main distinctions between local self-government and national government is that local authorities do not enjoy sovereignty. Their powers are assigned by and delegated from the central authorities. In order to appreciate the value of local self-government, first, it is essential to review those forces which in the course of the 19th century swept modern nations from loose connections of villages to their highly integrated present condition. Most of the states at the advent of modern age were primarily agricultural. Throughout the 19th and 20th centuries most of these states first saw a high level of centralization. Due to the high levels of centralization, certain remote areas and their various problems remained unresolved. It is very important to know the natural factors and the values which ultimately gave birth to the idea of decentralization of powers. When decentralization became popular as a necessary step in the development of a democracy and as an instrument for the better functioning of the administration, the local self-government was born.

In this unit, you will study about the ideas and principles which influenced the formation of the local self-government, nature and scope of local administration in India, the Panchayati Raj System in India, and the changes introduced with the implementation of the 73rd and 74th Constitutional Amendment is to the constitution.

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5.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Discuss the ideas and principles of local self-government
- Examine the nature and scope of local administration in India
- Explain the Panchayati Raj Institutions in India
- State the changes introduced with the implementation of the 73rd and 74th Constitutional Amendments

5.2 LOCAL SELF-GOVERNMENT: IDEAS AND PRINCIPLES

There are three main principles to define the idea of a local self-government, namely democracy, autonomy and decentralization. Let us study these principles and their relationship with the idea of local self-government in detail.

5.2.1 The Relation between Local Self-government and Democracy

Local self-government cannot survive without democracy. Democracy broadly means a system of national political institutions and constitutional rules through which citizens are enabled to choose, influence and dismiss governments—a system in which the requirements of Lincoln's classic formula are fulfilled, together with its accompanying climate or atmosphere. A democratic society gives every individual the right to be a party of the government and decide about his fate. Democracy cannot ignore the demands of people and their aspirations.

There are three different views regarding the relationship between local self-government and democracy. As per the first view, local self-government is defined in such a manner that democracy is shown to be incompatible with its true nature. The second defines democracy in a way that local self-government is proved to be incompatible with its true nature. The third theory, much more loosely articulated than the first two, stipulates definitions to permit the conclusion or assumption that local self-government and democracy are organically related, mutually dependent and reciprocally self-sustaining. After an analysis of these concepts, an alternative method of approaching local government and democracy is suggested.

5.2.2 Evolution of the Local Self-government

The principle of local level autonomy in deciding their day-to-day affairs was a result of the political and economic developments in the 19th century. In other words, the belief that an ultimate political value attaches to the practice of local self-government was developed systematically, in the 19th century. According to Whalen, this idea is the brain child of the Prussian idealist Rudolf von Gneist. Gneist did an extensive study of English political institutions. On the basis of his study, he concluded that the principle of self-government was necessarily the primary value and the essential practical ingredient, in any ideal commonwealth. In any polity where internal administration is carried out locally under the general laws in towns and districts by local officers can be called local self-government. The funds required for the expenses in executing the duties locally are also mobilized at the local level.

The whole idea of local self-government was started as an attempt to create an internally independent administration. These local bodies were considered to be independent of the Centre or at that time national ministers and parties. According to Gneist, 'self-government is strictly class government. It combines the personal duties and financial burdens of owners of property and gives them political rights to correspond'. The whole idea of giving more rights to the upper classes in Gneist's scheme of an ideal local self-government was to recognize the role of these classes as the most responsible classes. This started a practice of making eligibility to the higher offices depend upon the possession of large landed estates.

Behind the dialectical effusions of this Prussian official lay a rooted aversion to the social and political consequences of the Industrial Revolution. Repeatedly, he misjudged the political role of the emerging middle classes and idealized monarchical and aristocratic norms of government. He rejected the ideal of equality and the practice of an extended franchise. His system, in a word, was an eloquent refutation of the entire rationale and the extended institutional paraphernalia of democratic government. 'No vital philosophy of local government,' he says, 'can come to mankind by way of representative institutions.' He considered the spread of electoral practices particularly harmful with the introduction of elected local authorities. Self-government thereupon ceases to be the basis of class organization; a communal life in which the local elector only takes part every three years by dropping a voting paper into a box— is no longer a link which holds together classes with distinct interests by imposing a daily round of duties from man to man, unites and reconciles the propertied to the working classes and accustoms them to live peacefully together. While the 'parochial mind' extinguishes the propertied classes with their theories of voluntarism, drawing them further apart from the working classes with their doctrines of communism and socialism.

Since the political practice of England moved steadily away from Gneist's ideal commonwealth during the second half of the 19th century, he was forced, like many political writers after him, to interpret the growth of democracy as a steady decay of the British Constitution. A state, whose practice depended increasingly on the idea of natural political equality, was to Hegelian philosophers, meaningless, undefined and purposeless. 'The course of English constitutional development', concluded Gneist, 'leaves us to assume that the third generation will live in an era of radical action against the old governing classes and of a violent reaction in their favour and all appearances point to the end of the nineteenth century England witnessing the same political storms saved by England as those which after its beginning burst over the constitution of continental countries'.

According to Whalen, 'Gneist's theory of self-government tells us nothing about the status of local political processes in a democratic state.' He further says, 'in the interests of his theory, he [Gneist] misinterpreted the significance of every major reform in local government'. In the later years, as the need of more and more powers at the local levels was felt, central governments in different parts of Europe transferred first, local administration from magistrates appointed by the central government to local authorities, elected by local communities. Second, they created local institutions enabling the middle and later the working classes to participate in municipal government. Third, they delegated wholesale new functions associated with expanded public services to locally elected officials. Lastly, they invented a committee technique, which enabled a large number of citizens to be brought into direct contact with local political problems in a practical way.

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A dominant feature of the unreformed system of local government in England was the wholesale subordination of administrative efficiency to the maintenance of class rule. Patronage appointments, in the gift of the local gentry, produced local officials who were everywhere regarded as 'poor dependents of the nearest squire.' The reform measures of 1834–35 were the beginning of a necessary rationalization which culminated in the widespread employment of well-trained and paid technical staffs in local government service. This reform was needed, since it enabled the community to take effective advantage of the fruits of scientific discovery with regard to the provision of an increasingly diversified and more complex range of local works, amenities and services.

A changed image of the administrative competence of representative local authorities, perhaps one of the greatest English contributions to democratic practice during the last century, could never have materialized without the development of local administrative elite, nor without the enlightened leadership of officials like Chadwick, who sought to develop viable local authorities through rigorous central direction and control. Gneist, like Toulmin-Smith (a British political theorist, lawyer and local historian) before him, condemned these necessary reforms as destructive of the true principle of local self-government. His fertile imagination produced an antithesis between magisterial (*obrigkeitlich*) and commercial (*wirtschaftlich*) self-government, the latter being elective, dominated by 'the particularized interests of local combinations' and destructive of the essential objects of magisterial, or moral government. Gneist thus projected an allegedly fatal central-local conflict long after it had been settled in practice and predicted that French ideas and practices, equally misconstrued, would ultimately prevail in England. Indeed, he took pains to assert that a new centralized monarchy would emerge to save the state from factions, organized commercial interests, parties and society.

The second theory under consideration purports to prove that local self-government, as it is currently practiced in democratic states, is inimical to the true principle of democracy. 'Democracy,' writes George Langrod, Professor of Comparative Administration in the Brazilian School of Public Administration, 'is by definition an egalitarian, majority and unitarian system. It tends everywhere and at all times to create a social whole, a community which is uniform, levelled and subject to rules.' According to this view, democracy tends to abhor atomization and the appearance of intermediaries between the whole and the individual. It is thus a feature of democracy that the individual is brought face-to-face with the complete whole, directly and singly. Local self-government, on the other hand, is defined as a phenomenon of differentiation, of individualization, of separation. According to this view of democracy and local self-government, since democracy moves inevitably and by its very essence towards centralization, local government by the division which it creates, constitutes all things considered a negation of democracy.

5.2.3 Rousseau's Doctrine of the General Will

These particular conceptions appear to give expression, in institutional terms, to Rousseau's doctrine of the 'general will' and to a tradition in political thought which we style as totalitarian democracy. General will, in political theory, means a collectively held will that aims at the common good or common interest. The notion of the general will is fully central to Rousseau's theory of political legitimacy. Rousseau, at least in one of his positions, was clearly opposed to the exercise of sovereignty by anybody other than the entire community, but his ideal community was, in practice, the small locality of the 18th century. This monistic conception of liberty, what Sir Isaiah Berlin, philosopher and historian of ideas, has described as the yearning for positive freedom of collective self-

direction, tends to assume the absolute priority of egalitarianism, over all competing goals. In the vast disciplined and authoritarian structures with their attendant bureaucratic centralism, is seen the idealized self-mastery of classes of entire communities and of the whole human race. When it is thus defined by Langrod, democracy embodies the principle of compulsory rational freedom, an idea which conveniently repudiates the conventional antithesis between freedom and compulsion and rests upon a stipulated definition of liberty. (To Bentham's question, 'Is not liberty to do evil, liberty?', the totalitarian democratic reply is: 'No man is free in doing evil; to prevent him from so doing is to set him free.') Given these assumptions, there can plainly be no rational basis for local or subordinate political institutions. Popular sovereignty, as embodied in national or central political institutions, is emasculated through the working of particular local group wills.

In spite of the emotional and rational force of the two theories discussed above, a third theory, first developed systematically by J. S. Mill *On Liberty* (1859) and *Considerations on Representative Government* (1861), has had a long and influential career in the Anglo-American tradition of political thought. Mill's liberalism rejects the statism of Gneist and favours some measure of popular democracy, but asserts that government by the people in Langrod's sense is the negation of freedom. This variety of liberalism, along with that of Tocqueville and Constant — two French political thinkers and writers has its ethical bearings in the principle of immorality of compulsion. When it is given institutional expression, this theory postulates a large measure of political and social pluralism. The liberty of the citizen, in things where the individual is alone concerned, implies, according to Mill, in *On Liberty and Other Essays*, a corresponding liberty in any number of people 'to regulate, by mutual agreement, such things as regard them jointly and to regard no persons but themselves.' The definitions of local self-government and democracy stipulated in this doctrine, therefore, derive in the first instance from an assertion of the ultimate absolute priority of liberty. Liberty understood as absence of restraint in relation to those self-regarding actions of individuals, groups and local political authorities. Modern liberal theory points to the fatal flaw in Rousseau's conception of the general will: popular sovereignty can easily destroy individuals; the tyranny of prevailing feeling and opinion constitutes the negation of freedom.

In his quest for a 'social spirit' to articulate political life, Rousseau was forced to recommend the inculcation of a civic religion and other totalitarian devices. However, in creative individualism, liberalism sees the natural generator of social and political spirit. The exercise of freedom, which Mill extends to the management of purely local business by localities, is recommended on the ground of the individuality of development and diversity of modes of action. Indeed, the practice of local independence on this reading, promotes a knowledge of public affairs, engenders sympathy and a willingness to compromise, acts as a brake on the natural excesses of misguided enthusiasm and induces a beneficial sense of restraint in both political and administrative officials, who are, it is assumed, in perpetual face-to-face relation with a public that both, comprehends and takes an interest in local political issues.

5.2.4 Liberal Political Ideology

The principal liberal fear, however, was that political power in the hands of public officials would in practice destroy the supreme worth of the individual and the local community, which their ethical and psychological theories purported to establish. The liberal mechanism of control, including local self-government, defines an abuse of power as any threat to liberal, social ideals mounted either by the non-democratic few (Gneist's ideal), or by the democratic majority (Langrod's ideal). In liberal theory, therefore, local

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self-government provides an important institutional buffer against non-liberal and illiberal social tendencies. The suggestion that local authorities help to sustain a liberal way of life means that they tend to be evaluated by liberal ideologists, not so much in relation to a given configuration of ideal democratic political institutions, considered apart from its social context, but rather in relation to a liberal social theory and to a liberal programme or policy. The tension which exists among the three theories, is thus only superficially a conflict over the constitutional status and powers of local government in a democratic state; the real conflict of these theories arises out of three mutually exclusive social ideals with different political strategies, programmes or policies.

Liberal ideology usually contrives skillfully to conceal its true social bearing. Local self-government is alleged to possess a uniquely democratic political quality and is normally endowed with an absolute political value in extravagantly emotive language. In Tocqueville's words, for instance, local government is seen to be 'so perfectly natural that wherever a number of men are collected together it seems to constitute itself.' Historically, local institutions are assumed to be coeval with man. Next, by some mysterious alchemy, intuition supplies a causal sequence which miraculously synthesizes the historic observation of local government and liberal democracy. From the roots of ancient Aryan tribes, through Anglo-Saxon tithing and shires and through Frankish communes, Swedish *kipingarna* and Indian panchayats are thought to have evolved all the famous legislatures in the world. One writer observes that 'organized towns came to Massachusetts from England and thence to Connecticut and became political cells from whose unity developed the federal state'. Another writer mentions about the 'primordial cells' of democracy; while James Bryce, British academic, jurist and historian writes of 'tiny fountain-heads of democracy, rising among the rocks, sometimes lost altogether in their course, sometimes running underground to appear at last in fuller volume.' One cannot escape the use of poetic images, metaphors and other literary devices to describe the morphology of political institutions; but it is a short distance from inspired figurative description to empty assertions of the undoubted immemorial rights, privileges and prerogatives of local institutions.

Other writers have employed more prosaic methods. Professor of Political Science at the University of Chicago, Herman Finer, for example, has put forward a pseudo-empirical hypothesis which purports to show that in practice, local political processes are an inevitable concomitant of political democracy. He writes that, the government by its very nature has a tendency towards centralization and imposition of uniform standards over the largest possible area. When faced with commands, based upon average or general considerations, the products of bureaucratic reporting and statistical analysis—the individual, the small group and the local community respond naturally and necessarily we are told, by demanding and exercising local freedom. Thus, as against the abstract view of people and communities, characteristic of central public administration, there is a continuing reaction which manifests itself practically in local self-government. According to this view, there must be, in any democratic state, a local authority making government pliable to the idiosyncrasies and angularities and plastic by reference to peculiar and individual circumstances. Whether such a political tendency does or does not exist, Professor Finer clearly implies that the reaction described above is caused solely by the exercise of central political power and that it occurs irrespective of the content of the power, so exercised. By failing to distinguish political power of different kinds, that is to say, to distinguish the nature of different central political strategies and programmes, Professor Finer is really saying, perhaps unconsciously, that a significant element in current central government operations is inimical to the liberal way of life.

The liberalism of Tocqueville and Mill tends to consistently stipulate the same general beliefs about local self-government and democracy. First, it is demonstrated that political and social conditions in the small community foster rational democratic behaviour, to which is added the ethical injunction that man should so behave (and in some recent formulations it is suggested that men do so behave). If freedom exercised locally tends automatically to strengthen the aptitude for freedom in the larger community, local self-government then promotes the democratic climate of opinion. Notwithstanding the individualistic assumptions of liberal doctrine, an additional and no less important aspect of it is the notion of toleration and compromise, of give and take, of appreciation and sympathy for the other fellow's interests. In this respect, local self-government assumes a special value because if appreciation of one another's standpoint is not learnt in local communities, there is a risk of it not being learnt at all. So far from being incompatible with democracy, as Langrod suggests, local self-government is its active and necessary partner and the pursuit of local interests in subordinate representative institutions cannot conflict with the supremacy of the general interest of the state. As strong and independent municipal authorities are thought to promote liberal social ideals, the practice of local self-government becomes a bastion of democracy or the strength of free nations. As Tocqueville remarked, 'A nation may establish a system of free government, but without the spirit of municipal institutions, it cannot have the spirit of liberty. The transient passions and interests of the hour, or the chance of circumstances, may have created the external forms of independence; but the despotic tendency which has been repelled will, sooner or later, inevitably reappear on the surface.'

The liberal concept of democracy requires, therefore, that local self-government be accorded not merely a high but an indispensable and absolute value in the constitutional scheme. Local independence, on this view, is a matter of political principle, not a matter of administrative expediency. Local authorities exercising appropriate functions must be truly self-governing and viable; they must not be merely decentralized subsidiary elements of the central state machinery. The foregoing analysis suggests that a purely ideological approach to the assessment of the true status of local self-government, in the conditions of a democratic welfare state, will produce little enlightenment. The reason, in Aristotle's terminology, is that everything within an ideological or rationalism frame of reference is a matter of prior analytics, or of stipulative political definition, while posterior analytics, which reveal the conditions of scientific or demonstrable knowledge, are neglected. Given the stipulative definitions of the three theories discussed above, there is no possibility of reconciling the conflict among them in rational terms. In Gneist's framework, there can be no rational justification for the transformation shaped in English local institutions, by liberal policies during the 19th century; nor can the development of liberal systems of local government in other countries be adequately explained. Also, there can be no reconciliation, as between the theories of Langrod and Mill. Yet the majority of definitions do not give any real explanation for the existence of strong systems of local government in many countries, where social policy has evolved well beyond the ideals defined in liberal social theory.

5.2.5 Political Knowledge: Is it Universal?

It is commonly regarded as a kind of intellectual treason to suggest that there are no principles on which political institutions rest. Yet, government in all countries and at all levels is essentially a practical art, the product of appraisal, persuasion and decision by elected and appointed public authorities within a given tradition, not a matter of abstract

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reasoning or the product of a mere interaction of groups. When this view is applied to the subject at hand, the logical impasse, which was observed above is seen to be a misunderstanding: no problem in fact exists, except a purely verbal one. Such questions as 'Is there a relation of cause and effect between local self-government and democracy?' and 'Is democratization of the state favourable or inimical to the existence of local government?' can never really be answered except in a formal sense—implicit in any answer to such questions, that is to say, must be some image of ideal democracy. Democratic states operate a variety of local government systems for a number of practical reasons. Nevertheless, it should be clear that most of the political institutions grow out of the cultural and social environment and are the products of unconscious habits, mores, desires and fears as much as, if not more than, the results of deliberate human will. The traditionalist view can discern no logic that adequately comprehends political institutions, whether within a single tradition or among different democratic traditions. To say that politics is a practical art within the context of a tradition is to reject the possibility of logical institutional patterns or relations, since logic presupposes both the possibility and existence of rational behaviour, where the only consideration is that of ends and means, purposes and instruments. To say that government is a practical art in the context of a tradition is rather to assert the illogical but unique qualities of all political systems and of all democratic states. This does not mean that political knowledge can only be municipal rather than universal; it means that knowledge, if it is universal, must be practical, not rational.

5.2.6 Local Self-Government and the Idea of Autonomy and Decentralization

In these complex and rapidly changing relations, local authorities in all countries have experienced a gradual erosion of their former independence and have been subject increasingly to severe financial dislocation. Many political scientists see in these trends the ultimate dissolution of local self-government, unless appropriate remedial action is taken. They argue either that functions should be so redistributed that local authorities can regain their former competence, including fiscal competence, over a narrow range of subjects designated as essentially local, in which case the small jurisdiction would remain the basic unit of grassroots democracy. As an alternate they recommend an expansion of existing boundaries and the creation of larger territorial jurisdictions called regions, in which case the advantages assumed to inhere in communal face-to-face relations are lost. The former method contemplates an adjustment of function to structure and the latter method an adjustment of structure to function. In all democracies, however, the reform of local institutions appears to be quite inadequate in relation to the growing deterioration; and the emotional pull of certain liberal notions about local institutions and their necessary connection with democracy inhibits consistency in practical thought. This failure of thought is related to a failure in action which has, to a large extent and in most democracies, rendered present municipal systems obsolete.

Many municipal reform programmes of different kinds—some sweeping and designed for rigorous imposition, some fragmentary and meant for gradual application have been put forward during the post World War years. The technical aspects of these diverse proposals can only be adequately judged in relation to the particular political tradition in whose context it emerges. But concerning the general process and strategy of local government reform in a democratic setting, a few comments are in order. The law of life is the law of change; social activities breed and transform social and political

arrangements, notwithstanding ideological assertions against change. Yet, stable political traditions are grounded on much more than just the diverse quests of men, despite ideological demands for change. The achieving of an acceptable balance between change and order involves a continuing tension between institutional effectiveness. This effectiveness is interpreted as operational efficiency in relation to a matrix of communal skills, resources, demands and goals and group images of institutional legitimacy attached to conventional organs and procedures. Given the complex, changing, interdependent and potentially unstable conditions common to most democratic states and given the public measures required to secure social stability in such an environment, the condition of local self-government may be described as a crisis of effectiveness. Yet, with few exceptions, senior government policies and practices, influenced as they are by liberal beliefs, seem to suggest that effective reform is impossible or undemocratic because of the high rating of legitimacy accorded to local institutions.

Most studies show that interest is expressed largely in terms of individual problems and complaints and suggestions for the improvement of local facilities. According to one report, 'the representative function of local government is seen as secondary in everyday significance and interest, to the relationship between the people and the local officials who deal with their problems and administer the services.' In these matters the evidence can never be complete; but sufficient knowledge about community structure exists to indicate that frequently the locus of real power resides entirely outside the formally constituted local units of government and that non-participants as defined in the survey normally constitute half of the sample. Large sections of the public do not appear to sense even the relevance of political behaviour. The claims advanced by liberal commentators today, as indeed by the entire school of philosophical partisans of the small community from Plato through Rousseau to Dewey, must be qualified by the fact that for two millennia communities that have been growing larger and more inclusive, 'Democracy must begin at home and its home is the neighbourly community.' There is no substitute for the vitality and depth of close and direct intercourse and attachment.

These assertions contain some condescending ideas: the Whig notion of natural order; the environmentalism of Locke; and the doctrine of human perfectibility. However, they conveniently neglect what economist and philosopher Friedrich, in referring to the American local scene, has called the 'hard-bitten machines run by county sheriffs and town assessment boards.' We know from ordinary observation that municipal politics has its darker, less idealistic side: fear, greed, partiality, vindictiveness and the ruthless application of sanctions to secure conformity and the microscopic view of the universe. But local politics, like all politics, is conflict as well as cooperation.

The reasons and justifications for local self-government are practical. In physical, fiscal, structural, functional and qualitative terms, local subordinate institutions are immensely varied. Yet, in all states where they have evolved, they inhere and form part of that nation's political tradition. Their legal status varies widely. In some democracies, they play a more important administrative role than in others. But in most states they are, or can be made important practical adjuncts to government. They can be reformed and in some communities they are being reformed; but, depending on the tradition, it is probable that reformation will be halting and piecemeal. Their reform in no way prejudices democracy, either in its social or its political dimensions. It seems possible that in some democracies, geographical and traditional forces permitting, local self-government may ultimately wither away. But this would result from the shrinkage of space, permitting central decision-making and execution with adequate provision for local and regional consultation and participation. It would not result from the meandering of Rousseau's

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general will, or the realization of Langrod's principle of democratization. Liberalism fosters the misguided belief that, at some uncertain point, municipal reform must cause the loss of liberty.

A democracy must admittedly contrive institutions and methods that help to sustain an acceptable balance between order and change. Similarly, democratic forms and atmosphere must foster the impulse to keep government responsible. But the instruments of these goals are not universal and timeless; the forms and the objects of control evolve in accordance with the needs of each political tradition. Local self-government, as it exists in most industrial democracies today, can no longer be considered a major instrument of control. In an era of expanding communities, growing mass publics and intricate and rapidly changing technologies, mechanisms of democratic control must be located at the vital centre of power, of each national community. In a federal state, this implies dependence on an elaborate interaction in legal, political and administrative terms among intermediate and senior governments. It implies interaction among and within political parties, interest and pressure groups and the important media of opinion. It implies a growing reliance on judicial and quasi-judicial functions. Lastly, since politics is something much more than a mere functional interaction, this view implies the continuing influence of an ineffable democratic ethic in both parliamentary and social institutions. As a system of government, democracy entails slovenly institutional arrangements.

5.3 NATURE AND SCOPE OF LOCAL ADMINISTRATION IN INDIA

Local administration deals with the powers of the administration. These powers reside with authorities, who provide remedies to the problems at the grassroot level. The local administration also protects the people when those powers are abused by these authorities. In a welfare state, many progressive schemes and programmes are launched by the government. Their execution and implementation is the responsibility of the local administration.

The local administration is based on decisions regarding the demands of the people of an area and their implementation at the grassroots level. Its functions also include sending the advisories to the people at the grassroots level. Local participation was seen as an instrument for better implementation of government policies. The Five-Year Plans gave Panchayati Raj a role in performing functions for development and the view that panchayats were units of folded democracy.

The Panchayati Raj Institutions (PRI) are considered as the grassroots level bodies serving various civic and developmental activities for the rural people. They are basically ground level political institutions involved in the upliftment of rural masses in various ways. A large proportion of the rural population is under the grip of poverty, malnutrition, illiteracy and degradation. The enlistment of such destitute rural masses is the main goal of these local bodies.

A lot of factors influence India's grassroot politics. These factors are as follows:

- Democratic consciousness welfare of the masses
- Participation in elections
- Effect of education
- Linkages between panchayat members and police and bureaucrats

Check Your Progress

1. State any one view that exists regarding the relationship between local self-government and democracy.
2. What is Rousseau's doctrine of general will?

- Caste domination
- Land holding
- Loan or property
- Wealth
- Groupism, regionalism, nepotism, favouritism and factionalism
- Affiliation of political leaders with different parties
- Socialization and politicization of rural masses

The concept of Panchayati Raj (PR) is unquestionably Indian in origin. PR bodies, which are genuine and effective democratic decentralized institutions, provide simple opportunities for a large number of rural people to take genuine and effective participation in the development and democratic decision-making process. They infuse in the minds of the rural people, a spirit of self-help, self-dependence and self-reliance in order to obtain their goals. The concept of PR, since its inception, faced various interpretations both from its protagonists and antagonists. On one hand, the emphasis was on maximum local autonomy and minimization of supervision and control by the higher authorities, especially by the state government. On the other hand, some consider it to be the ruining factor of the country. Another controversy relates to the role of political parties in the PRI. The term PR came into usage after the acceptance of recommendations on democratic decentralization of the Balwant Rai Mehta study team. Previously, the terms used were village panchayat, which was the self-governing body at the village level. PR implies the creation of local government institution at the village, block and district levels. These bodies play a vital role in rural administration in the present age, when more and more governments are working for the making of a welfare state. In fact, the powers entrusted to these bodies really make a state democratic. India comprises states and union territories. These states are divided into districts and, in turn, sub-divided into tehsils for administrative convenience. The units of local self-government in rural areas are village panchayat, panchayat samities and zila panchayat (ZP). The village panchayat has been linked to the panchayat samiti at the block and to the ZP at the district level.

5.4 PANCHAYATI RAJ INSTITUTIONS IN INDIA

Panchayati Raj institutions (PRIS) in India comprise the following:

- Gram sabha
- Gram panchayat
- Panchayat samiti
- Zila parishad

5.4.1 Gram Sabha

The base of the panchayati raj structure lies in the gram sabha or village assembly consisting of all the adult citizens who are eligible to cast vote. Most of the state's legislations provide that gram sabha should be called at least twice a year, usually after Rabi and Kharif crops are harvested. In Odisha and Jammu and Kashmir it meets only once a year. Some state legislation requires that a meeting of gram sabha should be called if it is requisitioned by a certain proportion of the votes constituting it, say one-fifth.

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Check Your Progress

3. What are the responsibilities of the local administration?
4. State any four factors influence India's grassroot politics.

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The gram sabha is expected to play the role of a present body to which the village panchayat should owe responsibility. In Bengal, Punjab, Gujrat and Assam, village panchayat is elected by gram sabha. In Bihar, the Gram sabha elects fifty members as its executive council and a *mukhia*.

The gram sabha has rather been a strong body. There are proposals for strengthening the working of gram sabha so that it can function as an effective organ for the control of panchayat leadership.

The Diwakar Committee (1963) recommended a consultative and deliberative role for these institutions. The Committee wanted only broad framework and plans and policies to be approved by the gram sabha leaving full discretion to the panchayat in day-to-day matters.

The relationship between gram sabha, panchayat and samiti is a delicate matter. Panchayat must heed to the advice of the gram sabha because any other causes would be suicidal, but the panchayat as a body of representatives cannot be relegated to the role of a mere executive body.

5.4.2 Gram Panchayat

Gram panchayats are local self-governments at the village or small town level in India. The gram panchayat is the foundation of the panchayat system. It is set-up in villages with minimum population of 300 people. Sometimes, two or more villages are clubbed together to form group-gram panchayat when the population of the individual villages is less than 300 people.

Sarpanch

The sarpanch or chairperson is the head of the gram panchayat. The elected members of the gram panchayat elect from amongst themselves a sarpanch and a deputy sarpanch for a term of five years. In some places, the panchayat president is directly elected by village people. The sarpanch presides over the meetings of the gram panchayat and supervises its working. He implements the development schemes of the village. The deputy sarpanch, who has the power to make his own decisions, assists the sarpanch in his work.

A sarpanch has the following responsibilities:

- Looking after street lights, construction and repair work of the roads in the villages and also the village markets, fairs, festivals and celebrations
- Keeping a record of births, deaths and marriages in the village
- Looking after public health and hygiene by providing facilities for sanitation and drinking water
- Providing for education

Sources of Income

The main source of income of the gram panchayat is the property tax levied on the buildings and the open spaces within the village. Other sources of income are as follows:

- Professional tax
- Taxes on pilgrimage

- Animal trade
- Grant received from the state government in proportion of land revenue
- Grants received from the zilla parishad

Dr S. B. Sen Committee, a committee appointed by the Government of Kerala in 1996, had suggested the following principles, which were later adopted by the Second Administrative Reforms Commission, for local governance:

- Subsidiary democratic decentralization
- Delineation of functions
- Devolution of functions in real terms
- Convergence
- Citizen centricity

5.4.3 Panchayat Samiti

The two-tier of local government is needed for filling the vast chasm between the district boards and the village panchayat. It was recognized early in 1882. The members of panchayat samiti elect their own pradhan. They have powers to take decisions within their sphere of competence and can raise their resources on statutory basis.

Size

The areas of the panchayat are mostly coterminous with a tehsil or taluqua, which gives 112 villages per block. In Maharashtra, the panchayats comprise an area equal to two or three blocks. The number of the panchayat per block varies from state to state from eight per block in Kerala to nearly eighty in Uttar Pradesh. They range according to 1951 census from 35,000 to 94,000.

Block as Units

The block is a unit for establishing and maintaining seed multiplication or stock breeding farms, health services, supervising the primary education. The blocks are needed for high quality leadership, independence from local pressures, balancing of interests and quick development.

Composition

The constitutional pattern of the panchayat varies from state to state. There is representation of special interests like cooperative societies and cooperative banks. They are however, associate members with the right of attendance and participation but without knowledge as to who should be elected to the office of pradhan or chairman of the standing committee.

Committee System

A sound committee system is essential to provide opportunities to a larger number of individuals and groups to share in decision-making. It helps in the quick disposal of business and more through consideration of the issues. The committees being smaller in size can consider the issue in great details.

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Constitution of the Committees

The number of committees in a panchayat range from three to seven. The panchayat might create more committees if it feels the need for the following:

- Cooperation, cottage industry
- Education
- Social welfare
- Communication
- Rural water supply, health and sanitation
- Finance and taxation

Every committee usually consists of not more than seven members duly elected by the members themselves. In case the panchayat decides, it may co-opt not more than two persons to a standing committee from the outside for the membership at the panchayats for their experience and knowledge of the subjects assigned to the committee.

The cause of justice, fair deal and member participation would be served if the opposition is properly repressed by the committees for which a system of proportional representation is more suitable than a plural majority system.

The committee has only delegated jurisdiction conferred by the panchayat. Presentation of committee reports is a regular item on the panchayat's agenda. These reports are read out by the concerned official.

Conduct of Business

Rules for conduct are prepared by the vikas adhikari in consultation with the chairman and circulated in advance along with the corresponding papers. Decisions are made by a majority decision with a casting vote for the chairman. The vikas adhikari or a senior official on his behalf has the right to participate in the proceedings but has no vote.

Panchayat samiti as an executive body which generally meets once a fortnight or a month. This implies adding to the cost of decision-making.

Functions of the panchayat samiti are as follows:

- Community development which involves increasing production and employment
- Production programme
- Social service health communication

Finances of the panchayat samiti are as follows:

- Funds available under schematic budget
- Self-raised resources
- Resources available under transferred schemes and departmental schemes to be executed through the panchayat
- Grants-in-aid by the states and other bodies

5.4.4 Zila Parishad

The zila parishad succeeds the district development committee and other district school boards of pre-decentralization period. The zila parishad has been designed mainly as an

advisory, co-coordinating, fund distributing and supervisory body in Rajasthan, Assam, Odisha and Bihar without any responsibility for executive function directly. In this respect, these states differ from Andhra Pradesh, Gujarat, Maharashtra, and Punjab where social welfare is performed by the zila parishad.

The latter pattern is obtained in Gujarat, Maharashtra, Punjab and Uttar Pradesh. Under this pattern, some elected members are also included in the membership of the body. These are directly elected in Gujarat, Maharashtra and Uttar Pradesh from electoral constituencies consisting of a population of 35,000 heads approximately.

Composition and Term

Under the 'indirect system' which is prevalent in Rajasthan, Andhra Pradesh, Assam, Madhya Pradesh, Odisha and Bihar, the zilla panchayat comprises all the pradhans of panchayats in the district. All the members of Legislative Assembly (MLAs) that are elected from the district and the Lok Sabha form a constituency that is included in or forms a part of the district. All the members of the council of the state reside in the district. The collector is usually ex-officio member of zilla panchayat.

The members of the zilla parishad elect the *pramukh* and *up-pramukh* from amongst themselves. The pramukh or the up-pramukh can be removed by a vote of no-confidence if it is carried out by a majority of 2/3rd of the total membership. The usual term of zilla panchayat is three years.

The architecture of zilla parishad juxtaposes two sets of farces, one set representing the interests of panchayat and cooperatives through their pradhans and the other set representing the interests of the state through its MLAs. In Gujarat, Maharashtra, and Uttar Pradesh, where zilla parishad performs executive functions, it includes a directly elected, popular and independent element.

The composition of zilla panchayat under the indirect system has the merit of linking the zilla panchayat with the panchayat on one hand, and State Legislature and Parliament on the other. The provision is meant to safeguard the autonomy of the municipalities but in a planned economy arrangements for effective coordination between the urban and rural local self-governing authorities should be devised to make best use of available resources.

Functions and Powers of the Zilla Panchayat

In Andhra Pradesh, Punjab, Gujarat, Maharashtra and Uttar Pradesh, the zilla panchayat has been endowed with executive functions, which it has inherited from the former district local boards, district school boards and district development committee. These functions in their very nature could not be performed by the newly constituted panchayats.

- Coordination
- Supervision, guidance and control
- Appellate
- Advisory
- Joint service and establishment
- Declaratory and classificatory
- Housekeeping

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Committee System

The composition, functions and powers of the committees of the zilla panchayat vary according to the status of the zilla panchayat in three-tier system. The function of this committee is to make appointments by transfers or promotion within the same district and advise the panchayat and zilla parishad regarding disciplinary action against the panchayat service personnel. The zilla panchayat has created committee on production, social and finance. The budget of the samiti is scrutinized by the last named committee while the progress in respect of other development programmes is reviewed by the respective subject matter committee. In the states where zilla panchayat has executive functions, standing committee has been constituted to look after every major group of function.

This committee is composed of the following members:

- Members of the district council elected from the area of the block and other co-opted members of the district council from this area
- Two sarpanch elected from an electoral college
- Chairman of agriculture cooperative society of the block
- One member each of scheduled caste (SC) and scheduled tribe (ST) and women from the area

The chairman of the block is elected by the members and is ex-office member of the district council. Each subject matter committee is responsible for the development schemes within its subject matter competence. It periodically reviews progress and reports it to the zilla panchayat. The block committee executes and supervises the schemes and works of the council in block area and carries out any other work on behalf of the council or its women. The standing committee supervises and controls the imposition and collection of taxes and other dues of the council.

Role of Pramukh

The pramukh presides over and conducts the meetings at the zilla panchayat. He sends a report to the collector regarding the work of the secretary of the zilla panchayat. He also remarks on confidential reports of class I and II officers as submitted by the chief executive officer (CEO). Thus, the pramukh combines the role of a leader and a supervisor. He also has some standing in the party hierarchy. Panchayati Raj Institutions

5.5 73RD AMENDMENT TO THE CONSTITUTION OF INDIA

The 73rd Amendment to the Constitution of India came into force in 1992 to provide constitutional status to the Panchayati Raj Institutions. This Act was extended to panchayats in the tribal areas of eight states, namely Andhra Pradesh, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Odisha and Rajasthan with effect from 24 December 1996. Currently, the panchayati raj system exists in all the states except Nagaland, Meghalaya and Mizoram, and in all union territories except Delhi.

Check Your Progress

5. How is the sarpanch of a gram panchayat elected?
6. List the functions of the panchayat samiti.
7. State the role of the pramukh of the zilla panchayat.

Some important sections in the 73rd Amendment are as follows:

Reservation of Seats

Seats shall be reserved for the following:

- Scheduled Castes
- Scheduled Tribes

In every panchayat the number of seats is reserved in proportion to the total number of seats.

A person shall be disqualified from being chosen as a member of a panchayat:

- If he is disqualified by or under any law for the time being in force for the purpose of elections to the legislature of the state concerned
- If he is less than twenty-five years of age
- If he is disqualified by or under any law made by the legislature of the state

Duration of Panchayats

Panchayat once elected will work continually for five years.

Powers, Authority and Reparability in Panchayats

- Preparation of plans for economic development and social justice
- Implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the eleventh schedule
- Subject to the provision of any law made by the legislature of a state

Powers to Impose Taxes

- Authorize panchayat to collect and appropriate taxes, duties, tolls and fees in accordance with such procedure and subject to such limit
- Assign panchayat taxes, duties, tolls and fees levied and collected by the gram sabha
- Provide for making grant-in aid to the panchayat from the consolidated fund of the state

Application to Union Territories (UT)

The provision of this part shall apply to the union territories and shall, in their application to a union territory have effect as if the references to the Governor of a state were references to the administrator of the union territory appointed under Article 239. References to the legislature or Legislative Assembly of a state were references, in relation to a union territory having a Legislative Assembly, to that Legislative Assembly.

Provided that the President may, by public notification, direct that the provision of this part shall apply to any union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

Part does not apply to certain cases

- Nothing in this part shall apply to the scheduled areas referred to in clause (1) and the tribal areas referred to in clause (2) of Article 244.

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- Nothing in this part shall apply to:
 - (i) The states of Nagaland, Meghalaya and Mizoram.
 - (ii) The hill areas in the state of Manipur for which district councils exist under any law for the time being in force.
- Nothing in this part:
 - (i) Relates to panchayats at the district level, shall apply to the hill areas of the district of Darjeeling in the state of West Bengal for which Darjeeling Gorkha Hill Council exists under any law for the time being in force.
 - (ii) Shall be constructed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under such law.
- (3A) Nothing in Article 243D relating to reservation of seats for the SC.
- Notwithstanding anything in this constitution:
 - (i) The legislature of a state passes a resolution to that effect by a majority of the total membership of that House and by a majority of not less than 2/3rd of the members of that House present and voting.
 - (ii) Parliament may by law, extend the provisions of this part to the scheduled areas and the tribal areas referred to in clause (I) subject to such exception and modification as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purpose of Article 368.

Continuance of Existing Laws and Panchayats

Notwithstanding anything in this part, any provision of any law relating to panchayats in force in a state immediately before the commencement of the Constitution (73rd Amendment) Act 1992, which is inconsistent with the provisions of this part, shall continue to be in force until amended or repealed by a competent legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier. Provided that all the panchayats exist immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislature Assembly of that state or, in the case of a state having a Legislative Council, by each House of the legislature of that state.

Bar to interference by Courts in Electoral Matters

Notwithstanding anything in this constitution:

- The validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made, or purporting to be made under 243K, shall not be called in question in any court.
- No election to any panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for or under any law made by the legislature of a state.

Functions of Local Administration

The functions of local administration as mentioned in Article 243G are as follows:

- Agriculture, including agricultural extension
- Land improvement, implementation of land reforms, land consolidation and soil conservation
- Minor irrigation, water management and watershed development

- Animal husbandry, dairy and poultry
- Fisheries
- Social forestry and farm forest
- Minor forest produce
- Small scale industries, including food processing industries
- Khadi village and cottage industries
- Rural housing
- Drinking water
- Fuel and fodder
- Roads, culverts, bridges, ferries, waterways and other means of communication
- Rural electrification, including distribution of electricity
- Non-conventional energy sources
- Poverty alleviation programme
- Education, including primary and secondary schools
- Technical training and vocational education
- Adult and non-formal education
- Libraries
- Cultural activities
- Markets and fairs
- Health and sanitation, including hospitals, primary health centres and dispensaries
- Family welfare
- Women and child development
- Social welfare, including welfare of the handicapped and mentally retarded
- Welfare of the weaker sections, and in particular, of the SC
- Maintenance of community assets

5.6 74TH AMENDMENT TO THE CONSTITUTION OF INDIA

Before 1992, Indian local governments did not have a constitutional status. They were granted only a statutory status under state law. Hence, the governance of urban areas came directly under the purview of the state government. However, the enactment of the 74th Constitution Amendment Act, 1992 changed the situation. For the first time, urban local bodies (ULBs) were given a constitutional position as the third-tier of government. ULBs were provided with a constitutional outline to conduct regular elections, powers and financial devolution. The Amendment assigned local bodies with the responsibility to provide basic services in urban areas.

Based on the population, ULBs are segregated as follows:

- Nagar panchayats for 'urban' areas
- Municipal councils for small urban areas
- Municipal corporations for metropolitan areas

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Check Your Progress

8. What was the purpose of introducing 73rd amendment to the Constitution of India?
9. Where in India is the panchayati raj system still non-existent?

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According to the 74th Constitution Amendment Act, 1992, 'In many States local bodies have become weak and ineffective on account of a variety of reasons, including the failure to hold regular elections, prolonged supersessions and inadequate devolution of powers and functions. As a result of this, urban local bodies are not able to perform effectively as vibrant democratic units of self-government.'

Important changes under the 74th Constitution Amendment Act of 1992 may be summarized as follows:

- Municipalities were intended to include elected representatives, experts and the municipal chairperson. They were awarded a five-year term with re-election scheduled to be held within six months of dilution. A state level election commission was established for the same.
- The Act also aimed at establishing the directive principle of decentralization in the urban context. In order to meet this objective, ULBs powers and responsibilities were approved in terms of preparation of plans, application of development schemes and administration of taxes. A state level finance commission was constituted for assessing the finances of ULBs falling within its purview.
- Besides these three-tiers of local government, two other important organizational structures, namely the District Planning Committee (DPC) and the Metropolitan Planning Committee (MPC) have been constituted under the Constitution of India.
- The Act also included the 'Twelfth Schedule' in the Constitution. The schedule specifies the functional responsibilities of the municipalities.

Today, there are nearly 4,000 ULBs with over 100 municipal corporations, 1,500 municipal councils and 2,000 Nagar panchayats, besides more than fifty cantonment boards.

A study by a well-known research institute in Delhi evaluated the effect of the 74th Constitution Amendment Act in twenty-seven states and one union territory. It concluded: '...municipalities in India are confronted with a number of problems, such as inefficiency in the conduct of business, ineffective participation by the weaker sections of the population in local governance, weak financial condition, lack of transparency in the planning and implementation of projects, etc., which affect their performance adversely.'

Division of Powers—Elected, Nominated and Administrative

The 74th Constitution Amendment Act provides the details of the elected and nominated councillors. The number of elected councillors is dependent on the population of an area. Nominated councillors are selected by the elected councillors on the basis of their expertise in municipal administration. However, they lack voting rights.

Municipal Corporation – Organizational Structures

The organizational structure of municipal administration in India differs from state to state. The 74th Constitution Amendment Act does not mention any particular organizational structure for municipal administration in the country. This issue comes under the purview of state legislation.

In 2003, the Ministry of Urban Development drafted a Model Municipal Law, which was distributed to the state governments. The justification for the absence of a centrally-administered municipal model is that local bodies should be flexible to respond better to local requirements.

5.6.1 The Commissioner System

The Mayor

The mayor in the municipal corporation is generally elected through indirect elections by the councillors among themselves for a term of one year which can be renewed. The mayor lacks executive authority. Councillors and committee councillors operate as a committee. The standing committee is the most dominant committee which acts as the steering board and exercises executive, supervisory, financial and personnel powers. It constitutes elected members differing in number between seven and sixteen through a system of proportional representation of councillors.

The Executive

The municipal commissioner acts as the Chief Executive Officer (CEO) and head of the executive wing of the municipal corporation. He exercises all executive powers. He derives his powers and authorities by the statute assigned by the standing committee.

Mayor in Council Model

This type of governance of a city is like a cabinet government. It follows the framework of state and national governments. This model comprises a mayor and a cabinet, with individual portfolios, chosen from among the elected councillors. In this system, the municipal commissioner acts as the principal under the supervision of the mayor, who is the CEO. This model structure may seem to be relatively simple. However, in actual practice, urban governance is a perplexing mix of multiple agencies. Some are new, while others are legacies of older regimes; some are accountable to the local government, while others to state level or even national government.

5.6.2 Composition, Function and Role of Local Bodies

The 73rd Amendment has included eighteen new articles and a new schedule known as the twelfth schedule relating to urban local bodies in the Constitution. Just as panchayati raj amendment, the 73rd amendment approves constitutional sanction to the urban self-governing institutions assuring regular elections and enabling them to play a greater role in the development of urban areas. This provides three types of municipal corporations and reservation of seats in every municipality for SC, ST and women. The amendment gives authority to the State Legislature to assign necessary powers and responsibilities upon the municipalities with regard to the preparation of plan for economic development, allotment of taxes and duties by municipalities.

Constitution of Municipalities

Article 243Q provides for the establishment of three types of municipal corporations in urban areas which are as follows:

- A Nagar Panchayat for a transitional area, that is to say, an area undergoing transition from a rural area to an urban area
- A municipal council for smaller urban area.
- A municipal corporation for a larger urban area.

In this article, 'a transitional area', 'a smaller urban area' or 'a larger urban area' refers to such an area as the Governor may possess with regard to the population of the area, the density of the population in that area, the revenue generated for local

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administration, the percentage of employment in non-agricultural activities, the economic or such other factors as he may consider fit. A 'Municipality' means an institution of self-government constituted under Article 243A.

Composition of Municipalities

Article 243R provides that all the seats in a municipality shall be filled by the persons chosen by direct elections from territorial constituencies in the municipal area. For this purpose, each municipal area shall be divided into territorial constituencies to be known as wards.

Constitution and Composition of Wards Committees

Article 243S provides for the constitution of wards committees comprising of one or more wards, within the territorial area of a municipality having a population of three lakhs or more.

The legislature of the state may make provisions with respect to the following:

- The composition and the territorial area of a wards committee.
- The manner in which the seats in a wards committee shall be filled.

A member of a municipality constituting a ward within the territorial area of the wards committee shall be a member of that committee. Where a wards committee consists of one ward, the member representing that ward in the municipality shall be the chairperson of the committee.

Where a wards committee consists of two or more wards, one of the members representing such wards in the municipality elected by the members of the wards committee shall be the chairperson of that committee [clause (4)]. Nothing in this Article shall stop the legislature of a state from making provisions for the constitution of committees in addition to the wards committees [(clause (5))].

Reservation of Seats in Municipalities

Article 243T has made the provision for the reservation of seats for scheduled castes and scheduled tribes in every municipality. The member of seats reserved for them shall be in same proportion to the total numbers of seats to be filled by direct election in that municipality.

Out of the total number of seats reserved under clause (1), 113 seats shall be reserved for the women belonging to scheduled castes and scheduled tribes. The office of chairpersons in the municipalities shall be reserved for SC, ST and women in such manner as the legislature of a state may by law provide.

Reservation of Seats for Backward Class of Citizens

Under clause (b), the legislature is empowered to make provisions for reservations of seats in any municipality of office, and chairpersons in the municipalities in favour of backward class of citizens. All kinds of reservation of seats shall cease to have effect on the expiration of the period specified in Act 334 that is, upto fifty years from the commencement of the constitution.

Duration of Municipalities

Article 243U provides that every municipality, unless sooner dissolved under any law for the time being, shall exist for five years from the date appointed for its first meeting. No

amendment of any law for the time being shall have the effect of causing dissolution of a municipality, at any level, till the expiration of its normal duration of five years.

Election

An election conducted for the municipality shall be completed before the expiration of its duration and before the expiration of a period of six months from the date of its dissolution in case it had been dissolved earlier.

Disqualifications for Membership

Article 243V states that a person shall be disqualified for being chosen as, and for being a member at a municipality under the following conditions:

- If he is so disqualified by or under any law for the time being in force for the purpose of elections to the legislature of the state concerned.
- If he is so disqualified by or under any law made by the legislature of the state.

However, a person shall not be disqualified on the ground that he is less than twenty-five years of age or if he has attained the age of twenty-one years. Hence, a person who is already twenty-one years old is eligible for being chosen as a member of a municipality.

Power, Authority and Responsibilities of Municipalities

Under Article 243W, the legislature of a state, subject to the provisions of this constitution, is directed by law to endow:

- (a) The municipalities with such powers and authority as may be necessary to enable them to function as an institution of self-government and such law may contain provisions for the devolution of powers and responsibilities upon municipalities, subject to such conditions as may be specified therein, with respect to:
 - (i) The preparation of plans for economic, political and social development
 - (ii) The performance of function and implementation of programmes and schemes as per law
- (b) The committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matter listed in the twelfth schedule.

Twelfth Schedule of the Constitution

The Twelfth Schedule of the Constitution states the following:

- Urban planning including town planning
- Regulation of land use and construction of buildings
- Planning for economic and social development
- Roads and bridges
- Water supply for domestic, industrial and commercial purposes
- Public health, sanitation conservancy and solid waste management
- Fire services
- Urban forestry, protection of the environment and promotion of ecological aspects
- Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded

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- Slum improvement and upgradation
- Urban poverty alleviation
- Provision of urban amenities and facilities such as parks, gardens and playgrounds
- Cremation grounds and electric crematoriums, and burial grounds
- Promotion of cultural, educational and aesthetic aspects
- Cattle pounds; prevention of cruelty to animals
- Vital statistics including registration of births and deaths
- Public amenities, including street lighting, parking lots, bus stops and public conveniences
- Regulation of slaughter houses and tanneries

5.6.3 Evaluation of the 73rd and 74th Amendments

In 1988, Sarkaria Commission was set-up to look into the working of Panchayati Raj Institutions and the basic question of Center-State relations. The Commission recommended that the local self-institutions like zila parishad, and municipal corporation should be significantly strengthened both financially and functionally. The commission also suggested that similar provisions should include Panchayati Raj Institutions as are found in Articles 172 and 174, which made it compulsory for National Parliament or State Legislative Assembly to fix the duration for five years.

There was an imperative need to enshrine the basic features of Panchayati Raj Institutions in the Constitution itself to provide them certainty, continuity and strength. Accordingly, the 73rd Amendment Act, 1992 came into force with effect from 24 April 1993. It lays the foundation of strong vibrant Panchayati Raj Institutions.

The present panchayat system is a channel for popular participation in the process of development. The panchayat system is a politico-administrative arrangement. The system of panchayati raj is expected to work in a democratic set-up like India. Panchayati raj has brought about some degree of social change. An increasing interest is activities like agriculture production, education and social cooperation. This, panchayati raj is (i) A unit of local government (ii) An extension of the community development programme and (iii) An agency of the state government. The introduction of Panchayati Raj is the most important political innovation of the present rural community. Due to the implementation of the 73rd Amendment Act, problems of women of the village are now being looked after. With the implementation of various welfare programmes, agricultural development in rural Uttar Pradesh has taken place. Poverty alleviation programmes have been successful in eliminating poverty in rural areas. Rural people get ample employment opportunities with the help of these rural development programmes. Further, infrastructure facilities such as a road, rail, banking, post office, electricity, drinking water, sanitation, drainage, and so forth have increased vastly due to implementation of rural development programmes.

These institutions have been helpful in identifying beneficiaries in order to get maximum benefit of these schemes. Under these schemes, priorities have been given to SC, ST, weaker sections of society and women. These schemes have been helpful in eliminating poverty, inequality, unemployment, raising educational facilities, agricultural development, development in small-scale and cottage industries, and others. The emerging scenario of the dynamics of development and thrust on decentralized planning opened new vistas of development. Thus, the institutional, structural and functional counters of

Panchayati Raj Institutions, which flourished in many parts of India in the past, are now being revived as the basic administrative units of government.

Thus, the concept of panchayati raj involves the existence of democratically constituted elected authorities at various levels, with fixed allocations of power, duties, responsibilities to each such authority, all working democratically, the autonomy of the authorities being subject to supervision, guidance and control by higher authorities.

5.7 SUMMARY

In this unit, you have learnt that:

- Unlike national or central authorities, local authorities do not enjoy any power beyond their defined territorial boundaries.
- There are three main principles to define the idea of a local self-government, namely democracy, autonomy and decentralization.
- The principle of local level autonomy in deciding their day-to-day affairs was a result of the political and economic developments in the 19th century.
- The whole idea of local self-government was started as an attempt to create an internally independent administration. These local bodies were considered to be independent of the Centre or at that time national ministers and parties.
- A dominant feature of the unreformed system of local government in England was the wholesale subordination of administrative efficiency to the maintenance of class rule.
- The principal liberal fear was that political power in the hands of public officials that would in practice destroy the supreme worth of the individual and the local community, which their ethical and psychological theories purported to establish.
- Liberal ideology usually contrives skillfully to conceal its true social bearing. Local self-government is alleged to possess a uniquely democratic political quality and is normally endowed with an absolute political value in extravagantly emotive language.
- The liberalism of Tocqueville and Mill tends to consistently stipulate the same general beliefs about local self-government and democracy.
- The liberal concept of democracy requires that local self-government be accorded not merely a high but an indispensable and absolute value in the constitutional scheme.
- Many municipal reform programmes of different kinds—some sweeping and designed for rigorous imposition, some fragmentary and meant for gradual application have been put forward during the post-war years.
- Local administration deals with the powers of the administration. These powers reside with authorities, who provide remedies to the problems at the grassroots level.
- The Five-Year Plans gave Panchayati Raj a role in performing functions for development and the view that panchayats were units of folded democracy.
- The base of the panchayati raj structure lies in the gram sabha or village assembly consisting of all the adult citizens who are eligible to cast vote.

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Check Your Progress

10. How are the urban local bodies (ULBs) segregated as per the 74th Constitutional Amendment Act, 1992?
11. How is the Mayor of the municipal corporation generally elected?
12. State the types of municipal corporations in urban areas established by Article 243Q of the 73rd Amendment Act.

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- Gram panchayats are local self-governments at the village or small town level in India. The gram panchayat is the foundation of the panchayat system.
- The two-tier of local government is needed for filling the vast chasm between the district boards and the village panchayat.
- The zila parishad succeeds the district development committee and other district school boards, and so forth of pre-decentralization period.
- The 73rd Amendment to the Constitution of India came into force in 1992 to provide constitutional status to the Panchayati Raj Institutions.
- The enactment of the 74th Constitution Amendment Act, 1992 changed the situation. For the first time, urban local bodies (ULBs) were given a constitutional position as the third-tier of government.
- Today, there are nearly 4,000 ULBs with over 100 municipal corporations, 1,500 municipal councils and 2,000 Nagar panchayats, besides more than fifty cantonment boards.
- The organizational structure of municipal administration in India differs from state to state. The 74th Constitution Amendment Act does not mention any particular organizational structure for municipal administration in the country.
- In 1988, Sarkaria Commission was set-up to look into the working of Panchayati Raj Institutions and the Centre-State relations.

5.8 KEY TERMS

- **Totalitarian:** It is a form of government in which the political authority exercises absolute and centralized control over all aspects of life.
- **Egalitarianism:** It is a social and political philosophy asserting the equality of all men, especially in their access to the rights and privileges of their society.
- **Decentralization:** It is the process of redistributing or dispersing functions, powers, people or things away from a central location or authority.
- **Autonomy:** It refers to a self-governing country or region.
- **Paraphernalia:** It means miscellaneous articles or equipment.

5.9 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. There are three different views regarding the relationship between local self-government and democracy. As per the first view, local self-government is defined in such a manner that democracy is shown to be incompatible with its true nature.
2. Rousseau's doctrine of general will believed in the will of the people. He was clearly opposed to the exercise of sovereignty by anybody other than the entire community.
3. The local administration is responsible to solve the problems at the grassroots level. The local administration is also responsible for the execution and implementation of the various progressive schemes and programmes that are launched by the government.

4. The factors influencing India's grassroot politics are:
 - Democratic consciousness welfare of the masses
 - Participation in elections
 - Effect of education
 - Linkages between panchayat members and police and bureaucrats
5. The sarpanch of a gram panchayat is elected from amongst the elected members of the gram panchayat.
6. The functions of the panchayat samiti are as follows:
 - Community development: This involves increasing production and employment
 - Production programme
 - Social service health communication
7. The pramukh presides over and conducts the meetings at the zilla panchayat. He sends a report to the collector regarding the work of the secretary of zilla panchayat.
8. The 73rd Amendment to the Constitution of India came into force in 1992 to provide constitutional status to the Panchayati Raj institutions.
9. The panchayati raj system exists in all the states except Nagaland, Meghalaya and Mizoram, and in all union territories except Delhi.
10. As per the 74th Constitutional Amendment Act, 1992 the urban local bodies (ULBs) are segregated as follows:
 - Nagar panchayats for 'urban' areas
 - Municipal councils for small urban areas
 - Municipal corporations for metropolitan areas
11. The mayor in the municipal corporation is generally elected through indirect elections by the councillors among themselves for a term of one year which can be renewed.
12. Article 243Q provides for the establishment of three types of municipal corporations in urban areas which are as follows:
 - A nagar panchayat for a transitional area, that is to say, an area undergoing transition from a rural area to an urban area
 - A municipal council for smaller urban area
 - A municipal corporation for a larger urban area

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5.10 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the evolution of local self-government in India.
2. Mention the nature and scope of local administration in India.
3. What are Panchayati Raj.
4. What factors influence India's grassroot politics?
5. What is Panchayat Samiti? State its functions.

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Long-Answer Questions

1. How are ideas of autonomy and decentralization related to local self-government?
2. Discuss the various Panchayati Raj Institutions in India.
3. Evaluate the 73rd and 74th Amendments to the Indian Constitution.
4. Briefly discuss the changes introduced with the implementation of the 73rd and 74th Amendment is to the constitution.
5. Discuss the role of Zila Panchayat.

5.11 FURTHER READING

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UNIT 6 CENTRE-STATE RELATIONS

Structure

- 6.0 Introduction
- 6.1 Unit Objectives
- 6.2 Legislative Relations
- 6.3 Administrative Relations
 - 6.3.1 Machinery for Inter-State Relations
- 6.4 Financial Relations
 - 6.4.1 Taxing Powers of the Centre and the States
 - 6.4.2 Grants-in-Aid
 - 6.4.3 Consolidated Fund
 - 6.4.4 Contingency Fund
 - 6.4.5 Finance Commission of India
 - 6.4.6 Planning Commission
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- 6.5 Areas of Centre–State Conflict
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- 6.6 Inter-State Council
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- 6.9 Answers to ‘Check Your Progress’
- 6.10 Questions and Exercises
- 6.11 Further Reading

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6.0 INTRODUCTION

Though India is a federation, the word ‘federal’ does not appear in its Constitution. The Indian Constitution describes India to be a ‘Union of States’. According to British academic, A.H. Birch, ‘A federal system of government is one in which there is a division of power between one general and several regional authorities, each of which, in its own sphere, is to coordinate with the others, and each of which acts directly on the people through its own administrative agencies’.

Thus, going by the definition of federalism, India has two sets of government: central government and state governments. The Indian Constitution also provides for the division of power between the centre and the states. The Constitution also provides for an independent judiciary in the form of the Supreme Court of India to re-enforce the division of powers as and when it stands violated.

In this unit, you will study about Centre-State relations in the legislative, administrative and financial fields as well as the frequent areas of conflict between the Centre and the states.

6.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Discuss legislative relations between the Union and the states
- Explain the distribution of administrative powers between the Centre and the states

- Describe the regulation of financial relations between the Centre and the states
- Analyse the areas of conflict between the Centre and the states

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6.2 LEGISLATIVE RELATIONS

A study of the Centre–State relations in the Indian Constitution shows that the Makers of the Constitution gave more powers to the Centre as compared to the state. The logic behind this was that a more potent federalism (that is, more powerful states) would have weakened the feelings of national unity. The trauma of partition, the problem of integration of princely states and the need for planned economic development for removing backwardness, poverty and food shortage prompted the Constitution makers to establish a strong centre.

The nature of Centre–State relations emerges from the starting point where formally and in the wording of the Constitution, India does not designate itself as a federal state, rather a ‘Union of States’. The reason is the Indian federation was not the result of an agreement, and therefore, no state in India had the right to secede. The Constitution of India conceived of the division of the country into states for administrative convenience. It sought to achieve a smooth working relationship between the two levels of the Union and the states by tilting heavily in favour of the Union in all fields of legislative, administrative and fiscal relations.

Articles 245 to 254 deal with the distribution of legislative powers between the Union and the states. Articles 245 to 246 provide that the Union Parliament shall have exclusive jurisdiction to make laws for the whole or any part of the territory of India, with regard to all matters included in the Union List. The subjects in the Union List are of national importance and include among its ninety-seven items—defence, foreign affairs, currency, and so forth.

The states have been empowered to make laws on all matters included in the State List. The State List in its sixty-six entries includes law and order, local government, public health, education and agriculture, and others.

A third list, that is, a Concurrent List has also been provided in the Constitution. The forty-seven entries in the Concurrent List include the legal system, trade and industry and economic and social planning. Both the Centre and the state governments can legislate on the subjects of the Concurrent List but in case of conflict between the Union and the state governments, the Union law prevails.

The Constitution also enumerates certain conditions in which the Union Parliament is authorized to make laws on a subject mentioned in the State List. These conditions are as follows:

- Under Article 249, if the Rajya Sabha passes a resolution, supported by at least two-thirds of its members, present and voting, declares a particular subject to be of ‘national interest’ the Parliament becomes competent to make law on the specified state subject, for a period of not more than one year at a time.
- Under Article 250, the Parliament has the power to make laws on state subjects for the whole or any part of the territory of India during the ‘operation of a proclamation of Emergency’.

- Under Article 251, the law passed by the Parliament under Articles 249 and 250 prevails in case of its inconsistency or repugnancy with the law made by a State Legislature.
- Under Article 252, two or more states may request the Parliament to make laws for them with respect to any state matter. But such law(s) will be applicable to only those states who so desire. Subsequently, other states may also adopt that law by passing resolutions in their legislatures. Such act can be amended or repealed by the Parliament only and not by the State Legislature.

The provisions of this Article have been used by the states to surrender their powers in favour of the Union, for example, by the states of Andhra, Maharashtra, Odisha and Uttar Pradesh, authorizing the Parliament to enact laws for the control and regulation of prices.

- Under Article 253, the Parliament is competent to make laws for the whole or any part of the territory of India to implement India's international treaties, agreements or conventions with any other country or countries. The Parliament is competent to make law for this purpose on any subject, including the state subjects.
- Any bill passed by the State Legislature can be reserved by the Governor of that state for the consent of the President. The President may veto such a law without giving any reason. Thus, in such case, the President's power of veto is absolute. Besides, there are certain matters within the State List and the Concurrent List of which the states must take the previous sanction of the President before making laws on them.
- The states comprising the Union of India have been named in the First Schedule, yet the Constitution empowers the Parliament to admit new states to the Union or establish a new state. The Parliament can increase or decrease the areas of a state, change its name, alter its boundaries, or cause a state to completely disappear by merger or integration with adjoining states.

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6.3 ADMINISTRATIVE RELATIONS

In the field of administration, the Centre has still more powers than it possesses in the field of legislation. Normally, the administrative powers of the Centre correspond to the matters over which it has power to make law. This is provided for under Articles 73 and 162. Union government can administer over states in the following ways:

- According to Article 256, the executive power of every state is to be exercised in such a way as to ensure compliance with the laws made by the Parliament.
- Under Article 257, the Union Executive is empowered to give such directions to a state as may appear to the Government of India to be necessary for the purpose. Not satisfied with the general power of the Union to give directions to the states, the Constitution goes a step further and calls upon every state not to impede or prejudice the executive power of the Union in the state. The Union's powers of giving directions include certain specific matters such as: (a) The construction and maintenance of means of communication which are of national or military importance, and (b) The protection of railways within the states.

Check Your Progress

1. Name the articles of the Constitution which deal with the legislative powers between the Union and the states.
2. What kind of subjects are included in the Union List?

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- Article 258 empowers the Union government to entrust to the state, conditionally or unconditionally, any additional functions relating to any matter to which the executive power of the Union extends. In other words, the states can be asked to exercise the executive powers of the Union. In such a case, the Union shall pay the states officials extra costs which they incur in exercising these additional functions.
- The presence of all-India services like the Indian Administrative Service, the Indian Police Service, and others further makes the authority of the central government dominant over the states. The members of these all India services are appointed by the President of India on the basis of a competitive examination held by the Union Public Service Commission. These services serve both the Centre and the states. The creation of these services is not strictly federal, for the states have no say in this matter.
- Articles 352 to 360 contain the emergency provisions which empower the President in effect to suspend the Constitution and to take over the administration of a state or states of the Indian Union if he is satisfied that there is a threat to the security of the nation, or a breakdown in the constitutional machinery of a state, or a financial emergency.
- Governors to the states are appointed by the President on the recommendations of the central government.
- Article 339(2) expressly extends the executive power of the Union to give directions to a state with regard to the drawing up and execution of schemes specified in the direction, to be essential for the welfare of the scheduled tribes in the state.

6.3.1 Machinery for Inter-State Relations

The emphasis in the Constitution is on administrative cooperation and hence provisions are made for it.

1. The Constitution has an important provision embodied in Article 262 dealing with the waters of inter-state rivers and river valleys. Thus, under this Article, Parliament may establish an inter-state agency to adjudicate disputes and complaints with regard to the use, distribution or control of waters of inter-state rivers or river-valleys. An inter-state council has been established by the President on a permanent basis.
2. Article 263 provides for the establishment of another inter-state Council to enquire into, and to advise upon the disputes between the Centre and the states, or amongst the states themselves.
3. Besides, there is a framework of voluntary cooperation at administrative level for resolving problems that may arise between the Centre and the state. The Constitution provides for inter-state delegation of functions, which makes operation of Indian federalism adequately flexible. Thus, where it is inconvenient for one government to carry out its administrative functions directly, it may have those functions executed through the other state governments.
4. The States Reorganization Act of 1956 grouped the states into five Zonal Councils. They do not constitute a layer of government between the Centre and the states; they are advisory bodies. The Zonal Council consists of the Union Home Minister, who is the Chairman and the Chief Ministers in the Zone. The idea was to provide a forum where the states could discuss and resolve inter-state disputes.

Check Your Progress

3. State two instances in which the Union government prevails over states.
4. Which Articles of the Indian Constitution provide greater administrative powers to the Centre over states?

6.4 FINANCIAL RELATIONS

The financial relations between the Centre and the states are regulated according to the provisions of Part XII of the Constitution. The Union and the State Lists also refer to the financial jurisdiction of the Centre and the state. The financial relations are, however, not a matter of concurrent jurisdiction.

6.4.1 Taxing Powers of the Centre and the States

By and large, taxes that have an interstate base are levied by the Centre and those with a local base by the states.

Articles 269 to 272 and entries 83 to 88 of the Union List deal with the taxes levied and collected by the Union. These taxes fall under five categories:

- Taxes levied by the Union but collected and appropriated by the state, for example, stamp duties, duties of excise on medicinal and toilet preparations, and so forth.
- Taxes levied and collected by the Centre and compulsorily distributed between the Union and the State.
- Taxes levied and collected by the Centre but assigned to the state, for example, taxes on railway fares and freight, estate duties, and others.
- Taxes levied and collected by the Centre may be distributed between the Union and the states, if Parliament by law so provides, for example, Union excise duties.
- Taxes levied and collected and retained by the Centre, for example, customs, corporation tax, surcharge on income-tax, and so forth.

The State List contains nineteen items, for example, land revenue, liquor and opium excise, stamps, taxes on land and buildings, taxes on vehicles, and others. Every state is entitled to levy, collect and appropriate these taxes.

6.4.2 Grants-in-Aid

A remarkable feature of the Constitution is the provision of three types of grants-in-aid by the Centre to the states:

- Article 275 makes specific provisions for grants-in-aid given to the states which are in need of assistance, particularly for the implementation of their development schemes.
- Grants-in-aid under Article 282 may be made for any public purpose.
- Grants under Article 273 are given to the states of Assam, Bihar, Odisha and West Bengal in lieu of the export of jute and jute products.

6.4.3 Consolidated Fund

Under Article 266, a Consolidated Fund for the central government and a separate Consolidated Fund for each of the states have been created.

The purpose of creating these funds was to ensure that no appropriation can be made from these funds without the authority of the law so that the salaries and other allowances of the President, the Union ministers, judges of the Supreme Court and high courts, and so forth could regularly be paid without being a votable item of the budget.

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NOTES**6.4.4 Contingency Fund**

Article 267 provides for the establishment of a Contingency Fund of India (CFI), and similar contingency fund for each of the states, so that the advances may be made to the Centre and the state respectively for meeting unforeseen expenditure, pending the legislative authorization.

6.4.5 Finance Commission of India

Article 264 provides for the creation of a Finance Commission of India, and Articles 280 and 281 deal with its composition, powers and functions. The members of the Finance Commission shall be appointed by the President. The Commission makes recommendations on the distribution of shared and shareable taxes and other assignments between the Centre and the states, or among the states themselves.

6.4.6 Planning Commission

The Planning Commission was established in 1949 by a resolution of the cabinet with a purpose to suggest measures for augmenting the resources of the country, their effective and balanced utilization, determining the priorities, stages, progress and machinery of planning in the country. It is an extra-constitutional agency, which fulfills the role of an advisory technical body in the field of planning. It is responsible for formulating Five-Year Plans for national development. The plans finalized by the Commission are discussed and finally approved by the National Development Council.

6.4.7 National Development Council (NDC)

The NDC was constituted in August 1952. It is the highest reviewing and advisory body in the field of planning. The members of the Council are the Prime Minister, Chief Ministers of all the states, the members of the Planning Commission and since 1967, all the Union cabinet ministers. The NDC is a forum where the central government interacts with the state governments. Its purpose is to bring about cooperation between the central, state and the local governments in the huge task of development. The Five-Year Plans become operational only after they have been approved by it.

6.5 AREAS OF CENTRE–STATE CONFLICT

Despite the fact that there is a division of powers between the Centre and the states, the states are dissatisfied because they feel that the balance of power is heavily in favour of the Centre. They also feel that the Centre has used its power in such a way that there is no autonomy left to them even in matters mentioned in the State List.

The Union–State relations in India took a new turn after the Fourth General Elections (1967). Till 1967, the Congress party dominated the Centre and the state governments. During this phase, the Union–State conflicts were internal problems of the Congress party and resolved at that level only. The post-1967 political scenario saw the emergence of non-Congress governments in the states as well as in the Centre. Now, the internal mechanism of the Congress Party could not resolve the conflicts and they not only came to the surface but also became increasingly intensive.

Check Your Progress

5. Mention the three types of grants-in-aid provided by the Centre to the states.
6. State the responsibility of the Planning Commission.

The major conflict areas between the Union and the states can be broadly classified into three categories of issues, though no rigid compartmentalization is possible, namely:

- Political dimension
- Administrative dimension
- Economic and financial dimension

1. Political Dimension

There is a tendency in our country to view politics through the constitutional legal mechanism and to suggest constitutional amendments for resolving political problems. The constitutional framework is stable while the political context of the relations changes. The four aspects of political dimensions of Centre–State relations are as follows:

- (i) **Dynamics of political parties:** As long as the same political party held sway over both the Central and the state levels of the system, only intra-party factors were important in determining the Centre–State relations. But in an emerging multi party system, where at least a few of the state governments are under parties different from the one in power at the Centre, inter-party factors determine the Centre–State relations and tend to make them more complex. From the viewpoint of the central government, on the basis of inter-party relations, the state governments can be divided into three types:

- Identical, that is, of the same party
- Congenial, that is, where ideological and/or interest gap is low
- Hostile, that is, where the party in power at the state level is radically different in its ideological and political orientation, for example, Congress and Bharatiya Janata Party (BJP)

Obviously, the Centre’s relations with the ‘hostile’ state governments are more difficult and compromises are not easily reached on a wide variety of issues.

- (ii) **Politics of coalition:** The Indian party system now has had a considerable experience of coalition governments. If party ruling at the state level and central level is same, the relations between state and central governments are congenial. The central government may even tolerate extra-constitutional actions of the state government. For example, the NDA government did not make any move to impose President’s Rule in Gujarat at the time of Gujarat riots, when the Modi government showed total lack of interest in curbing the riots.

On the other hand, if a state level coalition is a different party from the one that is at the Centre, the state government may be considered hostile. In this situation, the state leadership of the opposition party (belonging the party dominant at the Centre) would usually like the central leadership use the governmental power to undermine the state government, for example, the BJP-led coalition (NDA) government dismissed Rashtriya Janta Dal (RJD) government in Bihar led by Rabri Devi in 1999 in the wake of the caste-class violence but did not do any such thing during the Godhra riots.

- (iii) **President’s Rule (Article 356):** One of the most conspicuous and widely used instruments of central power over the states is the provision for President’s Rule under Article 356. This was meant as a ‘safety valve’ in the political system to prevent an authority vacuum in case of a breakdown of constitutional machinery in

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a particular state. However, in practice, this Article has been so frequently used for purely partisan interests that it has become detrimental for our political system.

President's rule can be imposed either on the recommendations of the Governor or even without, that is, on the satisfaction of President (in other words, the Prime Minister) himself. During the period 1950–89, there were seventy-nine presidential/central interventions in the state. The bulk of these emergencies were declared during the Congress rule under Indira Gandhi (forty-eight emergencies) and during the reign of the Janata Party (sixteen emergencies). The dissolution of nine State Assemblies and proclamation of President's rule in 1977 as well as in 1980 was a political move and a blow to the federal democratic structure of the country.

The use of Article 356 perceptibly declined in the 1990s after the end of the one party dominance. It was in 1997 that for the first time, the President openly asked the Prime Minister and his cabinet to reconsider the proposal for the dismissal of UP state government before signing the proclamation.

- (iv) **Integrity of the states:** One of the first tests of a federal system is that the federating units have distinct territorial identity and their integrity is maintained. In this respect, the states in the Indian political system are severely handicapped because the Constitution does not protect their identity and integrity.

Thus, there have been persistent demands for statehood by Union Territories and sub-regional groups, for example, Telangana, Vidarbha, Bodoland, and others. Since the Centre alone has the power to create new states, it imposes a considerable strain on the Centre–State relations, if the Centre refuses to comply with the state demand.

2. Administrative Dimensions

Relations between the Centre and the states are essentially political. The operational aspects of the political system can be regarded as the administrative dimension of these relations.

- (i) **Partisan role of the governor:** The Governor of a state is appointed by the President on the advice of the central government for a five-year term, but holds his office till the pleasure of the President (Article 156).

The role of the Governor has become one of highly contentious issues in the Centre–State relations. The main issues of contention relate to the appointment of the Governor by the Centre and his partisan role in the formation and dismissal of a state government at the behest of the Centre. The Governorship is now treated as a reward for political loyalists who could not be accommodated in the cabinet and pliable bureaucrats prospecting for post-retirement employment. This has reduced the Governor to a mere rubber-stamp or agent of the Centre.

On many occasions, Governors have dismissed Chief Ministers when the matter should have been decided by the State Legislature. The dismissal of the Janata Dal government in Karnataka (April, 1989) and Kalyan Singh government in UP (1998), Rabri Devi government in Bihar (1999) are some of the instances of violations of constitutional propriety by the Governors of the states.

Apart from this, the Governors have also been interfering in the daily affairs of the states in the name of discretionary powers. Such interference by Governors in state government's affairs and abuse of their powers for partisan reasons has been giving rise to a feeling of insecurity among the states.

- (ii) **Bureaucracy:** Bureaucracy is another area of friction between the central government and the state. The points of issue are neutrality of services and

formation of new all-India services. The states criticize the Centre for its discriminatory use of all-India services. The state governments do not have adequate control over these services as far as their developmental responsibilities are concerned. Bureaucrats posted at the state level look to the Centre for protection to the detriment of state's political authority. It is being alleged by many state governments that the bureaucrats, appointed by the Centre, do not show loyalty towards the implementation of state government's policies, if the political party at the Centre and the state are hostile to each other.

Another issue is the question of the formation of all-India services and the opposition to such formation on part of the states. There are three main reasons for the states' opposition. First, the creation of the all-India services cuts at effective spread of state services, thus reducing employment opportunities for the sons of the soil. Second, the all-India services encroach upon state autonomy and thirdly, they also involve larger expenditure because of high salary scales.

(iii) Misuse of mass media by the Centre: The misuse of mass media for political purposes has also been an area of tension between the Centre and the states. It has been alleged that the media is the 'mouth piece' of the Union government. However, with the establishment of the Prasar Bharti and the establishment of numerous satellite channels, the scenario has changed to a great extent.

(iv) Law and order problem in the states and the role of the Centre: Maintenance of law and order is primarily a state subject and to achieve this goal they have their own agencies and organizations. Besides all this, there are agencies of the central government to ensure law and order such as the Central Reserve Police Force (CRPF), the Border Security Force (BSF), the Central Industrial Security Force (CISF) and others. The maintenance of 'parallel' agencies by the central government is a very 'unusual' feature of the Indian federal system. The states argue that since public order is a state subject, so the setting up of central police forces is an encroachment on their jurisdiction.

In recent years, in view of increase in militant movements in various parts of the country, the states themselves have become more and more dependent on central forces as they cannot deal with the problems solely with their own resources. Now, the issue of contention is deployment of fewer central forces than required by the state.

However, the issue of deployment of armed forces and the repeal of Armed Forces Special Powers Act became the core of confrontation between the state of Manipur and the Centre in August 2004. It was followed by mass agitation and shifting of Assam Rifles from the state.

(v) Inter-state disputes: In India, there are two types of inter-state disputes, namely, inter-state water disputes and inter-state boundary disputes. Examples of inter-state water dispute are Cauvery water dispute between Karnataka, Kerala and Tamil Nadu; Narmada water dispute between Gujarat, Madhya Pradesh, Maharashtra and Rajasthan.

Inter-state boundary disputes represent the unsettled issues of reorganization of states. Still existing disputes are between Karnataka and Maharashtra, Punjab and Haryana, Assam and Nagaland.

The Centre's involvement in such disputes is more as an arbitrator and less as an interested party and it thus gets caught in inter-state crossfire. The disputes manifest themselves not in a movement away from the Centre but in a concentration of conflicting demands on it, which cut across party lines.

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3. Economic and Financial Dimensions

The financial weakness of the states has been a major area of tension between the Centre and the states. From the state's point of view, the allocation of financial resources between the Centre and the states is faulty. The state's resources in raising the finances are meager whereas they have been assigned a wide range of responsibilities of social welfare, education, rural development, and others. However, with the advent of the process of globalization in India, the states are now able to attract MNCs and private investors and are now able to generate funds for themselves. Earlier, on their own, the state could not take up any major project. Also, the Centre used to adopt discriminatory attitude based on political reasons in the autonomy allocation of grants-in-aid to the states.

The role of Planning Commission is also another controversial matter. The Planning Commission has been accused of political considerations in allocating developmental projects to the state. Poor states like Bihar have always complained that they were not being given enough funds.

6.5.1 Demand for State Autonomy

From the above analysis, it becomes clear that consensus and cooperation, which are pre-requisites for the smooth functioning of the Union-State relations, have been, time and again, eroded and replaced by a growing politics of confrontation. The states have been developing a feeling of deprivation on the ground that the Centre has denied them the due autonomy. From time to time, a number of Commissions have been appointed to look into Centre-State relations and to suggest reforms like the Administrative Reforms Commission (1967), Sarkaria Commission which submitted its report in 1988. However, the suggestions by these Commissions have not been implemented by the successive governments at the Centre. Therefore, the demand for more autonomy from the Centre has taken different forms like demand of the people of certain areas for secession from the Indian Union (Kashmir), demand of people of certain states for autonomy or more powers, demand of people of certain areas for separate statehood (Bodoland, Vidarbha, and others), demand of people of certain Union Territories for full-fledged statehood, and so forth.

In conclusion, one can deduce that the tensions in the Centre-State relations are politically motivated. The best way to avoid Centre-State conflict is for the Centre to show imagination, understanding and a spirit of accommodation, and that it should grant the states adequate finance without discrimination.

6.6 INTER-STATE COUNCIL

Article 263 of the Constitution of India provides for the establishment of an Inter-State Council. This is the only article of the sub-chapter 'Co-ordination between States' of Chapter II - Administrative Relations of Part XI of the Constitution - Relations between the Union and the States. The text of the article reads as follows:

'263. Provisions with respect to an Inter-State Council - *If at any time it appears to the President that the public interest would be served by the establishment of a Council charged with the duty of -*

- (a) inquiring into and advising upon disputes which may have arisen between States;
- (b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or

Check Your Progress

7. Identify the types of state governments on the basis of inter-party relations.
8. How has the misuse of mass media become an area of tension between the Centre and the states?

- (c) making recommendations upon any such subject and in particular, recommendations for the better co-ordination of policy and action with respect to that subject, it shall be lawful for the President by order to establish such a Council, and to define the nature of the duties to be performed by it and its organization and procedure.’

The genesis of the article can be traced directly to Section 135 of the Govt. of India Act, 1935 provided for establishment of Inter-Provincial Council with duties identical with those of the Inter-State Council. At the time of framing of section 135 of the Government of India Act, 1935, it was felt that ‘if departments or institutions of coordination and research are to be maintained at the Centre in such matters as Agriculture, Forestry, Irrigation, Education and Public Health and if such institutions are to be able to rely on appropriations of public funds sufficient to enable them to carry on their work, the joint interest of Provincial Governments in them must be expressed in some regular and recognized machinery of Inter-Governmental consultations.’ It was also intended that the said Council should be set up as soon as the Provincial autonomy provisions of Government of India Act, 1935 came into operation.

In the Constituent Assembly debate held on 13 June 1949, the article on Inter-State Council was adopted without any debate.

Formations

As Article 263 makes it clear, the Inter-State Council is not a permanent constitutional body for coordination between the States of the Union. It can be established ‘at any time’ if it appears to the president that the public interests would be served by the establishment of such a Council.

The provision of Article 263 of the Constitution was invoked for the first time on 9 August 1952 when President by a notification established the Central Council of Health under the Chairmanship of the Union Minister of Health and Family Planning ‘to consider and recommend broad lines of policy in regard to matters concerning health in all aspects’.

By similar notifications the President established the Central Council for Local Government and Urban Development on 6 September 1954 and four Regional Councils for Sales Tax and State Excise Duties on 1 February 1968.

However, the National Development Council was set up on 6 August 1952, by an executive order on the recommendation of the Planning Commission, as the Planning Commission itself was set up by an executive order of the government. Similarly, the National Integration Council was set up in 1962 without any course to Article 263 of the Constitution. The annual conferences of Chief Ministers, Finance Ministers, Labour Ministers, and Food Ministers have been taking place to discuss important issues of coordination between the Centre and the states. In fact, the issues of inter-state and Centre–state coordination and cooperation were being discussed in a multitude of meetings on specific themes and sectors in an ad hoc and fragmented manner.

The Administrative Reforms Commission (1969) felt the ‘need for a single’ standing body to which all issues of national importance can be referred and which can advise on them authoritatively after taking all aspects of the problem into account’. The Commission recommended the setting up of Inter-State Council under Article 263 (b) and (c) of the Constitution and felt that saddling the proposed Council with functions on inquiring and advising on disputes between States under article 263 (a) would prevent it from giving full attention to the various problems of national concern.

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This view was endorsed by the Commission on Centre–State Relations (1988) which recommended that ‘the Council should be charged with duties in broad terms embracing the entire gamut of clauses (b) and (c) of article 263’.

Government accepted the recommendation of the Sarkaria Commission and notified the establishment of the Inter-State Council on 28 May 1990.

Notification

The Inter-State Council was established under Article 263 of the Constitution of India through a Presidential Order dated 28 May 1990.

The Council is a recommendatory body with the following duties: -

- (a) Investigating and discussing such subjects, in which some or all of the States or the Union and one or more of the States have a common interest, as may be brought up before it;
- (b) Making recommendations upon any such subject and in particular recommendations for the better coordination of policy and action with respect to that subject; and
- (c) Deliberating upon such other matters of general interest to the States as may be referred by the Chairman to the Council.

The Council shall consist of:

- (a) Prime Minister – Chairman
- (b) Chief Ministers of all States – Member
- (c) Chief Ministers of Union Territories having a Legislative Assembly and Administrators of UTs not having a Legislative Assembly – Member
- (d) Six Ministers of Cabinet rank in the Union Council of Ministers to be nominated by the Prime Minister – Member

The Presidential Order of 1990 has been amended twice vide Orders dated 19 July 1990 and 24 December 1996 providing for Governor of a State under President’s rule to attend the meeting of the Council and nomination by the Chairman of permanent invitees from amongst the other Union Ministers, respectively.

Procedure

In terms of clause 2(d) of the Inter-State Council Order of 28 May 1990, the Council has laid down, with the approval of the Central Government, the procedure to be observed by it in the conduct of its business. The Council has further adopted the guidelines to be followed for identifying and selecting issues to be brought up before it.

If any matter is sought up before the Council by the Central Government or by the Government of any State or Union territory, a formal reference shall be made to the Council, addressed to the Secretary of the Council, with a self-contained note setting out – the issue or issues involved and the reasons for making the reference, together with supporting documents, if any; and the constitutional and legal implications of the said issue or issues.

On receipt of the reference, the Secretariat of the Council shall examine it in all its aspects, inter-alia, with reference to the guidelines adopted by the Council and other relevant material. After reference has been examined, the Secretary of the Council shall submit the case to the Chairman with his recommendation for obtaining the orders of the

Chairman as to whether the issue or issues raised therein should be included in the Agenda for the meeting of the Council.

It shall be open to the Secretariat to take up any proposal relating to a matter of general interest and submit the same to the Chairman, for his orders as to its inclusion in the agenda.

The meetings of the Council shall be held in Delhi or any other convenient place determined by the Chairman. Ten members including the Chairman shall form the quorum for a meeting of the Council.

The Secretary shall evolve a system of monitoring the action taken on the recommendations of the Council by the Central Government, the Government of any State or the Union territory concerned. He shall, at appropriate stages, cause information in this regard to be made available to the Council.

The meetings of the Council are held in camera. Therefore, the details of the agenda items and proceedings of the meetings cannot be shared in the public domain.

Meetings

The Inter-State Council has met for only ten times. The meetings of the Council are held in camera and therefore the details of the agenda items and the proceedings of the meetings cannot be shared in the public domain.

The **First Meeting** of the Inter-State Council was held in October 1990 to discuss the following agenda items:

- Report of the Sarkaria Commission on Centre–State Relations
- Levy of tax on inter-state consignment of goods
- Transfer of additional excise duties from man-made fabrics to the textile fibres/yarn stage
- Setting up of special courts for speedy trial of economic offences and offences under the Narcotic Drugs and Psychotropic Substances Act

The **Second Meeting** of the Council held on 15th October 1996, discussed the following agenda items:

- Consideration of 179 recommendations of Sarkaria Commission on which there was a consensus in the Sub-committee of the Inter-State Council
- Methodology for examination of 44 recommendations of Sarkaria Commission on Centre–State financial relations, 11 recommendations on which there was no consensus in the Sub-committee and one recommendation relating to Centre–State relations in the sphere of education
- Methodology for examination of the recommendations of Sarkaria Commission relating to emergency provisions including Article 356
- Appointment of High-Level Committee

The **Third Meeting** of the Council held on 17th July, 1997 discussed the following agenda items:

- Action taken on recommendations adopted at the Second meeting of the Inter-State Council held on 15.10.96
- Alternative Scheme of Devolution of Share in Central Taxes to States

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- Amendments to Article 356
- Chapter X of Sarkaria Commission on Centre-State Financial Relations

The **Fourth Meeting** of the Inter-State Council held on 28th November 1997, discussed the following agenda items:

- Chapter X of Sarkaria Commission Report on 'Centre-State Financial Relations'
- Chapter IV of Sarkaria Commission Report on 'Role of Governor'
- Chapter XVII of Sarkaria Commission Report on 'Inter-State River Water Disputes'
- Chapter XI of Sarkaria Commission Report on 'Economic & Social Planning'
- Chapter XV of Sarkaria Commission Report on 'Forests'
- Action taken on decisions taken in the Third meeting of the Inter-State Council held on 17th July, 1997

The **Fifth Meeting** of the Inter-State Council held on 22nd January 1999, discussed the following agenda items:

- Emergency Provisions (Articles 355 and 356 of the Constitution of India)
- Guidelines for Conduct of Business of the Inter-State Council
- Economic & Social Planning
- Implementation Report on the recommendations endorsed by the Inter-State Council

The **Sixth Meeting** of the Inter-State Council held on 20th May 2000, discussed the following agenda items:

- Chapter III of Sarkaria Commission Report on 'Administrative Relations'
- Chapter V of Sarkaria Commission Report on 'Reservation of Bills'
- Chapter X of Sarkaria Commission Report on 'Financial Relations'
- Chapter XII of Sarkaria Commission Report on 'Industries'
- Chapter XIV of Sarkaria Commission Report on 'Agriculture'
- Chapter XVI of Sarkaria Commission Report on 'Food and Civil Supplies'
- Chapter XVIII of Sarkaria Commission Report on 'Trade, Commerce and Intercourse within the Territory of India'
- Action Taken Report on the issues decided and raised/discussed in the Fifth meeting of the Inter-State Council held on the 22nd January, 1999
- Implementation Report on the decisions taken by Inter-State Council on the recommendations of the Sarkaria Commission
- Removal of Restrictions on Movement of Essential Commodities
- Post-retirement benefits to Governors

The **Seventh Meeting** of the Inter-State Council held on 16th November 2001, discussed the following agenda items:

- Chapter II of Sarkaria Commission Report on 'Legislative Relations'
- Chapter IV of Sarkaria Commission Report on 'Role of the Governor'
- Chapter VIII of Sarkaria Commission Report on 'All India Services'
- Chapter IX of Sarkaria Commission Report on 'Inter Governmental Council'

- Chapter XIII of Sarkaria Commission Report on 'Mines & Minerals'
- Chapter XIX of Sarkaria Commission Report on 'Mass Media'
- Chapter XX of Sarkaria Commission Report on 'Miscellaneous matters' Language, UTs and High Court Judges'
- Implementation Report on the decisions taken by Inter-State Council in its earlier meetings

The **Eighth Meeting** of the Inter-State Council held on 27th and 28th August 2003, discussed the following agenda items:

- Administrative Relations
- Emergency Provisions
- Deployment of Union Armed Forces
- Contract Labour and Contract Appointments
- Implementation Report on the decisions taken by Inter-State Council on the recommendations of Sarkaria Commission
- Good Governance - An Action Plan

The **Ninth Meeting** of the Inter-State Council held on 28th June 2005, discussed the following agenda items:

- Blue Print of Action Plan on Good Governance
- Disaster Management - Preparedness of States to Cope With Disaster
- Implementation Report on the decisions taken by Inter-State Council on the recommendations of Sarkaria Commission

The **Tenth Meeting** of the Inter-State Council held on 9th December 2006, discussed the following agenda items:

1. Atrocities on Scheduled Castes and Scheduled Tribes and status of implementation of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The Council-Secretariat closely monitors the implementation of the recommendations of the Council with the concerned. In the ten meetings of the Inter-State Council held so far, the Council has taken final view on all the 247 recommendations made by Sarkaria Commission on center-state relations. Out of these 247 recommendations, 65 recommendations have not been accepted by the Council, 179 recommendations have been implemented and 3 recommendations are at various stages of implementation.

6.7 SUMMARY

In this unit, you have learnt that:

- Though India is a federation, the word 'federal' does not appear in its Constitution. The Indian Constitution describes India to be a 'Union of States'.
- A study of the Centre-State relations in the Indian Constitution shows that the Constitution makers gave more powers to the Centre as compared to the state.
- Articles 245 to 254 deal with the distribution of legislative powers between the Union and the states. Articles 245 to 246 provide that the Union Parliament shall have exclusive jurisdiction to make laws for the whole or any part of the territory of India, with regard to all matters included in the Union List.

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Check Your Progress

9. When was the National Development Council set up?
10. Who are the members of Inter-state Council established in 1990?

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- In the field of administration, the Centre has still more powers than it possesses in the field of legislation. Normally, the administrative powers of the Centre correspond to the matters over which it has power to make law.
- The financial relations between the Centre and the states are regulated according to the provisions of Part XII of the Constitution. The Union and the State Lists also refer to the financial jurisdiction of the Centre and the state. The financial relations are, however, not a matter of concurrent jurisdiction.
- Under Article 266, a Consolidated Fund for the central government and a separate Consolidated Fund for each of the states have been created.
- Article 267 provides for the establishment of a Contingency Fund of India, and similar contingency fund for each of the states, so that the advances may be made to the Centre and the state respectively for meeting unforeseen expenditure, pending the legislative authorization.
- The Planning Commission was established in 1949 by a resolution of the cabinet with a purpose to suggest measures for augmenting the resources of the country, their effective and balanced utilization, determining the priorities, stages, progress and machinery of planning in the country.
- Despite the fact that there is a division of powers between the Centre and the states, the states are dissatisfied because they feel that the balance of power is heavily in favour of the Centre. They also feel that the Centre has used its power in such a way that there is no autonomy left to them even in matters mentioned in the State List.
- One of the most conspicuous and widely used instruments of Central power over the states is the provision for President's Rule under Article 356. This was meant as a 'safety valve' in the political system to prevent an authority vacuum in case of a breakdown of constitutional machinery in a particular state.
- The Governor of a state is appointed by the President on the advice of the central government for a five-year term, but holds his office till the pleasure of the President (Article 156).
- The financial weakness of the states has been a major area of tension between the Centre and the states. From the state's point of view, the allocation of financial resources between the Centre and the states is faulty.
- The states have been developing a feeling of deprivation on the ground that the Centre has denied them the due autonomy. From time to time, a number of Commissions have been appointed to look into Centre-State relations and to suggest reforms like the Administrative Reforms Commission (1967), Sarkaria Commission which submitted its report in 1988. However, the suggestions by these Commissions have not been implemented by the successive governments at the Centre.

6.8 KEY TERMS

- **Federation:** A federation is an organization made up of smaller groups, parties, or states.
- **National development council:** This Council was established in 1952 and is the highest reviewing and advisory body in the field of planning.

- **Coalition:** It is a temporary alliance for combined action by of political parties to form a government.
- **Governor:** He/she is the constitutional head of the state.

6.9 ANSWERS TO ‘CHECK YOUR PROGRESS’

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- Articles 245 to 254 of the Constitution deal with the legislative powers between the Union and the states.
- The subjects in the Union List are of national importance and include among its ninety-seven items—defence, foreign affairs, currency, and so forth.
- Two instances in which the Union government prevails over states are as follows:
 - According to Article 256, the executive power of every state is to be exercised in such a way as to ensure compliance with the laws made by Parliament.
 - Governors to the states are appointed by the President on the recommendations of the central government.
- Articles 73 and 162 of the Indian Constitution provide greater administrative powers to the Centre over states.
- The three types of grants-in-aid provided by the Centre to the states are as follows:
 - Article 275 makes specific provisions for grants-in-aid given to the states which are in need of assistance, particularly for the implementation of their development schemes.
 - Grants-in-aid under Article 282 may be made for any public purpose.
 - Grants under Article 273 are given to the states of Assam, Bihar, Odisha and West Bengal in lieu of the export of jute and jute products.
- The Planning Commission is responsible for the formulation of Five-Year Plans for national development.
- On the basis of inter-party relations, state governments have been divided into three types:
 - Identical, that is, of the same party
 - Congenial, that is, where ideological and/or interest gap is low.
 - Hostile, that is, where the party in power at the state level is radically different in its ideological and political orientation, for example, Congress and Bharatiya Janata Party.
- The misuse of mass-media for political purposes has also been an area of tension between the Centre and the states. It has been alleged that the media is the ‘mouthpiece’ of the Union government. However, with the establishment of the Prasar Bharti and the establishment of numerous satellite channels, the scenario has changed to a great extent.
- The National Development Council was set up on 6 August 1952, by an executive order on the recommendation of the Planning Commission.
- The Inter-state council consists of:
 - Prime Minister – Chairman
 - Chief Ministers of all States – Member

- (c) Chief Ministers of Union Territories having a Legislative Assembly and Administrators of UTs not having a Legislative Assembly – Member
- (d) Six Ministers of Cabinet rank in the Union Council of Ministers to be nominated by the Prime Minister – Member

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6.10 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the distribution of legislative powers between the Centre and the states.
2. What is the objective of creating the Consolidated Fund?
3. When is the President's Rule imposed on a particular state? Give examples.
4. List some of the areas of the centre-state conflicts.

Long-Answer Questions

1. 'In the field of administration, the Centre has still more powers than it possesses in the field of legislation.' Discuss.
2. Why is 'bureaucracy' considered as a major area of friction between the central government and the state?
3. Discuss the four aspects of political dimensions of Centre-State relations.
4. Briefly discuss the role of the Governor as a major issue of conflict between the Centre and the state.

6.11 FURTHER READING

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UNIT 7 PARTY SYSTEM IN INDIA

Structure

- 7.0 Introduction
- 7.1 Unit Objectives
- 7.2 Party System
 - 7.2.1 Fundamental Features
 - 7.2.2 Evolution of the Indian Party System
- 7.3 National and Regional Parties
 - 7.3.1 National Parties
 - 7.3.2 Regional Parties
 - 7.3.3 Trends in Indian Party System
- 7.4 Summary
- 7.5 Key Terms
- 7.6 Answers to 'Check Your Progress'
- 7.7 Questions and Exercises
- 7.8 Further Reading

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7.0 INTRODUCTION

India has an extremely unique party structure that cannot be 'classified' easily. This structure is defined by the singular nature of Indian politics on one hand and the nature of the relationship between the state and the society on the other. The party system in India began as a single-party dominant system with the Indian National Congress (INC) at the helm of affairs. The INC enjoyed a dominant position, both in terms of the number of seats that it held in the Parliament and the state legislative assemblies, and in terms of its organizational strength at the grassroots level. Initially, it enjoyed a position of hegemony because of its role in the independence movement. However, this gave way for a balanced multiparty system, when in 1977 the Janata Party government came to power. This multiparty nature was strengthened with the rise of the right wing Bharatiya Janata Party (BJP), which won elections in 1996, 1998 and 1999. Over time, smaller regional parties, such as the Telugu Desam Party (TDP) from Andhra Pradesh, the Dravida Munnetra Kazhagam (DMK) or All India Anna Dravida Munnetra Kazhagam (AIADMK) from Tamil Nadu, the Bahujan Samaj Party (BSP) from Uttar Pradesh and the Communist Party of India (Marxist) from West Bengal, Kerala and Tripura, have also gained substantial significance in state and national level politics. In this unit, you will study about the evolution of the Indian party system, and the various national and regional parties existing in the country.

7.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- State the fundamental features of the Indian party system
- Discuss the evolution of the Indian party system
- Identify the national and regional political parties of India

7.2 PARTY SYSTEM

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In the post-Independence era, the political parties came to be recognized as instruments of prime importance through which democracy could be operationalized, as India adopted a parliamentary democratic system of governance. Ideologically, in the pre-Independence era, the colonial state was marked by the presence of the INC as a safety valve-cum-umbrella organization. The INC represented predominantly the voices of the upper and middle classes, and primarily waging the freedom struggle for achieving political independence in the country. The insistence was more on agitation politics and not on institutional politics.

After Independence, the role and importance of political parties have grown substantially and rather proportionately in accordance with the growing franchise. As political suffrage gradually became universal, parties became the means through which politicians are seeking to acquire mass electoral support. Political parties can be defined as organizational groups that seek control of the personnel and policies of the government. They mobilize and compete for popular support. In doing so, they tend to represent products of historical roots, civic traditions, cultural orientations and economy.

7.2.1 Fundamental Features

To understand the Indian party system, it is essential to first understand the fundamental features that appear vital in determining the nature of the Indian party system. These are as follows:

- The struggle for freedom and framework of parliamentary government along with politics of national reconstruction, modernization, integration and development has collectively contributed to the evolution of the Indian party system.
- The national heritage of national movement formed the dimensions of national interest, national unity, political integration and national defence.
- The ideological orientation with coexistence of radical 'left' to traditional 'right' during the national movement laid down a practice of toleration and accommodation of different points of view.
- Moreover, the continental size of the country, comprising well-defined and distinct socio-cultural regions; with linguistic, ethnic and religious diversities; and specific patterns of castes, communities and tribes provided conditions for the rise of regional parties and groups.
- The task to ensure social equality to remove the inequalities perpetuated by centuries of caste oppression gave birth to political parties and groups who strove to use these castes as perpetual vote banks.
- On economic fronts, it was a mixture of feudal but emerging developed agricultural and developing industrial economy. Economic development for raising standards of living in an underdeveloped and poverty-ridden society followed by the problems of Centre-state relations, and allocation of resources paved the way for the emergence of such parties and groups whose approach was regional instead of national.
- Lack of politically conscious middle class along with regional, sectarian and personal imbalances played a vital role in the evolution of party system in India.

7.2.2 Evolution of the Indian Party System

Let us now study the evolution of the Indian party system.

Pre-Independence Period

The origin of the Indian party system can be traced to the formation of the INC in 1885. Various other parties emerged in the later period. Party formation during the period 1885–1947 occurred in the context of British Raj, and its policy of divide and rule, pursued by encouraging separate electorates, led to the formation of the Muslim League, the Akali Dal and the Hindu Mahasabha. As a multi-class organization, Congress was able to draw the support of peasants, land owners, businessmen and workers. At the time of Independence, Mahatma Gandhi asserted that Congress must transform itself into a Sewa Dal (a forum of public-workers), but instead, Congress changed into a distinct political party and remained the dominant ruling party for three decades.

Post-Independence Period

The evolution of the Indian party system has been from ‘one-party dominance’ to ‘multi party coalition system’. For the purposes of better understanding, it calls for analysis of various stages of growth.

Phase I (1947–1967): The Era of One-party Dominance

India had a party system characterized by dominance of the Congress and the existence of smaller opposition parties, which could not provide an alternative either at the central or state level. In other words, opposition parties had little hope of obtaining sizeable majorities in the legislatures, despite the fact that on most occasions, the Congress did not gain a majority of the valid votes cast. The Congress votes varied from 49.17 per cent to 40.7 per cent. The socialists and the communists, during this period, were able to score around 10 per cent votes each. During this period, groups within the Congress in conjunction with opposition parties, assumed the role of opposition often reflecting the ideologies and interests of the other parties.

An important feature of this era was that the Congress occupied not only the broad centre of the political spectrum, but also dominated the ‘left’ and ‘right’ tendencies.

Phase II (1967–1971): The Period of Transition to a Multi-party System

The second phase extended from 1967 to the fifth general elections. In the 1967 Assembly elections, Congress lost majority in eight states and was reduced to fifty-four per cent of Lok Sabha seats. This brought a number of opposition parties to the forefront, which intensified inter-party conflict. Competition and conflict increased as opposition parties formed coalition governments in several states.

The 1967 elections had created a situation in which the dominance of the Congress was strikingly reduced. Parties to the ‘right’ and ‘left’ of the Congress, the Jana Sangh (now called the Bhartiya Janata Party) and the Communist Party of India (Marxist), popularly known as CPI (M), grew stronger. The possibility that opposition parties might assume power quite substantially made the Centre–state relations an important feature of inter-party competition. The 1967 elections created conditions which led towards serious Centre–state conflicts.

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Phase III (1971–1975): The Period of Consensus vs Inter-party Conflict

The fifth Lok Sabha elections marked the beginning of yet another stage in the evolution of the Indian party system, and the trend continued till the imposition of the Internal Emergency in 1975. The Congress controlled by Indira Gandhi faced a large united opposition party in the general elections of 1971. Despite the strong opposition, Congress won with a thumping majority. It won 346 out of 510 seats with 43.5 per cent of the popular vote. A significant aspect of the election was the elimination of Congress (O) and the defeat of other political parties. The mid term polls, thus, pre-empted the development of a multi party system. It also prevented the politics of coalition building at the national level. It was followed by a strategy to establish hegemony of the Congress at the Centre backed on populist and plebiscitary elections.

The major reason for victory was the delinking of the Lok Sabha elections from the state assembly elections. The parliamentary election campaign was delinked from state level politics and the state leaders could not exercise the same influence as they had done in the past. Indira Gandhi's campaign injected a powerful element of ideology by raising the slogan of social change and by calling upon the electorate to support her endeavour to initiate new government policies for the benefit of the poor, resulting in a new consensus in the political arena. The dominant party model had given way to the differentiated structure of party competition. The process gained momentum as parties aligned to form coalition governments. For its part, the Congress accepted a confrontationist posture, both towards the opposition parties at the national and the opposition-controlled governments at the state level.

Indira Gandhi's conflict with state leadership of the Congress party as well as that of the opposition parties created a style of politics, which laid great stress on centralization in decision-making. The new system entailed the abandonment of intra-party democracy. Positions in the Congress organization at all levels were invariably filled by nomination rather than election. Above all, institutional decline accompanied by decline of the state-based leaders and the replacements of regional structure of support by the central leadership adversely affected the federal scheme of Indian politics. After the 1969 split, the Congress followed a broad-based strategy consisting of re-distributive policies, such as nationalization of banks, abolition of privy purses and *Garibi Hatao*, all geared towards widening its support.

Phase IV (1975–1977): The Emergency Period

The imposition of an authoritarian Emergency in 1975 signalled the erosion of the popular support of the Congress party, the institutional decline and the weakening of the party system by suspending civil liberties, particularly freedom of the press and representative government. Opposition leaders and activists faced imprisonment, while concentration of power in the party, the government and in the office of the Prime Minister was the striking feature of the party system during this phase. Strict discipline was imposed on the Congress party. No criticism of the government was tolerated. Any attack on the Prime Minister's authority was considered to be an attack on the party's as well as the nation's unity.

The 1971–75 period, thus, marked the decline of the party system, making parties rely more on make shift electoral arrangements, populist symbols and rhetoric for gaining support. Personality, charisma and image have acquired greater salience than party identification and party loyalties. However, this trend withered away in the post-1977 period.

Phase V (1977-1980): The Janata Phase of Coalition Politics

The next phase in the evolution of India's party system may be considered from the defeat of the Congress in 1977 elections to the restoration of its rule in 1980. The 1977 elections provided a major step towards party institutionalization and possibilities of the emergence of a two-party system. By and large, independent candidates were rejected and 75.8 per cent votes were cast in favour of only two parties, namely, the Janata party and the Congress.

The defeat of the Congress and the victory of the Janata Party, made up of a coalition of parties, was a significant change in Indian politics. The Janata Party government attempted to redirect emphasis away from the industrially-oriented strategy associated with the Congress rule to rural development and small-scale industries. In general, it made attempts to decentralize the state and the economy. The government invested in programmes that created employment and generated income by relying on labour-intensive technology and distribution of productive assets. Though the Janata government's ideology and programmes were not entirely new, but it had taken certain ideological and programmatic themes of rural development from the Congress' broad-based strategy and made it more pronounced.

However, the Janata Party could not achieve its goals. Rural development did not benefit the rural poor because policy was not specifically directed to this end. Most of the policies benefited the rural rich. Moreover, the Janata government disintegrated in mid-1979, and many of the constituents that had formed it broke away from the party. Meanwhile, the Congress split for the second time in 1978. The result was an array of fragmented parties. In this context, the Indira Gandhi-led Congress, that is, Congress (I), appeared to be the only coherent party. This image helped the party to take advantage of the strong popular reaction against frictions and disunity of the Janata government and win 1980 general elections.

Phase VI (1980–1989): Era of Conflict between Congress and the Regional Parties

The 1980 Lok Sabha election was a verdict on the Janata Party's failure to consolidate the electoral alignments. Thus, in 1980s, the success of Congress (I) was mainly due to the failure of national level non-Congress parties. The Communist parties and the Jana Sangh retained the support of important groups. They also possessed effective organizations and ideologies. Bhartiya Lok Dal had displayed its presence in the Hindi-speaking states. The 1980 elections reflected these trends. The Congress won 353 seats with almost forty-three per cent of the popular vote. Janata Party was the second largest party in nine states. Lok Dal was second largest party in Haryana, UP and Orissa; CPI (M) was the largest party in West Bengal, Tripura and the second largest party in Kerala. Though support for the Congress (I) was still widespread as compared to other parties, class, community and region-wise support was on its decline. The Congress had begun to lose its base in the Hindi heartland, which makes forty-two per cent of the parliamentary seats, and its support in the Muslim-dominated constituencies was also reduced. These trends indicated an erosion of Congress' regional and minority support base.

The assassination of Indira Gandhi in 1984 and the landslide victory of the Congress (I) due to the resultant sympathy wave made opposition in Lok Sabha irrelevant in 1984 elections. During Rajiv Gandhi's regime from 1984 to 1989, there was complete absence of dialectical interaction between the government and the opposition. The new political

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situation that emerged from 1984 election was the one in which the Congress was dominant at the Centre, but not in most of the states.

Phase VII (1989–2004): The Rise of Coalition Politics

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The 1989 elections transformed the scene at the Centre by establishing a non-Congress coalition government with a true multi party character. The government was called the National Front government under the Prime Ministership of V.P. Singh. People displayed a greater inclination to their caste-based parties which represented their interests in the elections. These elections recorded the decline of the Congress vote share, and the rise of BJP and the 'third front' of marginalized social group. The United Front, the Rashtriya Janata Dal (RJD), the Bahujan Samaj Party (BSP) and the Samajwadi Party (SP) became key players. The National Front coalition proved to be too unstable and collapsed in 1991. The year 1991 was important for India in more ways than one. The year saw the Balance of Payment crisis which resulted in India liberalizing its economic policies under pressure from the World Bank and International Monetary Fund (IMF). The year also resulted in the restoring of Congress rule under P.V. Narasimha Rao. Although the government lasted for a full five-year term, the economic policies followed by the government as well as the rise of communalism seen in the destruction of the Babri Masjid, resulted in the people rejecting the Congress Party. Thereafter began the longest spell non-Congress rule in India.

The 1996 elections marked a decline in the position of the Congress and in the growth of regional parties, which started playing a significant role in the politics at the Centre. This era marked increasing political awareness of people living in remote areas; assessment of national policies in terms of their local impact; mass preference for local politicians and greater demand for state autonomy within the limits of the existing federal structure. In social terms, the election results suggested a greater and more polarized role of caste in politics. Success of BSP among Dalits, consolidation of other backward classes (OBCs) in Bihar and UP, post-mandalization resulting in politics of reservation on caste basis and mushroom growth of various types of caste associations mostly in North India, indicated a positive correlation with election outcome.

The NDA

The 1998 Lok Sabha elections led to even a greater fractured mandate than the one in 1996. The National Democratic Alliance (NDA) formed a government under Prime Minister Atal Bihari Vajpayee with the support of fourteen other parties. Vajpayee being the moderate voice of the right wing BJP and a consensus builder could garner the support of the electorate as well as its allies. At that time coalition politics was at a very young stage in the Indian experiment and unstable in its nature. In April 1999, AIADMK withdrew its support and the Vajpayee government lost the vote of confidence on the floor of the House.

The 1999 national election saw a major victory for the National Democratic Alliance, a broad-based coalition of twenty-four regional parties led by the BJP. This was a new type of dominant coalition of parties headed by Atal Bihari Vajpayee. The government had to manage both the complex relationship with the alliance partners as well as factions within his own party and the Sangh Parivar. His popular management style and his use of the Prime Minister's Office (PMO) on an institutional basis formed the firm roots that gave Vajpayee's ability to dominate the coalition. Vajpayee was able to use the office of the PM for policy development, patronage and allocation of ministerial portfolios to dominate decision-making. As a Prime Minister, he took a lot of initiatives without the

consultation of the BJP's coalition partners. For example, the conduct of the Pokharan Nuclear Test 1998, improving relations with the United States (US) and Pakistan, selecting A.P.J. Abdul Kalam as President and refusal to yield to alliance pressures to dismiss the BJP government of Gujarat following the communal riots in 2002.

Under Vajpayee, the BJP's perspective on the Ayodhya issue was also softened and the NDA also withdrew its Hindutva education agenda among other things. Thus, this period of coalition government saw the emphasis of pragmatic considerations rather than ideological positions and political alliances without any ideological agreement. Coalition politics meant the shifting of the focus of political parties from ideological differences to power sharing arrangements. Most of the parties of the NDA did not agree with the Hindutva ideology of the BJP. Yet, they came together to form a government that remained in power for the full term.

Phase VIII (2004–2014): Coalition System and Revival of the Congress

End of single-party coalition dominance was the message of 2004 elections. In the 2004 elections the people rejected the claims of India 'shining' of the ruling NDA coalition and provided an opportunity to all non-NDA political parties led by Congress, named as UPA (United Progressive Alliance), to evolve an alternative political coalition. These elections also reflected significant increase in the power of Left parties in national politics, with sixty seats in their favour. The rise of the Left was a result of the increasing disenchantment with the economic policies being followed by the Centre.

Signifying the role of regional political parties, the outcome at the national level, to a great extent, became the sum total of the state level verdicts. It appeared that any party wishing to win a national mandate has to weave its way through the different states and secure a verdict in each of these states. The Congress' key alliances that went hand in hand in the election were with regional parties of Tamil Nadu, Andhra Pradesh, Bihar, Jharkhand and Maharashtra. This, however, gave yet another message that the Congress party was not dead and if it could successfully lead the country and meticulously manage 'the rainbow coalition' in the coming years, it could well return to power circles. Comprehensive common agendas (Minimum Common Programme in case of UPA and National Agenda in case of NDA) became the guidelines of these alliances.

In 2008, the Left withdrew its support to the UPA government because it felt that the Congress had rejected its traditional non-alignment foreign policy stand and had become closely allied to the United States, which was signaled by the signing of the Indo-US nuclear deal. Despite the exit of the Left, the UPA came back to power in 2009.

Phase IX (2014–): BJP ESTABLISHES A SIMPLE MAJORITY ON ITS OWN

It is the first time since 1984 general elections that a party has won enough seats to govern without the support of the other parties. BJP and its allies won the right to form the largest majority government.

7.3 NATIONAL AND REGIONAL PARTIES

Political parties of a country are the key organizations in any contemporary democracy. E. E. Schattschneider, an American political scientist, famously asserted more than half

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Check Your Progress

1. Name some of the political parties that were formed in the pre-Independence period.
2. Under whose leadership did the National Democratic Alliance (NDA) form a government at the Centre?

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a century ago that, 'Modern democracy is unthinkable save in terms of the parties.' With the introduction of universal suffrage and the advent of mass democracy, direct links between the state and individual citizens is increasingly becoming unrealistic and thus the existence of political parties as intermediary institutions have become a global phenomenon. Today, political parties are the main vehicles for organizing political representation, political competition and democratic accountability. They link the state and civil society, can influence the executive, formulate public policy, engage in political recruitment, structure electoral choices and facilitate coalitions. Parties participate in electoral campaigns and educational outreach or protest actions. Parties often espouse an expressed ideology or vision bolstered by a written platform with specific stands on political economy and developmental ambitions.

Since the freedom of thought and expression is guaranteed by the Constitution, it has provided the opportunity for various voices to flourish within the ambit of democratic norms. This has resulted in the emergence of various political parties with distinct policies and programmes for the socio-economic development of the nation, as per their ideological stand and support base. Some of these political parties have a national appeal, while others have appeal only at a regional level. Over a period of time, a bewildering variety of political parties have emerged in India – secular, nationalist, socialist, communist, conservative, radical, regional, religious, tribal and caste-based. At present, according to the election commission (EC) there are about 750 registered parties in India, out of which six have been recognized as national parties and forty-four have been recognized as state parties.

7.3.1 National Parties

Although the Indian political landscape is full of political parties, there are only a few parties that have a national support base. According to the Election Commission of India, in order to gain recognition in a state, a political party must have had political activity for at least five continuous years, and must send at least 4 per cent of the state's quota to the Lok Sabha, or 3.33 per cent of members to that Legislative Assembly of that state. If a party is recognized in four or more states, it is declared as a 'national party' by the EC. As per these guidelines, there are six national political parties in India—Indian National Congress (INC), Bharatiya Janata Party (BJP), Bahujan Samaj Party (BSP), Communist Party of India (CPI), Communist Party of India (Marxist)–(CPM) and the Nationalist Congress Party (NCP).

1. Indian National Congress

The Indian National Congress, founded in 1885, is one of the oldest democratic political parties in the world. The INC played a prominent role in the struggle against British colonial rule and became the leader of the Indian Independence Movement, with over 15 million members. After Independence in 1947, it became the nation's dominant political party and has been in political power for about five decades of India's Independence. The party's ideological platform is largely considered as centre-left in the Indian political spectrum. However, in recent times, the INC's economic policies have shifted dramatically towards the right.

2. Bharatiya Janata Party

The Bharatiya Janata Party is one of the two major political parties in India. Established in 1980, it is India's second largest political party in terms of representation in the current Parliament and in various state assemblies. The Bharatiya Janata Party believes in

advocating what many consider to be extreme forms of Hindu nationalism, conservative social policies, self-reliance, free market capitalist policies, a foreign policy driven by a nationalist agenda and a strong national defence. The BJP's platform is generally considered to be right of the centre in the Indian political spectrum.

3. Communist Party of India

The Communist Party of India is a left-wing political party. It was founded on 26 December 1925, thus making it the second oldest political party in India. Besides the Congress, the Communist Party of India played an important role during India's freedom struggle. The CPI claims to be a political party of workers, peasants, intelligentsia and others devoted to the cause of socialism and communism. The stated goal of the party is 'a just socialist society in which equal opportunities for all and the guarantee of democratic rights will clear the way for ending all forms of exploitation, including caste, class and gender, and exploitation of man by man, a society in which the wealth produced by the toiling millions will not be appropriated by a few.' The CPI, as a member of the Left Front, has been extremely critical of economic reforms and the policies of liberalization, privatization and globalization followed by the two major national parties.

4. Communist Party of India (Marxist)

The Communist Party of India (Marxist)—(CPM) emerged out of a split of the Communist Party of India in 1964. The CPM leads the Left Front coalition of leftist parties in various states and at the national level. It has a strong presence in the states of Kerala, West Bengal and Tripura. West Bengal has been the strongest base of the party and under its leadership the Left Front made a record of winning seven successive assembly elections and ruled the state for almost thirty-three years. The Left Front in Bengal was the longest serving democratically elected Communist government in the world. The CPM strongly advocates anti-capitalism, anti-globalization and anti-imperialist sentiments, and has always upheld the principles of Marxist philosophy.

5. Nationalist Congress Party

The Nationalist Congress Party is a centrist political party having a presence in almost fifteen states, but its major support base is in the state of Maharashtra. The party was formed on 25 May 1999, by three expelled leaders from the Indian National Congress—Sharad Pawar, P. A. Sangma, and Tariq Anwar. The founding principles of the party are as follows:

- Strengthening the forces of nationalism with an emphasis on the egalitarian and secular ethos of the Indian republic and combating fundamentalism and sectarianism.
- Maintaining the unity and integrity of India by strengthening federalism and decentralization of power up to the village level.
- Promoting economic growth through competition, self-reliance, individual initiative and enterprises with emphasis on equality and social justice.

6. Bahujan Samaj Party

The Bahujan Samaj Party is a centrist national political party with socialist leanings. It was formed to chiefly represent the *Bahujans*, which refers to people from the scheduled castes, scheduled tribes and other backward castes (OBC), as well as minorities. The ideology of the party is 'Social Transformation and Economic Emancipation, of the

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‘Bahujan Samaj’. The party was founded in 1984 by Kanshi Ram and claims to be inspired by the philosophy of B. R. Ambedkar. The party believes that the ‘Bahujan Samaj’ have been victims of the *Manuwadi* system in the country for thousands of years, under which they have been vanquished, trampled upon and forced to languish in all spheres of life. The party wants to end the ‘Manuwadi Social System’ based on the Varna and claims to strive hard for the establishment of an egalitarian and ‘humanistic social system’ in which everyone enjoys justice (social, economic and political) and equality (of status and of opportunity) as enshrined in the Preamble of the Constitution.

7.3.2 Regional Parties

One of the prominent features of Indian democracy is the presence of a large number of parties with a regional support base. These parties generally operate within a limited geographical area and their activities are often confined only to a single or a handful of states. As compared to the broad ranging diverse interests of national level political parties, these parties represent the interest of a particular area. In simple words, regional parties differ from All India parties both in terms of their outlook as well as the interests they pursue. Their activities are focused on specific issues concerning the region and they operate within the limited area.

1. The Jammu and Kashmir National Conference

The Jammu and Kashmir National Conference (JKNC) is a regional political party in the Indian state of Jammu and Kashmir. The JKNC functions on the ideology of ‘Moderate Separatism’, and the reunification of Kashmir. This is a political party which is pro-India and supports the policies and structures of the Indian government. This party was founded by Sheikh Abdullah on 11 June 1939 as the All Jammu and Kashmir Muslim Conference in October 1932, under a new name called All Jammu and Kashmir National Conference. The newly established JKNC held its first annual conference in Baramulla in 1940, with Sardar Budh Singh acting as its first president.

Sheikh Mohammad Abdullah was elected the president of the JKNC in 1947. Under his able leadership, the atrocities of the Kashmir Maharaja at Poonch, who ruled the state during that time, were violently revolted against. Having acquired the overwhelming support of the first Prime Minister of India Jawaharlal Nehru, Sheikh Abdullah demanded a ‘Naya Kashmir’. Sheikh Abdullah united with the Indira Gandhi-led Congress (I) in 1965, hereafter becoming the J&K branch of the Congress. Abdullah became the Chief Minister of the state after the JKNC won the majority seats in the state Legislative Assembly. Farooq Abdullah replaced his father Sheikh Abdullah as the party president, after the latter’s death. Farooq remained the JKNC president from 1981 to 2002 and his son Omar Abdullah became the party chief from 2002 to 2009. In 2009, Farooq was again made the president of the JKNC.

2. Asom Gana Parishad (AGP)

Asom Gana Parishad (Assam Peoples Association) is a political party in Assam, India that came into existence after the historic Assam Accord of 1985 when Prafulla Kumar Mahanta was elected as the youngest chief minister in the country. The AGP formed government twice from 1985 to 1989 and from 1996 to 2001. The party came apart, with former Chief Minister, Prafulla Kumar Mahanta, forming the Asom Gana Parishad (Progressive) but regrouped on 14th October 2008 at Golaghat. AGP came into being after the six-year-long Assam Agitation against Illegal Infiltration of Foreigners from Bangladesh into Assam, led by All Assam Students Union (AASU).

3. Shiromani Akali Dal

This is a regional party of Punjab. At the national level, while remaining in the forefront of national mainstream, the Shiromani Akali Dal (SAD) has consistently maintained its commitment to a grand privilege for Punjabis in general and particularly the Sikhs, constantly striving to protect their political, economic, social and cultural rights. The Shiromani Akali Dal party is committed to the highest ideals of peace, communal harmony, universal brotherhood and welfare of humanity (Sarbat Da Bhala).

The need for cooperative federalism based on political and fiscal autonomy was for the first time advocated by Shiromani Akali Dal, a concept that was opposed initially but later accepted and adopted by almost every regional and national political party. According to SAD, setting up a real federal structure is the only way to strengthen the objectives of national unity and prosperity. Obstacles in the path of such a national system by the Congress party caused considerable harm to the interests of development and prosperity in the States and deferred India's emergence as a global leader for more than six decades.

4. Dravida Munnetra Kazhagam

The Dravida Munnetra Kazhagam in the state of Tamil Nadu symbolises the political strength of the regional Dravidian movement. Its original roots were in the Justice party (the South Indian Liberal Federation) which was essentially a non-brahmin movement. Shri E. V. Ramaswamy Naicker, better known as 'Periya', who was the President of the Justice Party in 1938, initiated the programme of 'Tamilisation of Politics' and put forth the demand for the creation of Dravidistan, a separate State of Tamil Nadu. In the 1957 elections the DMK contested elections for the first time and secured 15 per cent of the popular vote. From then onwards it made rapid strides and in the 1967 general elections it came out as the ruling party in Tamil Nadu and as the third largest opposition party in Parliament.

5. Telugu Desam

It is a regional party of Andhra Pradesh's formed under the charismatic leadership of N.T. Rama Rao in 1982. It developed as a reaction against Indira Gandhi's frequent imposition of unpopular Congress Party Chief Ministers on the people of Andhra Pradesh. The party's support base was formed by poor especially the scheduled castes.

6. Jharkhand Party

The origin of this party can be traced back to the Birsa uprising at the end of the nineteenth century. It has remained so far as a regional party with its base in the scheduled tribes of Chhota Nagpur and Santhal Pargana regions. Its objective is the formation of an Adivasi state.

7.3.3 Trends in Indian Party System

The trends in the Indian party system are as follows:

- 1. Increase in the number of parties:** Particularly in the last decade there was a tremendous increase in the number of parties, both at state level and national level. This led to a competitive multi-party system.
- 2. Changes in the status of the national and state parties:** Most of the parties considered as national and state parties during the first general elections became

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extinct within 20 years. Out of the total fourteen national parties, only four parties survived as national parties at the time of second general elections. Since past 50 years, only the Congress, Communists and the Jana Sangh (later known as the BJP) remained stable among the national parties.

- 3. Relative electoral strength of the national and state parties:** The national parties, share of votes declined by 13 per cent between 1952 and 2009. This is mainly due to the decline of the Congress.
- 4. Power sharing:** Of the fifty odd regional parties, forty-three have so far formed governments or shared power either at the Union or state level or both.
- 5. Emergence of coalitional party system:** At present, at the national level no single party is able to meet the all expectations of the people from different classes, castes, religions, and different linguistic, ethnic and regional interests. The present phase is characterized by the emergence of the coalitional party system, where the two leading national parties, the Congress and the BJP, play as central pillars.
- 6. Coalitions of numerous regional political parties:** Rapid swings in vote percentages to major parties have created a scene of unpredictability and uncertainty and this has led to regional and splinter parties playing bigger role at the state as well as Centre government formations. De-linking of State Assembly elections from Parliamentary elections has also played its role.
- 7. Political appeal of communal and revivalist movements:** In the last two decades, there is a shift in voters' communal, caste and regional orientations. This can be clearly seen in the repeated defeats of the Congress in 1977, 1989, 1996, 1998 and 1999 elections. Appealing directly to sentiments of the majority and minority religious communities, caste groups and language groups has become the latest strategy.
- 8. Peaceful transfer of power:** Irrespective of occasional hiccups, the parties and governments are able to transfer power peacefully, barring some small parties in J&K, Assam and the North-East which refused to recognize the legitimacy of the election results.
- 9. Support for Communist parties:** In contrast to swinging fortunes of other parties, the two major communist parties retained their vote share with minor fluctuations. Their total vote share varied in the range of 7–9 per cent between 1957 and 2004.
- 10. Decline of independents:** There were many elected independents during 1952–67. Today, however, the number of elected independents has declined sharply. People are more oriented to vote for a party candidate than to an independent.
- 11. Women's participation:** Women constitute nearly 50 per cent of voters in India. Though most parties have structured women cells or organizations, in practice they have fielded few women candidates in the elections. The concept of 30 per cent reservation for women in the Parliament or State Assemblies is still to see light.
- 12. Criminals in politics:** Despite various efforts made by the Supreme Court and the Election Commission, growing number of criminals in politics could not be checked. While making any such prohibitory or explanatory law, all political parties seems to join hands to nullify any such move. All the parties in India distribute tickets to people with criminal records, resulting in the criminalization of politics.

To sum up, legal and constitutional reforms, democratic and committed leadership, ideological orientation, inner party democracy, adequate representation to women, transparent and accountable funding, harmonious working, alert and mobilized citizens, emphasis on value-based politics, discouragement to 'blackmailing' and 'pushing' tactics within alliances and encouragement to some harmonious commitments with due space for emerging social and economic forces are needed for the improvement of political scenario and for the balanced development. The parties must realize that the politics of communal and religious allurements is the politics that is essentially divisive and disruptive of public harmony. All the existing political parties must recreate a national consensus.

However, the last decade has seen the emergence of a large number of political parties and increasing factionalization. The rise of regional political parties and caste and community-based parties unleash the tendencies to form separate groups and ideology-based politics leading to decline in political morality and excessive political corruption, criminalization of politics, non-governance, disorder and instability. While urban middle classes were busy bashing politics and politicians, the democratic space provided by electoral politics was being used more deftly by marginalized social groups, who voted not as individuals but as groups and more often used their rights to reject very frequently.

7.4 SUMMARY

In this unit, you have learnt that:

- India has an extremely unique party structure that cannot be 'classified' easily. This structure is defined by the singular nature of Indian politics on one hand and the nature of the relationship between the state and the society on the other.
- In the post-Independence era, the political parties came to be recognized as instruments of prime importance through which democracy could be operationalized, as India adopted a parliamentary democratic system of governance.
- After Independence, the role and importance of political parties have grown substantially and rather proportionately in accordance with the growing franchise.
- The origin of the Indian party system can be traced to the formation of the Indian National Congress in 1885. Various other parties emerged later in the period. Party formation during the period 1885–1947 occurred in the context of British Raj, and its policy of divide and rule, pursued by encouraging separate electorates, led to the formation of the Muslim League, the Akali Dal and the Hindu Mahasabha.
- The evolution of the Indian party system has been from 'one-party dominance' to 'multiparty coalition system'.
- India had a party system characterized by dominance of the Congress and the existence of smaller opposition parties, which could not provide an alternative either at the central or state level.
- The second phase of the evolution of India's party system extended from 1967 to the fifth general elections. In the 1967 Assembly elections, Congress lost majority in eight states and was reduced to fifty-four per cent of Lok Sabha seats.
- The fifth Lok Sabha elections marked the beginning of yet another stage in the evolution of the Indian party system, and the trend continued till the imposition of the Internal Emergency in 1975.

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Check Your Progress

3. List the six national political parties of India.
4. Who founded The Jammu & Kashmir National Conference (JKNC) party?

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- The imposition of an authoritarian Emergency in 1975 signalled the erosion of the popular support of the Congress party, the institutional decline and the weakening of the party system by suspending civil liberties, particularly freedom of the press and representative government.
- The next phase in the evolution of India's party system may be considered from the defeat of the Congress in 1977 elections to the restoration of its rule in 1980.
- The 1980 Lok Sabha election was a verdict on the Janata Party's failure to consolidate the electoral alignments. Thus, in 1980s, the success of Congress (I) was mainly due to the failure of national level non-Congress parties.
- The 1989 elections transformed the scene at the Centre by establishing a non-Congress coalition government with a true multiparty character. The government was called the National Front government under the Prime Ministership of V.P. Singh.
- Political parties of a country are the key organizations in any contemporary democracy.
- The Indian National Congress, founded in 1885, is one of the oldest democratic political parties in the world.
- The Jammu and Kashmir National Conference (JKNC) is a regional political party in the Indian state of Jammu and Kashmir.

7.5 KEY TERMS

- **Plebiscitary:** It is the direct vote of all the members of an electorate on an important public question such as a change in the Constitution.
- **Salience:** It refers to the quality of being particularly noticeable or important.
- **Multi-party system:** It is a system in which multiple political parties can gain control of the government separately or in coalition.
- **Single-party system:** It is a type of party system in which a single political party forms the government and no other alternatives are available as opposition.

7.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Some of the political parties that were formed in the pre-Independence period are The Indian National Congress (INC), the Akali Dal and the Hindu Mahasabha.
2. Under the leadership of Atal Bihari Vajpayee, the National Democratic Alliance (NDA) formed a government at the Centre.
3. The six national political parties of India are Indian National Congress (INC), Bharatiya Janata Party (BJP), Bahujan Samaj Party (BSP), Communist Party of India (CPI), Communist Party of India (Marxist) and the Nationalist Congress Party (NCP).
4. The Jammu & Kashmir National Conference (JKNC) party was founded by Sheikh Abdullah.

7.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What are the fundamental features of the Indian party system?
2. Write a short note on the evolution of the Indian party system in the pre-Independence period.
3. Briefly discuss the rise of coalition politics in India.
4. What are the major political parties in India at the national level?

Long-Answer Questions

1. Discuss the evolution of the Indian party system in the post-Independence period.
2. 'The 1971–1975 period marked the decline of the party system in India.' Explain.
3. Describe the various regional parties existing in India.

7.8 FURTHER READING

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UNIT 8 ELECTORAL SYSTEM

Structure

- 8.0 Introduction
- 8.1 Unit Objectives
- 8.2 Significance of Elections in India
- 8.3 Election Commission of India
- 8.4 Elections and the Process of Politicization
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- 8.10 Answers to 'Check Your Progress'
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8.0 INTRODUCTION

Elections in India, the second most populous nation in the world, involve a mega exercise by a gigantic government machinery. The most common understanding of elections is the general elections or the Lok Sabha elections in which registered adult voters cast their votes. Based on the results of these votes, the directly elected members of a political party form the government with the majority party choosing its leader as the Prime Minister. However, these are not the only elections conducted in India. Elections are held for the state assemblies or Vidhan Sabha through which the state governments are formed and the Chief Minister is chosen, and also for local government bodies such as the municipalities and the panchayats. The President of India and members of the Rajya Sabha are also elected, though, through a different method. In this unit, you will study about the significance of elections in India, the role of the Election Commission in organizing elections and the need of electoral reforms in India.

8.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Explain the significance of elections in India
- Discuss the role of the Election Commission of India in organizing elections
- Identify the need for electoral reforms
- State the different types and rule of pressure groups
- Explain the various types of political alliances

8.2 SIGNIFICANCE OF ELECTIONS IN INDIA

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Elections are particularly conspicuous and revealing aspects of most of the contemporary political systems. They highlight the basic nature and the actual functioning of the system as a whole. Elections are complex events involving individual and collective decisions which directly affect, and are affected by, the total political and social process. They open up channels between the polity and the society, between the elites and the masses, and between the individual and the government. They are major agencies of political socialization and political participation.

Elections are the crucial deciding factor in modern democracies. Elections provide an opportunity to the general masses to get political education. Issues are raised and their pros and cons are discussed, and in the process the electorate gets informed. Elections are primarily held to decide as to who would govern the country. Elections are the only medium available in modern democracies through which a peaceful change in the government is effected or, to use Michael Brecher's (Professor of Political Science, McGill University) words, they are means for the 'routinization of political change'. The electoral politics lead to increasing political consciousness in which every citizen of India uses his right to vote and participate equally in the political process. In fact, there can be no democracy without elections.

Elections in India

Unlike the situation in many developing countries, elections in India have been central, and not peripheral, to the system. They have been truly meaningful and not mainly ritualistic acts. They have served as links between the 'traditional' and the more 'modern' aspects of the Indian life and behaviour.

Elections can now be seen not merely as useful indicators of a modern democracy, but actually as the events through which the party system and hence, in a measure, the political system achieves its evolution. Within this system, the electoral process seems to have functioned with increasing effectiveness and acceptance, and the Indian voter seems to be developing a surprising degree of maturity and sophistication. Or, in other words, India seems to be developing a 'responsible electorate' which was missing when it attained independence.

Another point to be noted is that far from contributing to the increasing 'modernization' of Indian politics on a steadily accelerating scale, recent elections show some signs of becoming more 'traditionalized' in the Indian setting. The trend has been particularly manifested in the changing character of India political leadership. On the whole, this leadership is changing significantly with a declining role and influence of the westernized, educated, urbanized high caste modern elite that spearheaded the Indian National Movement and that provided most of the top leadership to India in the first decade of its independence. On the contrary, there is an increasing role and influence of the middle class, less educated, less westernized, more rural and locally based elite. Elections have been a major instrument for the emergence of this new leadership. Thus, the elections have served as a vehicle for bringing more traditional elites into a more central role in the political system, increasingly at all levels.

Check Your Progress

1. Fill in the blanks with appropriate words.
 - (a) Elections in India have been _____ to the system.
 - (b) elections are the crucial _____ factor in modern democracies.
2. State whether the statements are true or false.
 - (a) Democracy can exist without elections.
 - (b) There is an increasing role and influence of the middle class in the elections in India.

8.3 ELECTION COMMISSION OF INDIA

The Indian Constitution has made provision for a suitable machinery to conduct free and fair elections in the country. It provides for the setting up of an Election Commission for this purpose, which shall consist of the chief election commissioner and such other election commissioners, as are appointed by the President. The Constitution empowers the President to determine the conditions of service of the election commissioners. In the case of the chief election commissioner, it has been laid down that he or she shall not be removed from office except in like manner and on like grounds as a judge of the Supreme Court. The other election commissioners can be removed only on the recommendations of the chief election commissioner.

The Election Commission was set-up, under Article 324 of the Constitution of India, in January 1959. It has been assigned the following main functions:

- Superintendence, direction and control of the preparation of the electoral rolls, and keeping them up-to-date at all times.
- Conducting all elections of the Parliament and the State Legislatures (including casual vacancies), as well as the election to the offices of the President and the Vice President of India.
- Appointing of the Election Tribunals to investigate into complaints made in election petitions, and so forth.

The Election Commission is a statutory body. It has only a Secretariat and no attached or subordinate office under it. But the Election Commission, in consultation with the state governments, nominates or designates an officer of the state government in each state as the chief electoral officer for that state for the preparation, revision and correction of electoral rolls, and so forth. Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer is statutorily responsible for the preparation, revision and correction of all electoral rolls and the conduct of elections in the states.

The Election Commission, as at present constituted, consists of a Chief Election Commissioner, a Deputy Election Commissioner, and other secretariat officers and staff. The office of the Election Commission is organized in nine election branches and two administration branches. The Election Commission has a total strength of 165 staff members.

The Election Commission publishes a number of reports on the general elections in India. Besides, a number of casual publications on elections are issued, mainly at the time of elections.

8.4 ELECTIONS AND THE PROCESS OF POLITICIZATION

Elections in India, both at the national and the state levels, have increased the process of politicization in the following manner:

- (a) **Democratization of polity:** The democratization of polity through regular elections was high on the agenda of the Constituent Assembly. The Constituent Assembly itself was elected on the basis of restricted franchise. It took two landmark decisions

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Check Your Progress

3. When was the Election Commission of India established?
4. Who determines the conditions of service of the Election Commissioners?

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regarding the franchise. Firstly, the principle of separate electorates was done away with. Second major decision was to have universal adult franchise. This was a revolutionary decision considering that only 14.6 per cent of population had the experience of right to vote in the colonial India. Also, majority of the population was illiterate and probably could not fathom the intricacies of voting. History has proved the members of the Constituent Assembly, who stood for the provision of adult franchise, right.

- (b) **Participation of women:** A remarkable feature of the Indian elections is the participation of women in them. There are still nations in Asia, Africa and Latin America where women are not allowed to participate in the elections (both as a voter and as a candidate). The zeal for voting among Indian women has been as strong as among Indian men (Figure 8.1). Today women actively participate not only in the voting process, but also in securing representation in the country's Parliament and legislatures. The number of women contestants has been steadily rising since Independence, even though their proportion is small compared to men. Most political parties are still not willing to give adequate number of 'tickets' to women, even though they show their support to the principle of reserving 33 per cent representation.



Fig. 8.1 Women in Queue Waiting to Cast their Votes During an Election

- (c) **Representation to weaker sections:** From the very beginning, a constitutional provision has existed in India for the allocation of seats proportionate to their population to some specific weaker sections of the Indian society, namely, the Scheduled Castes and the Scheduled Tribes. While it is possible for an SC or ST candidate to contest from a 'general' seat, only candidates representing those sections can contest from the 'reserved' constituencies. There has been a steady increase in the participation of the SC and STs in the legislatures. Not only that, a few parties (like the BSP) have also become popular in some states whose social base purely consists of SCs and STs.
- (d) **Mobilization of passive socio-economic groups:** Electoral competition has mobilized many formerly passive socio-economic groups and have brought them into the political arena. On one hand, this is a desirable outcome in a vibrant democracy but on the other, given the state's limited capacities for the redistribution of wealth and the intensity with which electoral support has been courted, these mobilized and dissatisfied groups have further contributed to the growing political turmoil. A major example of this phenomenon is the growing caste conflicts between

the 'backward' and the 'forward' castes. Leaders in nearly all the states have utilized 'reservations' as a means to gain the electoral support of numerically significant backward castes. Higher castes, feeling that their interests are threatened, have resisted these moves.

- (e) **Populism and personalization of political power:** One important method for preserving power has been populism, i.e. to establish direct contact between the leader and the masses and to undermine those impersonal rules and institutions designed to facilitate orderly changes. Making direct promises that will affect as large a segment of the population as possible can enable a leader to mobilize broad electoral support.
- (f) **Intensity of class conflict:** Competing elites have sought to mobilize ethnic groups who share language, religion, caste or race. Leaders manipulate primordial attachments so as to gain access to the state. If they are accommodated, the conflict often recedes. However, accommodation is not always possible. Moreover, sometimes those in position to make concessions have not made timely concessions in order to protect their own political interests. Such recalcitrance has only further encouraged the leaders of ethnic and religious groups to make use of violence and agitations as means of accomplishing their political goals.
- (g) **Proliferation of political parties:** Splits and/or mergers have become common to political parties in India. In the last two decades, this trend increased phenomenally leading to the growth of parties 'registered' and 'recognised' by the Election Commission.

8.5 ELECTORAL REFORMS

Electoral reform is not an uncharted cognitive territory in contemporary India. Since the beginning of electoral politics in the fifties and particularly in the last two decades, this theme has been dealt with by a number of scholars. The key to a meaningful political discussion about electoral reform is the ideal of representation and its relation to the process of democratization in contemporary India. The institution of universal adult franchise started a democratic revolution involving greater and more intense participation along with higher expectations in the game of politics. However, the dissociation of electoral mandates from the process of government formation and policy-making has distorted the nature of representation.

This is what gives rise to the challenge of electoral reform. The challenge is to make the mechanism of election an effective instrument of the democratic will of the people, especially those who have so far been excluded from their due share of power. This is directly related to the character of representation, for effective democratization is achieved through a transition from formal representation to substantive representation.

Critics have pointed out that the elected members to the legislatures do not get sufficient number of votes to represent the people in the true sense. They get elected with twenty per cent or even less than twenty per cent of votes. They would be better representatives if they get more than fifty per cent at least of the votes cast. Further, the people in our country have a constitutional right to vote, but this right does not correspond with the duty to vote. With the result, our general elections record fifty to sixty per cent voting. The representatives in the legislatures, therefore, do not represent the people as a whole. There are few other problems as well.

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Check Your Progress

5. Fill in the blanks
 - (a) A remarkable feature of the Indian elections is the participation of _____ in them.
 - (b) One important method for preserving power has been _____.

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The emergence of new parties, pursuing desperate regional, sectarian and segmental causes, and fragmentation of erstwhile vote banks, mounting expenditure on elections, vitiating muscle power, aggravation of caste and communal conflict, the eclipse of idealism and ideology in public life, the evil of both capturing and rigging, public apathy resulting in lower turn out for voting, large number of candidates resulting in twenty per cent or some times less than twenty per cent of votes in favour of winning candidates are some of the evils that have so effected the situation that electoral reforms have become unavoidable. Many a times, the battle of ballots becomes the battle of bullets. On the day of elections, booths are captured, polling agents are attacked and bombs thrown to prevent the weaker sections from exercising their franchise. Criminal-politician nexus has resulted in the entry of criminals in legislatures (for example, Pappu Yadav, Rajan Tiwari, Mohd. Shahbuddin, Bablu Srivastava, and others). G.T. Nanavati, a Supreme Court Judge has pointed out, 'criminals found politics a profitable business and also an influential field, where they could get immunity from the law of the land so that their criminal activities could go on unchallenged'.

Representation of the People (Amendment) Act, 1996

To overcome such weaknesses, the Election Law underwent some important changes through the Representation of the People (Amendment) Act, 1996. Some important changes were as follows:

- Disqualification on conviction under the Prevention of Insults to National Honour Act, 1971.
- To check the multiplicity of non-serious candidates, the amount of security deposits for an election to the Lok Sabha and a state Legislative Assembly was increased. In case of Lok Sabha, the amount of security deposits was increased from ₹500 to ₹10,000. For a member of scheduled caste (SC) and scheduled tribe (ST), it stands at ₹5000.
- In case of a state Legislative Assembly, the Act fixed ₹5,000 for a general candidate and ₹2,500 in case of candidate belonging to SC/ST as security deposit instead of ₹250 and ₹125 respectively.
- The nomination of a candidate in parliamentary or assembly constituency was to be subscribed by 10 electors of the constituency as proposers.
- Restriction was laid on contesting election from more than two constituencies.
- For listing names of candidates, they were to be classified as candidates of recognized political parties, registered—unrecognized parties and other candidates.
- No election was to be countermanded on the death of a contesting candidate.
- Grant of paid holiday to employees and daily wagers on the day of poll.
- Prohibition of sale and distribution of liquor within a polling area.
- By-elections to any House of Parliament or a State Assembly were now to be held within six months from the occurrence of the vacancy in the House.

From 31 December 1997, central government raised the maximum ceiling on election expenditure by candidates, for Lok Sabha constituency to ₹15,00,000 and for Vidhan Sabha ₹6,00,000. In 2011, this ceiling on election expense was further enhanced for Lok Sabha constituencies to ₹60 lakhs and for State Assembly seats to ₹16 Lakhs.

The Supreme Court of India directed the Election Commission to get the declaration from all candidates about their criminal antecedents, financial liabilities and educational qualifications.

Thus, from 2004 general elections, the 'model code of conduct' came into force. On 29 February 2004, the Election Commission issued detailed guidelines for the political parties and candidates. Accordingly, corrupt practices were prohibited (under Section 123 of the Representation of People's Act, 1951), declared electoral offences as punishable (under Section 125-137 of the Representation of People's Act, 1951), necessitated the disclosure of information about financial, criminal and educational status of candidates, restrained the use of excessive money or muscle during the elections and required the candidates to follow the model code of conduct and other related laws.

Despite all these efforts made by the Election Commission, one cannot undermine the role of good, clean democratic practice, watchdog news media, and a vigilant public opinion in raising the bar for all political parties. Above all, the Indian voter has also become quite discerning to understand which political party is able to prove its mettle and deliver the goods.

Problem of Defection

In the 1980s, a problem that emerged in the parliamentary process was the problem of defections in state legislatures and even the Parliament. Defections meant that an elected representative of a particular party joined another party on the promise of more power or some other benefit. This was however not always true as some defections also took place on matters of principles or ideological differences.

To combat the problem of defection, the Rajiv Gandhi government moved the 52nd amendment to the Constitution and amended articles 101, 102, 190 and 191 and added a new schedule, the Tenth Schedule, which dealt with the disqualification of a member of Parliament on the ground of defection.

Today, an elected representative is disqualified from being member of either House of the Parliament or a state legislature if he or she incurs the disqualifications mentioned in the 10th schedule. These disqualifications are as follows:

- If a member voluntarily gives up the membership of the political party on whose ticket he or she is elected to the House.
- If the member votes or abstains from voting in the House against any direction of the political party or by any person or authority authorized by it in this behalf, without the party permission of such party and unless it has been condoned by the party within fifteen days from the date of voting or abstention.
- If any nominated member joins any political party after the expiry of six months from the date on which he takes his seat in the House.

Some scholars have suggested that the defection law has been used to impose a centralized structure on political parties and has resulted in the death knell of parliamentary dissent.

8.5.1 Role of Identity and Crime in Election

The enormous electorate and the large physical expanse of India make any election an expensive affair. The function of money in the electoral procedure has become important and introduced a big number of anomalies. Candidates and political parties use vast sums to persuade voters through a variety of inducements. This results in an unholy

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nexus between the political parties and vested interests that insist reciprocation after financing election costs. Appeal to the voters on the basis of caste, religion, region and such partisan matters have led to divide the communities with catastrophic impact upon the society. Another trend has been the propensity of elected members to alter their vote in opposition to the directions of their party. This allows horse-trading to go on where money rather than political ideology or policy decides the choice of the elected member. In many States, this became a main problem with a large number of legislatures candidly offering their votes for sale. All through a vote of no-confidence in the Parliament, a lot of opposition members showed wads of money that was supposedly given to them for switching their ballots.

A grave result of lax election laws has been the rising criminalization of politics in the country. Indian law forbids an individual from contesting election if he or she has been condemned of any criminal charges. This stipulation is easily circumvented, as court trials take tremendously long, even years, to come to a result. Meanwhile, the individual is free to contest polls and even gather ministerial posts upon winning the elections. Thereupon, it becomes rigid for police agencies to act against the person since he or she begins to unfavourably affect the witnesses and even the examiners by misusing the political associations. Many people, charged with solemn crimes such as murder and rape, have won polls and gained political surpluses. According to political researcher Mr. Verma, 'By one estimate in 1997, 700 of 4,120 elected members of 25 State-level assemblies had criminal records. Of these, some 1,555 were accused of heinous crimes such as murder, armed robbery, rape and the like.'

This criminalization of politics began from the initial days of Indian democracy when the forward castes and well-established groups stopped lower castes and other marginalized masses from casting their votes. Prearranged 'booth capturing' started in 1957 when a group of upper-caste muscle-men hounded away the electorate and powerfully cast the votes for their applicant. Such booth capturing, i.e., the aggressive casting of votes in favour of a particular candidate, which forces genuine voters to stop from exercising their rights, gradually became a serious problem in several regions of India and particularly in States like Bihar and Uttar Pradesh. In 2004, a number of special officers appointed by the Election Commission discovered blatant proof of violence, threat and 'silent booth capturing' by the supporters of a well-known ruling party leader. The query prompted the Election Commission to annul the results and order re-polling. However, in most cases, it is not trouble-free to notice such efficient operations.

Prevention

A chief step taken by the Election Commission has been the improvement and introduction of electronic voting machines (Figure 8.2) for the course of conducting successful election in the country. The purposes were to address two setbacks vitiating the elections: the difficulties in calculating the paper votes by hand which often led to disputes and court challenges and the other being the issue of booth capturing. It was noticed that criminals would rapidly stamp the voting papers and stuff them in the boxes which made it unfeasible to assess if a specific vote was authentically cast or done by an unlawful process. For that reason, the Commission approached the Electronic Corporation of India (ECIL) to devise a machine that would record votes at a time-consuming pace. At present, the existing machines record an utmost of five votes per minute. This design was made to aid in hardening the goal since the criminals would have to spend a great deal of the time at one booth to cast a large number of unlawful votes. This extra time would facilitate the police to respond to the call and arrive at even distant booths in time to nab the

criminals. The machines could also be put out of action by polling personnel and would then need a supervisor to re-start. Furthermore, the electronic machines would also aid in calculating the total votes and declaring the results in the shortest possible time. This was expected to avoid harmful elements from disturbing the procedure.

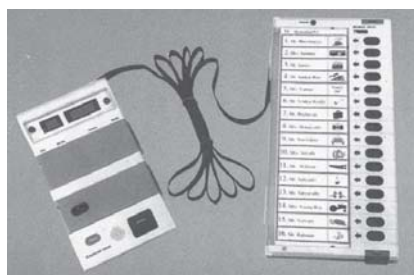


Fig. 8.2 An Electronic Voting Machine

8.6 POLITICAL ALLIANCES

A political alliance is an agreement for cooperation between different political parties on a common political programme. A coalition government is formed when a political alliance comes to power.

Political alliances, a feature of parliamentary system, are not formed under a normal political situation. Alliances are forged only when no one single party has a clear mandate. Thus, political alliances are not the ideal choices of the political parties—rather they are the second-best choice of the political parties.

Political alliances are transitional inter-party collaborations to capture the reins of the government. The parties do not lose their identity. They only compromise in their party manifesto so that they can fulfill their quest for power. Thus, there are compromises and accommodation as well as competition and fragmentation in the alliances. The durability of a political alliance depends greatly on the degree of accommodation and competition amongst the partners of alliances.

Since political parties enter into the alliance out of 'rational choice', i.e. by considering the utility or otherwise of the arrangement, each one of the partners would like sufficient influence over the decision-making process for two reasons. First, for maximizing its power within the alliance thereby manipulating the outcome of the conflicting issues during the alliance. Secondly, each partner wants to maximize its political influence in future to gain political power on its own.

The ultimate goal, however, has to be long-term. In fact, the power-maximization theory rests on this premise. Each political participant therefore must know the extent to which it is willing to sacrifice its ideological or programmatic objective when it forms an alliance in order to achieve monopoly of political power in future. Conversely, short-term political and other gains will be given preference only to the extent that a party visualizes its future prospects. In other words, the emphasis on short-term gains will be conversely proportionate to the perception of future political prospects.

Power maximization theories and policy-based theories present two opposing perspectives on political alliances. The first stresses the maximization of pay-offs (power), ignoring the ideological and political compatibilities, as the key factor in the political alliance formation. The policy-based theories, on the other hand, predict that alliances

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Check Your Progress

6. Fill in the blanks with appropriate words.
 - (a) The institution of _____ started a democratic revolution.
 - (b) The representatives in the _____ do not represent the people as a whole.
7. State whether the statements are true or false.
 - (a) As per the Representation of the People (Amendment) Act, 1996 a candidate is disqualified on conviction under the Prevention of Insults to National Honour Act, 1971.
 - (b) A problem that emerged in the parliamentary process was the problem of corruption in state legislatures and even the Parliament.

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are formed when member parties are adjacent on the ideological scale and at least, not incompatible on major issues, thus, minimizing the ideological range. While it may be possible to find alliances which confirm to the purists view in each of the categories, the actual truth may lie somewhere in the middle. That is, even when there is stress on power maximization in a political alliance, some policy agreements are inevitable and power maximization efforts may take place in policy-based alliances too.

8.6.1 Common Minimum Programme

A common minimum programme is a document, which outlines the minimum objectives to which the different parties come to an agreement when they are in alliance. Through the CMP (Common Minimum Programme), the parties of varying ideologies agree to compromise their policies to remain in the alliance. In order to avoid conflict and bickering at every issue, the partners have to agree over some declared policies. Even if they may not believe in those policies and may have no intention of attempting to implement them, parties have to agree to some common policies once the alliance has been formed. If for nothing else, these un-implemented (sometimes, even un-implementable) common minimum programmes can serve as scoring points to apportion blame for subsequent coalition failure on the other partners, and for gaining bargaining leverage at future coalitions.

Thus, the policies announced by the political parties at the election time get modified and transformed when these parties enter into an alliance. Policies that would be implemented in practice would be different from the ones that were announced at the time of elections. For example, when National Democratic Alliance (NDA) was formed, its key constituent member the BJP had to give up its agenda on Ayodhya issue and also its demand for Uniform Civil Code because the other partners in the alliance were totally against such policies / demands of the BJP.

8.6.2 Types of Alliances

Political alliances can be categorized as pre-election alliance and adjustments and post-election agreements to share political power. The post-election agreements can be of two types—Parliamentary and governmental. All these can co-exist or alternatively may occur in isolation.

- (i) **Pre-electoral alliance:** Pre-electoral alliances find expression in various forms like putting up joint candidates for the distribution of the reciprocal standing down agreements for the distribution of the remainders in the votes cast or friendly arrangements in the proportional system of representation. Such alliances are sometimes restricted to local issues or situation and at times take the form of a broad national policy of the constituent parties.
- (ii) **Parliamentary alliance:** Parliamentary alliances can take the shape of Parliamentary Parties uniting in support of the government or against it.
- (iii) **Governmental alliance:** A governmental alliance, which results in the inclusion of ministers from different parties, is naturally accompanied by a similar alliance at the party level in the Parliament in favour of the government.

However, the opposite of it is not true. There are situations in which party or parties support the government generally or on particular issues without being associated with the government in office. In other words, while it is necessary for a governmental alliance to be complemented by a parliamentary alliance, the converse is not always so.

This simple equation, however, does not apply to electoral alliances vis-à-vis parliamentary and governmental alliance. Even when certain parties share power in a governmental alliance and are united at the level of the Parliament in support of the government, electoral alliances between these parties may not exist. The absence of understanding at the electoral level, no doubt, diminishes the solidarity of the alliance in the Parliament and at the government level. At the electoral level, each party wants to justify itself before the people to get maximum votes. Even when the same parties have functioned in a governmental alliance, the attempt on the part of the individual parties is to take credit for the popular measures carried out by the Government and to be critical of the unpopular measures by laying the blame at the door of other parties. Electoral alliances do not always coincide with the governmental alliances. The basic difference between the two is that while electoral alliances require a negative agreement against an opponent, governmental alliance necessitates as a pre-condition, a positive agreement upon a common minimum programme to be pursued during the tenure of the alliance. This requires a basic similarity of thinking on important issues. That is why it is comparatively easy to have temporary electoral adjustments in certain situations rather than agreements on certain policy matters which alone would help form a governmental alliance.

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8.6.3 Indian and Foreign Political Alliances

In India, political alliances are not a new phenomenon. Many countries, at different times, have had parties coming together to form an alliance, which (sometimes) consequently resulted in coalition governments.

The following are some foreign examples of political alliances:

Sweden: Alliance for Sweden, Red-Greens

Japan: Liberal Democratic Party / New Komeito Party

United Kingdom: Conservative Party–Liberal Democrats

Like any other multi-party system, beginning from 1989, India had only political alliances ruling at the Centre with single party getting absolute majority. Since 2004-2014 UPA alliance had been ruling at the Centre, where the alliance was led by Sonia Gandhi and the coalition government was led by Dr Manmohan Singh.

8.6.4 Political Alliances in a Multi-Cultural Society like India

Coalition government should be considered a natural political arrangement in a nation of continental diversity like India. Yet India witnessed a single dominant party system for two decades since independence in 1947. Under the leadership of Mahatma Gandhi, the Congress was successfully fashioned as a grand alliance during the course of the national movement. It, therefore, was able to rule the roost since independence. Accommodating and representing a broad spectrum of views and political interests, except that the Communists and the Justice Party in Madras, the Congress obviated the possibility of emergence of many political parties. This explains the origin of a single dominant party system in India.

The emergence of political parties with political ideologies ranging from the left to the right began emerging soon after the independence. Obviously, a spectrum of political ideologies and interests found themselves in an uneasy alliance once the common goal (independence of the country) had been achieved. Not surprisingly, most of the non-communist political parties since independence splintered out of the Congress. Thus, the Indian political system, since the fifties, crystallized as a multi-party system with a single dominant party.

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In 1967, the Congress suffered widespread electoral reverses both in various State Legislative Assemblies as well as in the form of a substantially reduced majority in the Lok Sabha. The massive political challenge that the Congress faced since the mid-eighties is due to the fact that other political parties, like the Congress, too tried, with varying degree of success, to create a social coalition. In fact, the alliances that the Congress entered into with regional parties like the All India Anna-Dravida Munetra Kazgham (AIDMK) in Tamil Nadu and All India Muslim League in Kerala for parliamentary elections showed that it was compelled to broaden social coalition through political alliances. The OBC and the Muslim alliance put together in Uttar Pradesh in 1993 by Mulayam Singh Yadav's Samajwadi Party; an attempt by the BJP, though with limited success, to forge together an alliance of the upper caste Hindus; a coalition of Dalits (Harijans) created by the Bahujan Samaj Party (BSP) and an attempt by the BSP and BJP in Uttar Pradesh, to create a temporary alliance of the upper caste and the Dalits are some of the examples of changing contours of social coalitions in Indian politics. These shifting social coalitions have made the Indian politics highly fractious and factionalized on the one hand, where no political alliance is able to have a firm footing for a long duration on the rapidly shifting political quicksand, and on the other, it has opened the possibilities of unbelievable political alliances between and amongst the social groups.

Alliances at the Centre

At present, in India, two major political alliances have been formed NDA (National Democratic Alliance) and UPA (United Progressive Alliance), of which NDA is presently in power and has formed the government after the Lok Sabha elections of 2014.

1. National Democratic Alliance

The National Democratic Alliance (NDA) is a centre-right coalition of political parties in India. Its main constituent political party is the BJP (Bhartiya Janata Party). It had 13 constituent parties at the time of its formation in 1993.

When NDA was formed in 1998, it staked its claim to form a government. However, it collapsed within a year because AIDMK, a member of NDA at that time, pulled out of the alliance. In 1999, when again Lok Sabha elections were held, NDA won with greater majority and new alliance partners. From 1999 until 2004, the NDA governed the country under the Prime Ministership of Atal Bihari Vajpayee.

It is important to note that the formation of UPA, the Congress-led coalition, was inspired by the structure of the NDA, with one major national party at the helm and several regional parties participating.

With regard to the decision-making process within the alliance, the NDA does not have an executive board or a politburo. Important decisions have been taken by the leaders of the individual parties as and when the issues have come up.

NDA is the ruling coalition in India.

2. United Progressive Alliance

The United Progressive Alliance (UPA) was the a ruling coalition of centre-left political parties heading Union Government of India from 2004–2014. The UPA led by the Indian National Congress (INC). INC's President Sonia Gandhi is the Chairperson of the UPA.

The 2004 General Elections were an eye-opener for the INC. After these elections, the Congress accepted the fact that it will not be able to form the government at the Centre on its own. It will have to form alliances to be in power. It understands that the days of fighting as a singular party are gone and that the elections are more of a battle of alliances than anything else. Therefore, initially the UPA was an informal alliance—it only acquired a proper shape and structure after the results of 2004 general elections were announced.

The UPA has not enjoyed a simple majority on its own in the Parliament, rather it has relied on the outside support to ensure that it enjoys the confidence of the Lok Sabha, similar to the formula adopted by the previous coalition governments like the United Front, the Congress government of Narasimha Rao and NDA government.

Initially, the UPA was given external support from the Left Front, which had 59 MPs. Despite ideological differences within the Congress, the Left parties supported the UPA to ensure a secular government. Similar external support was also extended by several smaller parties that were not a member of any coalition. For example, Samajwadi Party (39 MPs), the Marumalarchi Dravida Munnetra Kazhagam (4 MPs), and the Janata Dal (S) (3 MPs). Bahujan Samaj Party (BSP) promised to support the UPA government if it faced a vote of confidence. All these parties supported the government from outside—i.e. they were not a part of the government.

However, very soon some parties quit the UPA alliance. The Telangana Rashtra Samithi (TRS) was the first party to quit the alliance. In March 2007 during the Tamil Nadu elections, MDMK also officially withdrew its support from the UPA. In 2008, both BSP and Left Front also withdrew their support. The Left withdrew from the UPA because it was vehemently opposed to the government's decision to sign the 123 Agreement with the United States.

UPA won around 261 seats out of 543 seats in 2009 general elections. In 2014 UPA won only 60 seats out of 543 seats.

Characteristics of Political Alliances in India

Following are the characteristics of political alliances:

- **Lack of cohesiveness:** It has been argued that political alliances in a multi-party system do not produce cohesive party structures. The incentive and pressure to maintain unity in such alliances is greatly reduced. There is an ever-growing temptation to break from one alliance and to join the rival alliance, which may bring another group into power.
- **Role of the state/regional parties enhanced:** In the context of alliances coming to power and forming coalition governments at the Centre, State parties become crucial players as balancing forces in competing alliances. Though this openness of the coalitional system to assimilate the smaller parties promotes integration of the political system through an accommodation of regional and ethnic forces, it also acts as a factor leading to unprincipled compromises and governmental instability and drift.
- **Instability of the system:** Political alliances in India have brought about political instability. The coalition governments are always on tenterhooks because the partners of alliance can at point of time threaten to withdraw from the alliance. Due to the constant danger of split within its own ranks and attempts of the rival alliance to dismember it, the alliance members tend to avoid any commitment on the explosive issues.

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Check Your Progress

8. State whether the following statements are true or false.
- Power maximization theories and policy based theories present two similar perspectives on political alliances.
 - Coalition government should be considered a natural political arrangement in a nation of continental diversity like India.

8.7 PRESSURE GROUP

Pressure groups operate actively, especially in a representative government committed to the realization of the ideal of social service state. The state also makes itself increasingly dependent on them while handling its sphere of planning and social service. However, the number of groups and the intensity with which they are able to pursue their objectives depend upon the social legitimization of group activity and the prospects of fulfilling group demands in a given political system.

The genesis of the pressure groups may be traced back to the pre-Independence days when a large number of pressure groups existed to put forth their reasoning and argument before the British government in order to pressurize it and to seek concessions and privileges for the members of the pressure groups. In fact, the Indian National Congress in 1885 was more like a pressure group to plead for reforms and to articulate the interests of the educated middle class. As the Congress donned the mantle of a political party gradually, various pressure groups began to mushroom to safeguard the interests of other sections. Most remarkable was the formation of the All India Trade Union Congress in 1920 and the All India Kisan Sabha in 1936 that opened new chapters in the book of pressure groups.

In the post-Independence times, the processes of democracy and development provided a fertile ground for a huge number of pressure groups to come into existence. Various sections of the society began to create their own interest groups to make their voices heard in policy formulation and the ever-increasing state activities. In the wake of planned economic development, even the polity inspires the creation of pressure groups for their contribution to developmental activities. Moreover, the consolidation of the party system has also contributed to the expansion in the base and scope of activities of pressure groups in certain defined sectors of economy, society and polity. For example, with an eye on inculcating the voters for their parties on a long-term basis, almost all major political parties in the country have floated various frontal organizations in the areas of trade union activities, farmers' fronts, women morchas and students' wings. There also exist politically neutral pressure groups like the federation of Indian Chambers of Commerce (FICCI) and the Confederation of Indian Industry (CII). All these pressure groups ensure safeguards from adverse policy initiatives of the government.

8.7.1 Types of Pressure Groups

Different writers on comparative governments have classified interest groups and pressure groups on the basis of their structure and organization. In general interest groups are classified into the following four types.

- Institutional interest groups
- Associational interest groups
- Anomic interest groups
- Non-associational interest groups

1. Institutional Interest Groups

These are formally organized groups consisting of professionally qualified people. They are closely connected to government machinery while at the same time enjoy sufficient autonomy. They exert sufficient influence on the government policy making. They include

bureaucracy, armies, political parties and legislatures. Whenever these groups raise protest, they do it by constitutional means and in accordance with rules and regulations. An example of such an organization can be West Bengal Civil Services Association.

2. The Associational Interest Groups

These are formally organized groups, which articulate the shared interests of their members over long periods of time and try to achieve the specific and particular objectives of their members. They are also called promotional or protective or functional or professional groups. Associational groups promote economic and vocational interests, public interest or single issues or protect and safeguard the interests of their members. These are organized and specialized groups formed for interest articulation, but to pursue limited objectives. These include trade unions, organizations, businessmen and industrialists and civic groups. Some examples of associational interest groups in India are Federation of Indian Chambers of Commerce and Industry (FICCI), Trade Unions such as All India Trade Union Congress (AITUC), teachers', associations, students' unions, etc.

3. Anomic Interest Groups

These are ad hoc (unplanned) groups, which emerge due to turmoil and excitement or a crisis, a specific event or issue. Anomic groups do not have a formal structure or leaders and their actions are often violent. They act spontaneously and in an uncoordinated fashion are short-lived. They express their grievances through violent riots, demonstrations and street protests.

4. Non-associational Interest Groups

These are the complete opposite of associational interest groups. They have no formal organization. They are composed of individuals who feel close to others on the basis of class, caste, race, religion, culture or gender. They seldom act as coherent political groups, but they are often regarded by others as if they represent an interest even though they have no formal authorization to do so.

5. Big Business

Among the organized groups, the most important are the groups of big business. In fact, the growth of business associations is a parallel to the process of development. At present, there are many types of business associations, industrial associations, communal associations, regional organizations and all India organizations connected with trade and commerce. Most important of these is the Federation of Indian Chambers of Commerce and Industry (FICCI), which is the mouthpiece of Indian capitalism and of the big capitalists.

The kinds of pressure exerted by the business interests are extremely varied. The associations lobby among the members of Parliament and Legislative Assemblies, members of the Council of Ministers and bureaucrats. They also devote a great time and effort to influence the Planning Commission, the economic ministries and the various licensing bodies. They also have considerable influence on the councils of various parties, particularly the ruling party, which have been heavily dependent on business contributions to their funds. Such contributions do not go unrewarded. The big business has frequent and sustained access to the executive and bureaucracy for lobbying when the policy is being made and implemented.

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The enormous strength of the groups of big business comes from the fact of its ownership and control of the larger part of society's economic resources. This makes it difficult for even a reform-minded government to impose its policies to which these groups are firmly opposed. Alternatively, they have the power of going on an 'investment strike' until the government creates the necessary climate of 'business confidence' by dropping unwelcome policies. Since such inertia will slow down the economy and therefore discredit the government, even a reformist government will be forced to compromise at least on crucial issues.

The power of capital as a pressure group is reinforced by the composition of the state elite. The state elite includes not only the political executive, but also, very importantly, the bureaucratic or administrative elite, which is not accountable to the Parliament or the electorate, but which plays a vital advisory and executive role in policy-making. The composition of the state elite, due to its social, economic and other links with big business and inclinations, biases the state system in favour of capitalist class interests and reinforces and complements capital's power as a pressure group on the state system.

6. Trade Unions

Along with the growth of industries, the working class has also been growing in India. Though it is accepted that limited industrial growth and availability of large workforce, continuous relationship of the labourers with their peasantry background and archaic way of thinking are hindrances in the development of workers organizations, the Indian trade union movement has developed with an astonishing speed. There is a high concentration of Indian industry in certain regions. The Indian National Congress had mobilized the trade unions to participate in the freedom struggle. In fact, even before independence, trade unions had won some important battles in the field of social legislation.

After independence, other centres of Trade Unions like Indian National Trade Union Congress (INTUC), Hind Mazdoor Sabha (HMS), Centre of Indian Trade Unions (CITU), etc. have also been organized. The number of such centres has been increasing along with the increase in political parties. Even the rightist parties have started organizing trade unions, under their influence. Yet the fact remains that only a small part of the country's work force is organized. A substantial portion of the labour force is still in rural areas and because of various factors, it is yet not organized to a significant extent on class lines at national or local level.

Further, the trade unions have been organized by the middle class leadership of the various political parties and act as the aims of those parties. Almost all labour unions act as agents of the some parties, seeking to explain their parties' policy to workers and enlisting their support. This has, in turn, led to fragmentation and mutually destructive conflict among the workers, making them pliable for manipulation by political parties sometimes against the long-term interests of their own movement. Trade unions in India, as whole, are able to exert significant pressure on the policy formulation. The political parties and the government, all recognize their strength. Trade unions provide significant vote-banks in the industrialized regions. Another factor that cannot be ignored here is that the working class views capital as its main opponent.

The only important weapon that labour has is to go on strike. But the use of its only effective weapon is precisely what is severely hampered by its internal division and weakness and by the external pressures it is vulnerable too. First, in most capitalist countries, only a part of the labour force, usually a minority, sometimes as low as 30 per cent in the United States, is organized into trade unions. Second, strikes are a serious

drain on the resources of the trade unions, and these resources and the corresponding staying power of the union, are extremely limited compared to those of the employers. Third, trade unions have always been divided from each other in terms of the particular skills and functions of their members and sometimes geographically (i.e. regionally or provincially) and also racially in the present age of large-scale immigrant labour in the West from the third-world. This makes it easier for employers and the state to divide and isolate striking unions. Fourth, trade unions in advanced capitalist countries are often bitterly divided politically and ideologically into communist, social democratic or plain economist unions. This makes it easier for employers and the state to drive a wedge between striking unions or striking members of a particular union through buying off the less militant, economist and reformist elements with minor concessions and isolating the militants. Fifth, during a strike, whatever be the merits of the case, the bourgeois parties and the capitalist dominated mass media, as well as the state-owned media, can be expected to blast the strike as irresponsible, economically ruinous, sectional and against the 'national interest', thus creating a climate of public opinion hostile to the strike and isolating the strikers. All these forces combine to severely hamper the effective use of organized labour's only weapon, the strike, thus indirectly adding to the pressure power of the capital, which is already vastly superior, upon the state system.

By their activities, the organized working class has been able to obtain quite a few successes in bettering their economic and social conditions. Among their major achievements could be mentioned:

- The recognition of the fundamental right of strike.
- An overall increase in the wage structure.
- The right to bonus in many public sector undertakings as well as private enterprises.
- Regulation of working hours and overtime payment.
- Relating the wage structure to conditions of living and price increase in the form of dearness Pay and Dearness Allowances with the obligation for a pay revision after every three increases in the Dearness Allowance payment.
- Better living conditions in the form of social welfare benefits like employees insurance, medical and housing facilities etc. The government has realized the inevitability of increasing trade union strength.

7. Peasants' Organizations

For a land so overwhelmingly rural and with more than 73 per cent of the available workforce engaged in agriculture, it is expected that agricultural groups would play an important role in the democratic politics.

In independent India, particularly in the sixties, more important than the peasant movements had been the lobbies of big and medium farmers. Over the years, the abolition of the zamindari system and implementation of land reform measures, and the momentum they created in the rural side, have resulted in the middle class peasants acquiring more land and working harder on their land. At least a good section of them acquired sufficient economic power to organize themselves politically. The power of the rich farmers has also increased over the years as a result of the conventional electoral politics. The Panchayati Raj, the community development programme and the government sponsored Green Revolution have been the highlights of the past.

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The agriculturists are, however, organized more in the regional or local class-unions, than on an all India basis. Even though there are some important All India Kisan Associations like All India Kisan Congress, All India Kisan Kamgar Sammelan, Kisan Janata, Akhil Bhartiya Kisan Sangh and All India Agriculturists Federation, peasant groups have been organized on territorial basis. The reason for such a pattern seems to be the weak financial position of the Kisans apart from the interplay of factors like language, caste and geography of agriculture. Moreover, the pattern of crop production, fertility of land, land-labour use, etc. are not uniform throughout the country. Due to the regional and local variations in the agrarian system, state level organizations have emerged stronger than the all India associations.

Another pattern of peasant organizations is that the state-level organizations tend to be non-political, independent of the political parties and homogenous. Their political slogan is unity of classes as against the division of classes. In fact, the class basis of peasant organizations in India is generally from the middle-rich peasantry with a small percentage of poor peasants. The commercial farmers have found the utility of organized activity and quite often lead the agitations on the basis of the problems facing the entire peasantry in general and the rich in particular.

8. Other Groups in Modern Sector

In addition to large-scale and influential business, trade union and kisan groups, there also exists various professional and occupational groups, especially in the towns and cities. These include employees associations, lawyers associations, teachers associations, students unions, consumer interest associations, and specific groups with various issues emerging from time to time. Their strategies range from arousing public opinion through the various media in favour of issues they want to project, to organizing massive demonstrations and sometimes strikes, to pressurising the government for conceding specific demands or change in policy line. Most of these groups are effective at local or state level.

9. Caste Groups

In certain areas, the formation of caste associations began in the early years of this century. In the early stages of its awareness, as a competing entity which could gain strength by organization and by throwing out of links beyond immediate locality, the castes organizations concentrated on ritual status rather than directly on political or economic rights. But after a while, (and the stages tended to be increasingly telescoped with the faster pace of social change) the aspirations took a more material form.

The meaning of caste itself has changed in the encounter between tradition and modernity. By creating conditions in which a caste's significance and power are beginning to depend on its numbers rather than on its ritual and social status, and by encouraging egalitarian aspirations among its members, the caste association is exerting a liberating influence.

10. Communal Groups

There are also groups based on religion. However, the communal interest groups are not of rich variety and texture. But a tendency towards the crystallization of communal groups seems evident. Cases of Indian Christian Conference, the Chief Khalsa Diwan and Vishwa Hindu Parishad, etc. may be cited as examples. Similarly, there are several Muslim groups which have sought to change the government policy. Also in the process of economic change and social mobilization, India's increasingly participant communities

have grown more politically self-conscious, and this self-consciousness not only depends on existing cleavages but also makes them to pressurize the system as organized groups.

Style of Operation of Pressure Groups

The nature and characteristics of the pressure groups in a society depend mainly upon the governmental structure, its activities and the socio-economic milieu. The various groups in India operate within the federal and parliamentary nature of the polity, the division of powers, at the regional level between the state and local levels, as well as the within process of development and transformation taking place in India.

8.7.2 Role of Pressure Groups

There are various organized interest groups that make use of a 'pressure system' for getting their claims accepted by the decision-makers, though they have been slow to develop. These groups in India are a form of linkage and means of communication between the masses and the elite. They provide scope for expanding participation and their institutionalization is a critical element in the development of a responsive political system, for they are barometers of the political climate by which decision-makers can make and assess policy. While the interest groups make demands upon society for the benefit of its members, it also serves to restrain them. Interest groups not only act as agents of interest articulation, but they also increase the political consciousness and participation of their membership and democratic achievements, although they may strain the responsive capacity of the system. In addition, interest groups may be reservoirs of political leadership. Most importantly interest groups vehicles for social integration.

However, in a society whose resources are limited, demands may far outrun the capacity of the government to respond. Rational economic planning may come into conflict with the exigencies of democratic response, forcing the decision-makers to consider demands as such illegitimate and to argue that the compulsions of a backward society require restriction of political access and democratic competition. In the name of rationality and public interest, the decision-makers have often turned deaf ear to the demands of interest groups. On the one hand group pressure in India has been directed toward influencing the administration and implementation of policy rather than its formation. On the other, interests are articulated not always through collective channels; nor does pressure always take the form of group pressures. In spite of the existence of highly differentiated structures of interest articulation, individual business houses, for instance, have placed continued reliance on individual approach.

Also in the given situation, pressure is only one of the methods used by various interest elites for the purpose of influencing the decision-makers. Money is the most important instrument to be used for the purpose of forcing the decision-makers behave in certain ways. Apart from this, however, personal ties are also used to achieve the desired ends. Thus, as a whole, while political mobilization has extended the identity horizon of the Indian masses in widening participation and involvement, interest groups have been unable to provide the institutional channels or access to structure and order what Myron Weiner, an American political scientist, has called the 'emergent mass political culture'. Political parties have assumed this critical role.

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Check Your Progress

9. What are the four types of pressure groups?
10. _____ and _____ are mouthpiece of big businesses.

8.8 SUMMARY

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In this unit, you have learnt that:

- Elections in India, the second most populous nation in the world, involve a mega exercise by a gigantic government machinery.
- Elections are held for the state assemblies or Vidhan Sabha through which the state governments are formed and the Chief Minister is chosen, and also for local government bodies such as the municipalities and the panchayats. The President of India and members of the Rajya Sabha are also elected, though, through a different method.
- Elections are the crucial deciding events in modern democracies. Elections provide an opportunity to the general masses to get political education.
- Another point to be noted is that far from contributing to the increasing 'modernization' of Indian politics on a steadily accelerating scale, recent elections show some signs of becoming more 'traditionalized' in the Indian setting.
- The Indian Constitution has made provision for a suitable machinery to conduct free and fair elections in the country. It provides for the setting up of an Election Commission for this purpose, which shall consist of the chief election commissioner and such other election commissioners, as are appointed by the President.
- The key to a meaningful political discussion about electoral reform is the ideal of representation and its relation to the process of democratization in contemporary India.
- The Supreme Court of India directed the Election Commission to get the declaration from all candidates about their criminal antecedents, financial liabilities and educational qualifications.
- In the 1980s, a problem that emerged in the parliamentary process was the problem of defections in state legislatures and even the parliament.
- An elected representative is disqualified from being member of either house of the parliament or a state legislature if he or she incurs the disqualifications mentioned in the 10th schedule.

8.9 KEY TERMS

- **Nexus:** It is the connection or series of connections linking two or more things.
- **Political alliance:** It is an agreement for cooperation between different political parties.
- **Model code of conduct:** It is a set of guidelines laid down by the Election Commission to govern the conduct of political parties and candidates in the run-up to an election.
- **Pressure groups:** It is a group that tries to influence public policy in the interest of a particular cause.

8.10 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. (a) deciding (b) emergence
2. (a) False (b) True
3. The Election Commission of India was established in January 1959.
4. The President determines the conditions of service of the Election Commissioners.
5. (a) women (b) populism
6. (a) universal adult franchise (b) legislatures
7. (a) True (b) False
8. (i) False (ii) True
9. The four types of pressure groups are: Institutional interest groups, the associational interest groups, Anomic interest groups and non-associational interest groups.
10. FICCI and CII

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8.11 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What are the main functions of the Election Commission of India?
2. Why is it necessary to introduce electoral reforms in India?
3. How has the defection law resulted in the death knell of parliamentary dissent?
4. What are characteristics of political alliances in a multicultural society like India?
5. What are pressure groups? Name some.

Long-Answer Questions

1. Analyse the significance of elections in India.
2. Discuss the changes introduced with the implementation of the Representation of the People's (Amendment) Act, 1996.
3. Discuss why political alliance have become important for modern day politics.
4. 'Electoral reform is not an uncharted cognitive territory in contemporary India.' Explain.
5. Discuss elections and the process of politicization.

8.12 FURTHER READING

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UNIT 9 JUDICIARY IN INDIA

Structure

- 9.0 Introduction
- 9.1 Unit Objectives
- 9.2 Judicial Review
- 9.3 Judicial Activism
 - 9.3.1 Public Interest Litigation
 - 9.3.2 Provision of Legal Aid
 - 9.3.3 Amicus Curiae
- 9.4 Summary
- 9.5 Key Terms
- 9.6 Answers to 'Check Your Progress'
- 9.7 Questions and Exercises
- 9.8 Further Reading

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9.0 INTRODUCTION

The current Indian judicial system has its roots in the British colonial rule which makes it one of the oldest legal systems in the world today. The Constitution of India is the supreme law of the country, the main source of law in India. An important characteristic of the Indian judicial system is that it is regarded a 'common law system'. In a common law system, law is made by the judges through their decisions, orders, or judgments. These are also mentioned as precedents. The Indian judicial system has adopted features of other legal systems in such a way that they do not clash with each other while helping the citizens of the country. For instance, the Supreme Court and the high courts have the power of judicial review. This is a concept predominant in the American legal system. According to the notion of judicial review, the legislative and executive actions are subject to the examination of the judiciary and the judiciary can nullify such actions if they are ultra vires of the constitutional provisions. Hence, the laws made by the legislative and the rules made by the executive need to be in conformity with the Constitution of India. In this unit, you will study about the concept of judicial review and judicial activism in India.

9.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Interpret judicial review
- Explain judicial activism
- Discuss the concept of amicus curiae

9.2 JUDICIAL REVIEW

Judicial review means review by the courts to investigate the constitutional validity of the legislative enactments or executive actions. The power of judicial review in India stands between the American and British practices.

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The Constitution of India, in this respect, is more akin to the American Constitution than to British or any other constitution. Being the guardian of fundamental rights and the arbitrator of constitutional conflicts between the union and the states with respect to the division of powers between them, the Supreme Court holds a unique position. According to this position, it is competent to exercise the power of reviewing the legislative enactments of both, the Parliament and the state legislatures. The Supreme Court in India, however, can interpret the laws and invalidate them, if they are contrary to the letter of the Constitution, but not if they are contrary to its 'spirit'. Accordingly, our courts have to interpret the law as it is written and cannot declare a law as invalid on the ground that it is unjust. Similarly, the Indian Constitution distributes the legislative powers between the Union and the states so precisely, with residuary powers vesting in the Union, that disputes over legislative jurisdiction do not pose any serious problem. As our Constitution is not as rigid as the American Constitution, it is possible to override adverse judicial decisions by suitable amendments of the Constitution.

There are several specific provisions in the Indian Constitution, which imbibe the power of judicial review:

- Article 13(2) specifically declares that every law in force at the commencement of this Constitution, and every subsequent law, which is inconsistent with the fundamental rights shall be void.
- Article 32 empowers the Supreme Court to invalidate all such laws which violate fundamental rights.
- Under Articles 131–136, the basic function of the courts is to adjudicate disputes between individuals, between individuals and states, between states and the Union and while so adjudicating, the courts may be required to interpret the provisions of the Constitution and the laws. The interpretation given by the Supreme Court becomes the law honoured by all courts of the land.
- Article 226 constitutes high courts as protectors and guarantors of fundamental rights.
- Article 245 provides powers to both, the Parliament and the state legislatures, subject to the provision of the Constitution. Article 246 (3) expressly provides that in the State List, the state legislatures have exclusive powers. In context of Concurrent List or of those entries in the State List, for which one or more states would have requested the Parliament to make laws; Articles 251 and 254 declare that in case of inconsistency between Union and state laws, the state law shall be void. The constitutional validity of a law can be challenged in India on the ground that the subject matter of the legislation: (a) Is not within the competence of the legislature, which has passed it (b) Is repugnant to the provisions of the Constitution. (c) It infringes one of the fundamental rights.
- In view of Article 372 (1), no pre-constitutional law, which is inconsistent with it, can continue to be valid after commencement of the Constitution.

The power of judicial review, in general, flows from the powers of the courts to interpret the Constitution. Since the judiciary is the final interpreter of the Constitution and the Constitution regulates the exercise of political power, which, in general is considered to be the main domain of the legislature and the executive. Moreover, the judicial process determines the jurisdictional frontiers of the other branches of government. As a result of this, it constantly interacts with the legislature, the executive and other institutions of government, which are vested with political power.

Until 1967, the Supreme Court upheld that the Amendment Acts were not ordinary laws and could not be struck down by the application of Article 13 (2). It was in the famous *Golak Nath Vs. the state of Punjab* case in 1967, where the validity of three constitutional amendments (1st, 4th and 17th) was challenged, that the Supreme Court reversed its earlier decision and uphold the provision under article 368 which put a check on the Parliament's propensity to abridge the fundamental Rights under chapter III of the Constitution.

In the *Kesavananda Bharti vs. State of Kerala* case in 1973, the constitutional validity of the twenty-fourth, twenty fifth and twenty ninth amendments was challenged wherein the court held that even though the Parliament is entitled to amend any provision of the constitution it should not tamper with the essential features of the constitution; and that Article 31c is void since it takes away invaluable fundamental rights.

The court balances the felt 'necessities of the time' and 'constitutional fundamentals' when scrutinizing the validity of any law. H.M. Seervai has enumerated some of the canyons, maxims and norms followed by the court:

- There is a presumption in favour of constitutionality, and a law will not be declared constitutional unless the case is so clear as to be free from doubt; and the onus to prove that it's unconstitutional lies upon the person who challenges it.
- Where the validity of a statute is questioned and there are two interpretations, one of which would make the law valid, and the other void, the former must be preferred and the validity of the law will be upheld.
- The court will not decide constitutional questions if a case is capable of being decided on other grounds.
- The court will not decide a larger constitutional question than is required by the case before it.
- The court will not hear an objection as to the constitutionality of a law by a person whose rights are not affected by it.
- Ordinarily, courts should not pronounce on the validity of an Act or part of an Act which has not been brought into force, because till then the question of validity would be merely academic.
- In a later case, the *Minerva Mill* case, the Supreme Court went a step ahead. The 42nd Constitutional Amendment of 1976 among other things had added a clause to Article 368 placing a constitutional amendment beyond judicial review. The court held that this was against the doctrine of judicial review, the basic feature of the Constitution.

Judicial Review under Private Law

There are remedies against the actions of the executive under private law. A suit can be filed under section 9 of the Code of Civil Procedure. The suit can be for damages from the government or other public authority when right is violated and an injury is suffered. It can also be for a declaration of the illegality of the administrative action.

A suit can be filed for issuing injunction against the act that threatens the rights of persons. These remedies can, however, be specifically excluded by a statute under which the administration acts. In such cases the statute will provide alternative remedies.

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If it does not, or if the alternative remedies provided are not adequate or sufficient the aggrieved person will have a right to file a suit. When the alternative remedies are effective the citizen will have the right only to resort to those remedies and not the remedy under the Code of Civil Procedure. These rules are laid down through judicial decisions.

Judicial Review and Contempt of Court

It is mandatory that an administrative officer or authority should obey the directions of a court and execute the decisions of the court. What action can be court take if they do not do this? The court has neither the sword nor the purse like the executive. It has a potential power.

It has the power to take action of contempt of court. Those who violate or disobey the decisions of the courts are proceeded against under this power. They can be punished and sent to jail. Obviously the contempt power is the only weapon in the hand of judiciary to see that their decisions are executed.

Locus standi is the first limitation on judicial review. This means that only a person aggrieved by an administrative action or by an unjust provision of law shall have the right to move the court for redressal. Under this traditional rule a third party who is not affected by the action cannot move the court.

Another limitation is that before a person moves the High Courts and the Supreme Court invoking their extraordinary jurisdiction, he should have exhausted all alternative remedies. For example, these may be a hierarchy of authorities provided in legislation to look-into the grievances of the affected party. The aggrieved person should first approach these authorities for a remedy before invoking extraordinary jurisdiction of the courts.

However, the alternative remedies should be equally efficacious and effective as the remedies available from the courts are. If they are not, the jurisdiction can be invoked. In cases of manifest injustice and the violation of procedural fairness, alternative remedy is not a bar.

A rule has been evolved to avoid repeated adjudication on the same matter between the same parties. If the case is finally disposed of on merits the same issue cannot be re-agitated by any of the parties filing another case. This limitation is called *res judicata*.

Changing Trends in Judicial Review

Recently there is a rising trends in judicial activism in the land. The doors of the judiciary are kept open for redressing the grievances of persons who cannot ordinarily have access to justice. The strict observance of the traditional rule of locus standi will do injustice to certain persons who do not have the money, knowledge and facilities of approaching court.

In such cases if a public spirited person comes forward on their behalf courts relax the rules and adjudicate over the matter. Thus, in the matter of socially and economically backward groups or persons who are not aware of their rights or not capable of pursuing their case in a court, the complex and rigorous procedural formalities are not insisted upon. At this level there are cases when press reports were taken as write petitions and reliefs granted. Letters addressed to the courts were also 'treated as petitions.

Judicial review is one of the important techniques by which the courts examine the actions of the legislature, the executive and the other governmental agencies and decide whether or not these actions are valid and within the limits set by the Constitution.

Therefore, with the power of judicial review the courts act as a custodian of the fundamental rights. The Indian Judiciary, given the federal structure of the Constitution, also settles conflicts of jurisdiction in legislation between the centre and the states. With the growing functions of the modern state judicial intervention in the process of making administrative decisions and executive them has also increased.

9.3 JUDICIAL ACTIVISM

The term judicial activism is explained in *Black's Law Dictionary*, Sixtieth Edition, [Centennial Edition (1891–1991)]. Thus, judicial philosophy motives judges to depart from strict adherence to judicial precedent in favour of progressive and new social policies, which are not always consistent with the restraint expected of appellate judges. It is commonly marked by decisions calling for social engineering and occasionally these decisions represent intrusions in matters of the legislative and the executive.

No one will dispute that the judiciary has to perform an important role in the interpretation and enforcement of human rights inscribed in the fundamental law of the country. Therefore, it is necessary to consider what should be the approach of the Judiciary in the matter of constitutional interpretation. An approach must be a creative and purposive in the interpretation of various rights embodied in the Constitution, with a view to advancing human rights jurisprudence and social justice.

Judicial activism has emerged as the thematic thread running through the diverse areas of law that are represented in this comprehensive review of the Indian Supreme Court's jurisprudence. Subjects (to name just a few) ranging across areas as distinctive as fundamental rights, matrimonial adjudication, mercantile law, environmental justice, agrarian reforms, industrial jurisprudence and election laws, are all viewed through the approving lens of 'proactive adjudication'.

During the last five decades, the judiciary has emerged as the most powerful institution of the state. It has assumed the power to strike down amendments to the Constitution on the basis of the innovative theory of basic structure. The area of judicial intervention has been steadily expanding through the device of public interest litigation (PIL) and enforcement of human rights. Problems relating to environment pollution and natural resources of the nation, which ought to have been tackled on priority by the Executive and the Legislature are brought up through PIL, to be handled by the Supreme Court and the high courts. Lack of proper governance, non-governance and misgovernance are, probably, more responsible for increasing judicial activism. Speaking at Dr Zakir Hussain Memorial Lecture in 1997, A.M. Ahmedi (former Chief Justice) asserted that judicial activism might be seen as a transient phase responding to peculiar needs of the nation. Shedding its pro-status quo approach, the judiciary has taken upon itself the duty to enforce the basic rights of poor and vulnerable sections of the society. Apart from its traditional limited role of administration of justice, it has also vowed to actively participate in the socio-economic reconstruction of society, by progressive interpretation and affirmative action.

9.3.1 Public Interest Litigation

A public interest litigation (PIL) is a claim that can be lodged in any high court or directly in the Supreme Court. It is not mandatory for the petitioner to suffer an injury or have a personal grievance for filing the litigation. PIL can be referred to as the right that every socially aware member or public-supportive NGO has, to support a public cause by seeking judicial redressal of a public grievance. Such a grievance may arise as an outcome

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Check Your Progress

- Fill in the blanks with appropriate words.
 - Article 226 constitutes _____ as protectors and guarantors of fundamental rights.
 - Article 32 empowers the _____ to invalidate all such laws which violate fundamental rights.
- State whether the statements are true or false.
 - The power of judicial review flows from the powers of the courts to interpret the Constitution.
 - The executive is the final interpreter of the Constitution.

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of a breach of public duty or due to some provision of the Constitution that has been violated. Public interest litigation is the mechanism by which public participation in judicial review of administrative action can be assured. It works to increase the democracy of the judicial process. Public interest litigation cannot be referred to as any statute or act. Judges have interpreted it for considering the overall objective of the public. Therefore, public interest is the prime and sole focus of such litigation.

9.3.2 Provision of Legal Aid

Several substantial assurances have been made for defending human rights in Section 39 of the Indian Constitution. In spite of this, there are a large number of challenges faced by India, pertaining to the implementation of domestic laws for the protection of due process rights like piling of cases which are likely to go on for decades, in addition to seventy per cent of prisoners who have been detained without trials. Nevertheless, law has been a tradition in India since ages and even judicial activism in Asia, was born in India. It has the required legal infrastructure. In the domain of legal aid and legal services, establishments have been set-up at the national, state and district levels. This endorses a sound capability to provide quality criminal defence to every accused citizen, more importantly belonging to the underprivileged groups, for example, the poor, and others. It is the need of the moment to provide quality and prompt legal aid to every citizen of India. This will protect all their due process rights beginning from the time they are arrested by the police for an alleged crime.

9.3.3 Amicus Curiae

Amicus curiae or amicus curiae (plural amici curiae) is a legal phrase in Latin language. It is literally translated as ‘friend of the court’. Friend of the court means any person who is not a participant in a case, but offers to provide information on a legal aspect or any other aspect, to help a court in ruling over a matter before it. The mode of information may be a legal opinion in the form of a brief, a testimony that none of the parties have solicited, or a learned treatise on any aspect of the case that has a bearing on it. It is for the court to judge if the information can be considered.

The term amicus curiae should not be confused with someone who is involved in a case just because his direct interest lies in the result. Salmon L J (also addressed as Lord Salmon) defines amicus curiae as follows: ‘I had always understood that the role of an amicus curiae was to help the court by expounding the law impartially, or if one of the parties were unrepresented, by advancing the legal argument on his behalf.’

The courts in India, have repeatedly advocated the concept of allowing amicus curiae to connect themselves with trials that usually involve public interest. In the process, a court is directed not only by the intellectual viewpoint required in a particular case, but it also gets to understand which viewpoint would allow it to deliver total justice. Those who are allowed by the courts to function as amicus curiae are the ones who represent the impartial will and belief of the society.

In a large number of cases in India, the courts have provided for, or, on their own activity, have summoned several people to play the role of amicus curiae in their proceedings. An ideal instance of this is the well-known, or rather the notorious *BMW* case. This case has featured in the news due to the fact that the Delhi High Court has suspended both, the defence and the prosecution lawyers. The charge was that they were instrumental in turning the witnesses hostile. In the corresponding case, the Delhi High Court had appointed Advocate Arvind Nigam to act as amicus curiae. His role was critical in securing justice.

Hence, in India, if a petition comes from a jail or is related to any other criminal matter where there is no one to represent the accused, then the corresponding court appoints a lawyer as *amicus curiae*. He defends the accused and fights his case. Even in civil matters, the process followed by the court is the same. The court also has the discretion to assign *amicus curiae* in any matter pertaining to general public importance or where the interest of the public is involved.

9.4 SUMMARY

In this unit, you have learnt that:

- The current Indian judicial system has its roots in the British colonial rule which makes it one of the oldest legal systems in the world today.
- Judicial review means review by the courts to investigate the constitutional validity of the legislative enactments or executive actions. The power of judicial review in India stands between the American and British practices.
- Being the guardian of fundamental rights and the arbitrator of constitutional conflicts between the Union and the states with respect to the division of powers between them, the Supreme Court holds a unique position.
- As our Constitution is not as rigid as the American Constitution, it is possible to override adverse judicial decisions by suitable amendments of the Constitution.
- No one will dispute that the judiciary has to perform an important role in the interpretation and enforcement of human rights inscribed in the fundamental law of the country. Therefore, it is necessary to consider what should be the approach of the judiciary in the matter of constitutional interpretation.
- Judicial activism has emerged as the thematic thread running through the diverse areas of law that are represented in this comprehensive review of the Indian Supreme Court's jurisprudence.
- During the last five decades, the judiciary has emerged as the most powerful institution of the state. It has assumed the power to strike down amendments to the Constitution on the basis of the innovative theory of basic structure.
- A public interest litigation (PIL) is a claim that can be lodged in any high court or directly in the Supreme Court. It is not mandatory for the petitioner to suffer an injury or have a personal grievance for filing the litigation.
- Several substantial assurances have been made for defending human rights in Section 39 of the Indian Constitution.
- The term *amicus curiae* should not be confused with someone who is involved in a case just because his direct interest lies in the result.

9.5 KEY TERMS

- **Judicial review:** It means review by the courts to investigate the constitutional validity of the legislative enactments or executive actions.
- **Adjudication:** The giving or pronouncing a judgment or decree in a cause.
- **Litigation:** It is an action brought in court to enforce a particular right.

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Check Your Progress

- Fill in the blanks with appropriate words.
 - Several substantial assurances have been made for defending human rights in _____ of the Indian Constitution.
 - The term _____ should not be confused with someone who is involved in a case just because his direct interest lies in the result.
- State whether the statements are true or false.
 - Judicial activism has emerged as the thematic thread running through the diverse areas of law.
 - Proper governance is probably responsible for increasing judicial activism.

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9.6 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. (a) high courts (b) Supreme Court
2. (a) True (b) False
3. (a) Section 39 (b) amicus curiae
4. (a) True (b) False

9.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What is public interest litigation?
2. Mention the specific provisions in the Indian Constitution, which imbibe the power of judicial review.
3. Write a short note on Amicus Curiae.

Long-Answer Questions

1. ‘During the last five decades, the Judiciary has emerged as the most powerful institution of the state.’ Discuss.
2. What is the provision of legal aid provided by the Judiciary of India?
3. Discuss the power of judicial review in India.

9.8 FURTHER READING

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UNIT 10 MAJOR ISSUES IN INDIAN POLITICS

NOTES

Structure

- 10.0 Introduction
- 10.1 Unit Objectives
- 10.2 Regionalism
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 - 10.3.1 Exceptions to Communalism
 - 10.3.2 Communal Ideology
 - 10.3.3 Communal Violence and Communal Politics
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- 10.9 Further Reading

10.0 INTRODUCTION

The major issues in Indian politics at present are assorted and in abundance. A few of the issues are indigenous in nature while others come from external sources. Many issues pose extreme challenges. Currently, it is possible to resolve some of the issues and some are in the process of being resolved. Thus, the most prominent of these issues are communalism, regionalism and corruption.

Communalism emerges in a society in the event of specific religion or sub-religion based groups stressing on promotion of their interests at the cost of others. More specifically, it can be referred to as the process of distinguishing people on religious grounds. The ideology of communalism:

- Is dependent on the conviction that a society comprises religious or socio-political communities or groups, that coexist. The political, social and economic interests of every community are different from every other community within the larger society.
- Since these interests are unique, it becomes important for these communities to stand up for their interests, which results in division and fragmentation of a society.

Regionalism has a very strong impact on the Indian political system. During the period before Independence, imperialists made use of regionalism as a technique for promoting their policy of divide and rule. The promotion of regionalism was done on purpose, the consequence of which was that love for a region became more dominant than love for the country. People thought of patriotism more in terms of regionalism. Once Independence was achieved, efforts to make the people more inclined to think of India as a whole, instead of thinking only about their regions, gained momentum.

Corruption, another critical issue of the Indian society, has always been prevalent since ages. It has always been there in different forms and guises. The base of corruption lies with corrupt politicians who only think of their vested interests. They have caused a

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great deal of damage to our country. People of principles and values are not acknowledged and are regarded as unwise in the contemporary society. Hence, such people rarely come to power. The main reason for corruption is the nexus between bureaucrats, politicians and criminals. In this unit, you will study about the major issues in Indian politics, namely regionalism, communalism and corruption.

10.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Explain the factors responsible for the rise of regionalism
- Define communalism
- Give examples of governmental corruption

10.2 REGIONALISM

Regionalism refers to the idea or practice of dividing a country into small units for political, economic, social and cultural purposes. Politically, regionalism is connected with decentralized or federalist governments. Regionalism is both cultural and political, as its political success is associated with the development of a regional culture.

Regionalism has two connotations: negative as well as positive.

- In the negative sense, it implies the excessive attachment to one's region.
- In the positive sense it is a political attribute, which is associated with people's love for their region, culture and language, with a view to maintain their independent identity.

While positive regionalism is a welcome concept, as far as it maintains that it encourages the people to develop a feeling of brotherhood and commonness on the basis of common language, religion or historical background. The negative sense of regionalism is a great threat towards the unity and the integrity of the country. Generally, in the Indian context regionalism is used in the negative sense.

The feeling of regionalism might arise either by the continuous negligence of a particular area or region by the ruling authorities. It might also spring up as a result of increasing political awareness of backward people who have been differentiated against by the authorities in power. Usually, some political leaders encourage the feeling of regionalism so as to maintain their hold over a specific area or group of people.

Regionalism in India has assumed various forms. Some of them are as follows:

- **Demand for state autonomy:** Regionalism has frequently led towards the demand by states for greater independence from the Centre. Increasing intrusion by the Centre in the affairs of the states has led to regional feelings. Need for autonomy has also been raised by regions, within few states of the Indian federation.
- **Secession from the union:** It is a dangerous form of regionalism as it emerges when states demand separation from the Centre and try to establish an independent identity of their own.

Disputes among states over the sharing of river water, primacy given by the states to the language of majority and to people of their own states in job opportunities have also given rise to feelings of regionalism. For example, Gorkha Janmukti Morcha

(GJM) has been demanding for the creation of Gorkhaland, a separate state from West Bengal. Another example of regionalism is that people of north eastern states who have migrated to Delhi for further studies or employment have met with an antagonist attitude in Delhi.

Regionalism is an old phenomenon in the Indian political system. During the pre-Independence period, it was promoted by the British imperialists and they deliberately supported people of various regions to think only about their regions rather than the whole nation, with a view to keep their hold over India during the national movement. After Independence the leaders tried to cultivate a feeling in the people that they belonged to a single nation. The framers of the Constitution wanted to achieve this by introducing the concept of single citizenship for all. With the same aim, a unified judiciary, all Indian services and a strong central government was formed. But soon, in view of the vastness of the country and its culture, regionalism displayed its existence in India.

The initial manifestation of regionalism was the requirement for reorganization of states on the basis of linguistics, but the most efficient play of regionalism was the agitation of the Dravida Munnetra Kazhagam (DMK) against Congress in Tamil Nadu in 1960s. In the beginning, the central leadership felt that regionalism was a marginal political factor that was confined to Tamil Nadu and so did not pose any threat towards national unity. But, that assessment was wrong. Soon after that in Punjab, the Akali movement gained impetus, while in Jammu and Kashmir Sheikh Abdullah revitalized the National Conference. During 1950-60 all Indian political parties continued to fine-tune with these regional forces.

In India a number of factors have constituted to the growth of regionalism. These are as follows:

- Regionalism made its appearance as a reaction against the efforts of the national government for imposing a specific ideology, language or cultural pattern on all people and groups. So the states of South have resisted the imposition of Hindi as an official language because they fear this would lead to dominance of the North. Likewise, in Assam, anti-foreign movement was launched by the Assamese to preserve their own culture.
- The desire of various units of the Indian federal system to uphold their sub-cultural regions and greater degree of self-governance has encouraged regionalism and given rise to the demand for greater autonomy.
- Constant neglect of an area or region by the ruling parties and concentration of administrative and political power has given rise to a demand for decentralization of the authority and bifurcation of unilingual states.
- The wish of regional elites to get power has also led to the rise of regionalism. It is quite well-known that political parties like DMK, All India Anna Dravida Munnetra Kazhagam (AIADMK), Akali Dal, Telugu Desam and Asom Gana Parishad have supported regionalism to gain power.
- The interaction between the forces of modernization and mass participation has also contributed largely towards the growth of regionalism in India. As the country is still quite a distance away from realizing its goal of a nation state, various groups have failed to recognize their group interests with national interests; so the feeling of regionalism has persisted.
- The increasing awareness among backward people that they are being discriminated has also encouraged the feeling of regionalism. Local political leaders have fully

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exploited this factor and tried to feed the people with the idea that the central government was intentionally trying to maintain regional imbalances by neglecting social and economic development of some places.

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10.3 COMMUNALISM

The term 'communalism' has its roots in the word 'community'. Communalism refers to the politics of conflict between the members of different communities. It is a derogatory perception of communities other than one's own and in it one community is instigated against the other in the name of religion. This evil restricts one's sympathy to the community of one's birth. It is opposed to secularism as it has a pattern of socio-cultural coexistence and of political integration. Communalism has a two fold negative effect, which is as follows:

- In it, individuals consider their own religion to be superior to that of others
- It promotes hatred and intolerance against people of other communities

India is a land of diverse regions and cultures and our strength lies in the acceptance and understanding of cultures and religions, other than our own. It is believed that our unity lies in our diversity. Therefore, communalism leads to ill feelings within the members of a nation and is a threat to national unity.

10.3.1 Exceptions to Communalism

The following features do not come under the category of communalism:

- Adherence to religion and religious system
- Personal attachment to a religious community
- Affiliation to any social, cultural and service section of a religious community
- Attachment to ritualism, superstition, obscurantism, magic charm and occult practices

Commitment to conservative values in social life and conservative orientation in politics is not communalism. This can be called social backwardness and political reaction. However, it should be recognized that all these aspects can work as inputs for the development of communal consciousness and indeed communalists in various permutations and combinations have utilized most of these aspects in order to build their communal political base. But communalism, as a specific phenomenon in the Indian polity is something different and more specific.

10.3.2 Communal Ideology

Communalism is an ideology based on the belief that the Indian society is divided into various religious communities with diverse economic, political, social and cultural interests. They are even hostile to one another due to their religious differences. Communalism is a belief system through which a society, economy and polity are viewed and explained and around which an effort is made to organize politics.

According to communal ideology, people who follow the same religion usually have common secular interests, that is, people who belong to the same religion not only have common religious beliefs or interests but they also have common political, economic, social and cultural interests. This rule is the first bedrock of communal ideology. From this arises the notion of a religious community, functioning as a community for secular

Check Your Progress

1. What are the two connotations of regionalism?
2. State any two factors responsible for the growth of regionalism in India.

purposes. Any person who discusses about Hindu community or Sikh community or about the interests of the Sikh or the Muslim or the Hindu community is already taking the first step towards communalism whether he knows it or not and however secular he might be feeling genuinely at heart, unless the concept of community is used for religious purposes only.

Communalism is opposed to the rational civic basis of party formations and minorities, segments and divisions within a polity and political system. Communalism perceives majorities and minorities, segments and divisions within the polity and the nation. These are based essentially on religious communities and not even on other inscriptive bases (like that of family, clan, tribe, jati, language region or domicile) and certainly not on the basis of political, ideological, party, class, interests or strata considerations, which are the hallmarks of a modern political system. Communalism is the single biggest subversive ideology in contemporary India.

Pakistan and Communal Ideology

The ideology of Pakistan took shape through an evolutionary process. Historical experience provided the base; Allama Iqbal gave it a philosophical explanation; Quaid-i-Azam (Muhammad Ali Jinnah) translated it into a political reality; and the Constituent Assembly of Pakistan, by passing Objectives Resolution in March 1949, gave it legal sanction. It was due to the realization of the Muslims of South Asia that they are different from the Hindus that they demanded separate electorates. However, when they realized that their future in a 'Democratic India' dominated by Hindu majority was not safe, they changed their demand to a separate state. The ideology of Pakistan stemmed from the instinct of the Muslim community of South Asia to maintain their individuality in the Hindu society. The Muslims believed that Islam and Hinduism are not only two religions, but are two social orders that produced two distinct cultures. There is no compatibility between the two religions.

10.3.3 Communal Violence and Communal Politics

Communal violence (or communal riots) is a particular approach to politics, which is practiced at a sustained level. Communal violence involves incidents of violence between two religious communities. It can be sporadic in nature and mainly forms a law and order issue to be handled on the spot for restoring peace and calm. Though communal politics does not need immediate police intervention, it has much more damaging implications in future. It breeds feelings of suspicion between religious communities and also gives rise to frequencies of violence, which in turn sustain communal politics.

Communal Politics

Communal politics is a South Asian expression for ethnic or sectarian politics. Such politics is based on a belief that religion forms the basis of a common identity; that members of a particular religious community have the same economic, political and social interests. In other words, communal politics works on the belief that each religious community is distinct from the others in its religious and cultural practices, lifestyles and value systems, which become the basis of differences in the socio-economic interests of these communities. In the absence of shared interests, it is only distrust and suspicion that tends to define the relationship between different communities. Communal politics generates mutual distrust between religious communities. This feeling of distrust often leads to violence, which is a very important factor in communal politics. Communal politics deepens mutual suspicion and hatred, which fuels violence in the first place.

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Communal violence, leads to communal polarization of the society and hence, helps in the expansion of communal politics.

Communal politics in this sense is primarily a form of politics, which mobilizes a particular religious community for political power. It is the exploitation of religious differences for political gains. Communal politics may also take the form of highlighting the communitarian interests of a religious group, without necessarily generating hatred towards any other community. Most importantly, communal politics is not driven by any religious or spiritual issue, but by secular interests, which can range from bargaining for jobs, educational concessions, political patronage, separate representation or control over institutions of governance.

Source of Communal Conflict

The sources that lead to communal conflict are as follows:

- Struggle for property
- Sexual offences
- Urge for economic domination among the elite Hindus and the elite of other communities
- Political interests and communal behaviour to capture political power
- Scramble for jobs, clashes of economic interests and personal animosities
- Cow slaughter and religious processions of one community passing through the areas of other community.

10.3.4 Secularism

Pandit Nehru's definition of secularism consisted of the following four points:

- Separation of religion from political, economic, social and cultural aspects of life
- Dissociation of the state from religion
- Full freedom to all religions and tolerance of all religions
- Equal opportunities for followers of all religions and no discrimination and partiality on grounds of religion

Secularism refers to firm opposition against communalism. Pandit Nehru saw secularism as a gift of freedom struggle and heritage of India's ancient and medieval past. Secularism basically means separation of religion from the state and politics and it is treated as a private and personal affair. It also requires that the state should not discriminate against a citizen on grounds of his or her religion or caste.

Case Study

The Shah Bano case came up in 1985, in the context of ambiguous precedents. Shah Bano, a divorced Muslim wife, sued for maintenance. The Bench Chief Justice ruled that Muslims were subject to maintenance provisions (as stated in the Indian Code of Criminal Procedure) and also went on to pronounce gratuitously that this ruling was in accord with Islamic Law (he based this interpretation on the basis of the Islamic concept of *Mehr*).

The Muslim Personal Law Board intervened on behalf of Shah Bano's husband and having been unsuccessful in their appeal to the Supreme Court, took their case to Parliament. The Congress (I) had already suffered reverses in the by-elections in

Uttar Pradesh, Assam and Gujarat. It is alleged that Rajiv Gandhi, who had electoral considerations in mind, persuaded the Indian Parliament to pass a statute, entitled Muslim Women (Protection of Rights on Divorce) Act, 1986, which undid the Shah Bano case decision. According to this new codification of Muslim personal law, the divorced woman's husband is obliged only to return the *mehr* (dowry or marriage settlement) and pay her maintenance during the period of iddat (the period of three months following the divorce). If the divorced woman is not able to maintain herself after the iddat period her maintenance will be the responsibility of her children, or parents, or those relatives who would be entitled to inherit her property upon her death. In case, she has no relatives or if they have no means to pay her maintenance the magistrate may direct the State *Wakf* Boards (administrators of Muslim trust funds) to pay the maintenance determined by them.

Shah Bano herself, under pressure from the mullahs, withdrew her claim. However, the earlier court decision is still on record and there is a powerful drive among some court judges not to alienate Muslims and exclude from provisions that are viewed as national in scope and are applicable to all citizens.

The government's decision (the government in question here being that of Rajiv Gandhi, associated with the Indian National Congress, as the ruling party) to allow Muslim personal law to prevail in reversal of the court decision is one of the conspicuous grievances objected to by the leaders of the various component units of the Hindu nationalist movement (Sangh Parivar). They have constantly regarded it as favouritism of the Congress towards the Muslim minority at the expense of the sentiments and interests of the Hindu majority. It was also vigorously protested by the activist women's organizations as regressive with regard to women's rights. Thus, different groups presented it in ways to boost their own vested interests.

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10.4 CORRUPTION

Recently, the cases of corruption and public grievances have been on the rise in the departments of civil servants. In this section, we discuss these important topics.

10.4.1 Governmental Corruption

Governmental corruption is a complex phenomenon, which is prevalent in all forms of government and for which various sociological, economic, administrative factors are responsible. Simple avarice may appear to be generally the motive but it is by no means the only motive. Poverty, power, wealth and status are all involved in these transactions and there is no clear demarcation between them.

This is the general picture and it would not be wrong to say that in the developing countries of Asia and Africa, public administration is seething with bribery and corruption. This situation may be compared to bushes and weeds that are flourishing luxuriantly, taking the good elements from the soil and suffocating those plants which have been carefully and expensively tended.

The following causes appear to have largely contributed to the prevailing widespread bribery and corruption, in public administration in India:

- Legacy from the past
- Wartime scarcities and controls

Check Your Progress

3. Mention the various sources of communal conflict.
4. Define 'secularism'.

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Before the advent of second World War, corruption did exist to some extent amongst lower-grade officials, particularly of revenue earning departments like income tax, customs and central excise, railways and forests and others. It also included money-spending departments like the public works department, police, health and others. However, the higher ranks were comparatively free from this evil. The lack of liquidity resulting from the 'great depression' which afflicted the nation after World War I and also the limited compass of state activities afforded fewer opportunities and limited capacity to corrupt and be corrupted. This situation, however, changed during the course of World War II. The immense war efforts involving heavy expenditure over various kinds of war supplies and contracts created unprecedented opportunities for amassing wealth by dubious means and methods. Later, wartime scarcities and controls provided opportunities for bribery, corruption and favouritism, as governments subordinated all other considerations to that of making the war effort a success. Propriety of means was never considered, if it hampered the war effort. It was during this period that corruption reached the high watermark in India.

2G Spectrum Scam: An Example of Governmental Corruption

We have had a number of scams in India; but none bigger than the 2G spectrum scam involving the process of allocating unified access service licenses. The scandal involved officials in the Government of India illegally undercharging mobile telephone companies for frequency allocation licenses, which they would use to create 2G subscriptions for cell phones. The shortfall between the money collected and the money which the law mandated to be collected is estimated to be ₹176,645 crore as valued by the Comptroller and Auditor General of India based on 3G and broadband wireless access (BWA) auction prices held in 2010. The issuing of licenses occurred in 2008, but the scam came to public notice when the Indian income tax department was investigating political lobbyist Nira Radia. A. Raja, an Indian politician from the Dravida Munnetra Kazhagam (DMK) political party and former Telecom minister at the Centre, is the main accused in the 2G scam case. It has been observed by the Supreme Court that Mr Raja 'wanted to favour some companies at the cost of the public exchequer' and 'virtually gifted away important national asset'.

Post-war Inflation

The climate for integrity which had been rendered unhealthy by wartime controls and scarcities was further aggravated by the post-war flush of money and the consequent inflation.

Post-independence Atmosphere and Problems

The administrative machinery inherited by Independent India had been considerably weakened by (i) wartime neglect and (ii) the sudden departure of a large number of British and Muslim officers, which necessitated rapid promotions including those of some unproven men and recruitment of a large number of officers in various grades. This inevitably caused a dilution of experience and ability. These officers could not gain familiarity with the traditions of service.

Conflict of Values in Our Expanding Economy

In the olden days, a moral code prescribing simple living and high thinking profoundly influenced the mechanism of social control and social responses. But in the emerging society, with its emphasis on purposively initiated process of urbanization and

industrialization, there has come about a steady weakening of the old system of values without it being replaced by an effective system of new values. Corruption thrives in such a conflict of values simply because there is no agreement on the definition of corruption. Consequently, honesty and integrity have become extremely scarce and malpractices have come to be regarded as something inevitable and inescapable in administration, business, politics, trade unions, education, and various other fields. These have spread to, in fact, practically every sphere of public activity in India. Following are the common examples of corruption:

- The warden of a hostel, using the hostel peons for running his domestic errands.
- An officer making the department's peon drive his car for personal use.
- A doctor issuing false medical certificates.
- A official using the staff car for his personal use.
- An official undertaking needless travels at official expenses.

What is striking is that these activities are considered legitimate. Some minor examples of modes of corruption, which are very much prevalent in the government and quasi-government offices are, the use of government vehicles for private purposes and taking of government stationery, and so forth, by government servants for their personal use.

Acute Poverty

The coexistence of acute poverty and confounding prosperity has also eroded the integrity of the people. The Railway Corruption Enquiry Committee (1953–1955), which was presided over by Acharya J. B. Kripalani, observed:

While in most modern countries the difference between highest and lowest incomes is about ten times or even less, in India it is much more. This is out of all proportion to the difference in educational qualifications and ability. High salaries generally lead to luxurious living. The standard of living of high paid officials becomes the norm to be aspired to. Every subordinate tries to emulate his superior. If his salary does not warrant it, he gets money through dubious means. True, these high incomes are the privilege of the few, yet their demoralizing effect is out of all proportion to their number. We believe that, so far as the disparity in emoluments of the lowest and the highest paid government employees is conceded, it should be narrowed down. It is argued that as long as the disparity between the lowest and highest paid employees in trade and industry remains high, the Government, if it tried to reduce high emoluments of its executive, will not get the requisite talent for public service. This has not happened in other democratic countries, because of the power, prestige, fixity of service and other advantages enjoyed by government servants. All these advantages exist in India to a greater degree than in other countries where democratic traditions have been established for centuries. We believe that if the Government takes the initiative in reducing disparity of emoluments of its high paid and low paid employees, it will progressively reduce as we march towards socialism, which has been declared to be the goal of government policy.

Lack of Strong Public Opinion Against the Evil of Corruption

Corruption is a consequence of the way of life of our acquisitive society, where people are judged by what they have rather than by what they are. The possession of material goods seems to have become the sine qua non of life. Thus, materialism, importance of status resulting from the possession of money and economic power, group loyalties and

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parochial affinities, and so forth, seem to be on the increase. This is because of the general apathy or inability of all sections of the society to appreciate in full, the need of strict observance of a high standard of behaviour. This has resulted in emergence and growth of white-collared and economic crimes and rendered the enforcement of laws themselves, not sufficiently deterrent, but even more difficult.

As a result of lack of a strong public opinion in India, there are many instances of bribes being paid in the country for ration cards, passports, building permits, and even for doing normal business. Street vendors and rickshaw pullers are forced to pay bribes for exercising their fundamental rights. Villagers across the country are forced to pay bribes for getting their wages under the Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) or for any other entitlements under other schemes. A government-sponsored recent study on the efficacy of the National Rural Employment Guarantee Act (NREGA) found corruption in program implementation where workers worked for one day and were paid wages for one day; however, records showed them as having worked for 33 days, with the wages for the remaining 32 days being misappropriated. On closer study, job cards, which all workers are issued under the programme, were found to have fake entries, and often in the possession of the local panchayat members. According to the study, workers were threatened not to complain about the fake entries lest they lose even the few days of work and wages that trickled down to them.

Economic Necessity

Inadequate remuneration or salary scales and rising cost of living is probably one of the important causes of corruption. In recent years, the ever rising cost of living has brought down the real income of various sections of the community, particularly, that of the salaried classes. It is, therefore, inevitable that government servants are the worst hit and have had to face an appreciable fall in the standard of living. Though this cannot be placed in extenuation of the fall in the standard of integrity, the fact remains that the economic necessity has encouraged those who had the opportunities to succumb to temptations.

Structure or System of Government Induces Corruption to Influence Peddlers

The assumption of new responsibilities by the government has resulted in highly complicated administrative procedures. Administrative powers and discretions are vested at different levels of the executive, all members of which are not endowed with the same level of understanding and strength of character. Where there is power and discretion, there is always the possibility of abuse and the administrative authority may act outside the strict scope of law and propriety without the injured citizen being in a position to obtain effective redressal, in the absence of the machinery for appeals. This has given rise to the impression of arbitrariness on the part of the executive. Consequently, there has been a phenomenal growth of influence, peddlers operating for various individuals or groups of commercial organizations. They are ostensibly designated as liaison officers, public relations officers, officers on special duty, or alternatively work independently as 'contact men', on commission basis. They are generally influential people who are either related, or otherwise closely connected with ministers and senior bureaucrats, or retired high government officers who are in a position to influence or bring pressure upon the concerned officers. These concerned officers are likely to be their erstwhile colleagues or subordinates.

Complicated and Cumbersome Working of Government Offices

It is alleged that the working of certain government departments for example, the customs and central excise, imports and exports, railway supplies and disposals, and others is complicated, cumbersome and dilatory. This has encouraged the growth of dishonest practices like the system of 'speed money'. In these cases, the bribe giver generally does not wish to get anything done unlawfully but only wants to expedite the process of movement of files and communications, relating to decisions. Apart from being the most objectionable corrupt practice, this custom of 'speed money' has become one of the most serious causes of delay and inefficiency.

Collusion of Commercial and Industrial Magnates, to serve their individual interests

It is not always a government servant, who takes the initiative in the matter of corruption. Corruption can exist only if there is someone willing to corrupt and capable of corrupting. Both willingness and capacity to corrupt are found in ample measure in the industrial and commercial classes. The speculators and war-period adventures further swell their ranks. For them, corruption is an easy way to secure large unearned profits by various devices, also the necessary means to enable them to pursue their vocations or retain their position among their own competitors. It is these people, who have control over large funds and are in a position to spend considerable sums of money on entertainment. It is they, who maintain an army of 'liaison men and contact men'. Further, there is another class of dishonest merchants, 'suppliers and contractors', who have perfected the art of getting government businesses, and contracts, by undercutting and making good their loss by supplying inferior goods, also by sharing a portion of their ill-earned profit with the government servants who would be prepared to oblige them in their nefarious activities.

Non-cooperation of Trade Associations and Chambers of Commerce

Unscrupulous and dishonest members of industrial and commercial classes are major impediments in the purification of public life. It is as important to fight these unscrupulous agents of corruption to eliminate corruption in public services. In fact, they go together. The Trade Association, the State Chambers of Commerce and the Federation of Indian Chambers of Commerce could lend powerful support to the fight against corruption. However, unfortunately, they generally do not cooperate.

Protection given to the Public Services in India

As the law exists at present, both, the giver and the receiver of bribes are held guilty. The result, therefore, is that evidence against the offenders is very difficult to procure, for not only there is collusion in the commission of crime, but also collusion in the suppression of evidence. The heads of departments are unable to do anything against a subordinate official, even though they are aware that the subordinate is corrupt because of the difficulties in obtaining formal proofs for conviction. The heads of departments are even unwilling to make adverse entries in the confidential rolls unless they are in a position to justify such entries with proof, when challenged by the subordinates concerned. Article 311 of the Constitution, as interpreted by our courts, made it very difficult to deal effectively with corrupt public servants. Reluctance of higher officials to exercise the disciplinary powers they possess may sometimes be due to their own incompetence, indifference or even downright collusion in corruption with the subordinates concerned.

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Check Your Progress

5. Fill in the blanks with appropriate words.
 - (a) The coexistence of acute poverty and confounding prosperity has also eroded the _____ of the people.
 - (b) Unscrupulous and dishonest members of industrial and commercial classes are major impediments in the purification of _____ life.
6. State whether the statements are true or false.
 - (a) Inadequate remuneration or salary scales and rising cost of living is probably one of the important causes of corruption.
 - (b) Before the advent of World War II corruption did not exist in India.

Indeed, many heads of organizations are themselves corrupt and a corrupt officer will never combat corruption in his organization for fear of exposure by his subordinates.

There is too much security of tenure accorded to the bureaucracy by requiring that no public servant shall be dismissed or removed by an authority, subordinate to that by which he was appointed and further no such person shall be dismissed, or removed, or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. The fifteenth amendment of the Constitution (October 1963) softens some of the rigidities by expediting the conduct of disciplinary proceedings against public servants. The effect of the amendment is that an accused government servant gets two chances to defend himself. His first chance to defend himself is at the time when charges are framed against him and his second chance is when penalties are proposed to be imposed. This is based on the evidence already adduced during enquiry of the charges against him, without bringing in any fresh evidence or other extraneous matters. The intention is to expedite the conduct of disciplinary proceedings.

10.5 SUMMARY

In this unit, you have learnt that:

- At present, the major issues in Indian politics are assorted and in abundance. A few of the problems are indigenous in nature while others come from external sources.
- Communalism emerges in a society in the event of specific religion or sub-religion based groups stressing on promotion of their interests at the cost of others.
- Regionalism has a very strong impact on the Indian political system. During the period before Independence, imperialists made use of regionalism as a technique for promoting their policy of divide and rule.
- Corruption, another critical problem of the Indian society, has always been prevalent since ages. It has always been there in different forms and guises.
- Regionalism is both cultural and political, as its political success is associated with the development of a regional culture.
- Usually, some political leaders encourage the feeling of regionalism so as to maintain their hold over a specific area or group of people.
- The term 'communalism' has its roots in the word 'community'. Communalism refers to the politics of conflict between the members of different communities.
- Commitment to conservative values in social life and conservative orientation in politics is not communalism.
- Communalism is an ideology based on the belief that the Indian society is divided into various religious communities with diverse economic, political, social and cultural interests.
- Communal violence, leads to communal polarization of the society and hence, helps in the expansion of communal politics.
- Recently, the cases of corruption and public grievances have been on the rise in the departments of civil servants.

- Governmental corruption is a complex phenomenon, which is prevalent in all forms of government and for which various sociological, economic, administrative factors are responsible.
- The coexistence of acute poverty and confounding prosperity has also eroded the integrity of the people.
- Corruption is a consequence of the way of life of our acquisitive society, where people are judged by what they have rather than by what they are. The possession of material goods seems to have become the sine qua non of life.

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10.6 KEY TERMS

- **Regionalism:** It refers to the idea or practice of dividing a country into small units for political, economic, social and cultural purposes.
- **Communalism:** It refers to the politics of conflict between the members of different communities.
- **Secularism:** It is a belief that religious preferences should not influence public and governmental decisions.
- **By-elections:** It is an election to fill a vacancy arising during a term of office.
- **Obscurantism:** It is the practice of deliberately preventing the facts or full details of something from becoming known.

10.7 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. Regionalism has two connotations: negative and positive.
 - In the negative sense, it implies the excessive attachment to one's region
 - In the positive sense it is a political attribute, which is associated with people's love for their region, culture and language with a view to maintain their independent identity.
2. The factors responsible for the growth of regionalism in India are as:
 - Regionalism made its appearance as a reaction against the efforts of the national government for imposing a specific ideology, language or cultural pattern on all people and groups. So the states of South have resisted the imposition of Hindi as an official language because they fear this would lead to dominance of the North.
 - The desire of various units of the Indian federal system to uphold their sub-cultural regions and greater degree of self-governance has encouraged regionalism and given rise to the demand for greater autonomy.
3. The various sources of communal conflict are as follows:
 - Struggle for property
 - Sexual offences
 - The urge for economic domination among the elite Hindus and the elite of other communities
 - Political interests and communal behaviour to capture political power
 - Scramble for jobs, clashes of economic interests and personal animosities

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4. Secularism refers to firm opposition against communalism. Pandit Nehru saw secularism as a gift of freedom struggle and heritage of India's ancient and medieval past. Secularism basically means separation of religion from the state and politics and it is treated as a private and personal affair. It also requires that the state should not discriminate against a citizen on grounds of his or her religion or caste.
5. (a) integrity (b) public
6. (a) True (b) False

10.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. List and explain the exceptions to communalism.
2. What are the salient features of communal violence and communal politics?
3. Write a note on governmental corruption in India.

Long-Answer Questions

1. 'Regionalism is an old phenomenon in the Indian political system,' Explain.
2. Discuss the various factors that have contributed to the growth of corruption in India after Independence.
3. How can secularism be used as tool to combat communalism?

10.9 FURTHER READING

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RAJIV GANDHI UNIVERSITY

SECOND YEAR

PAPER-II



BA



POLITICAL THEORY

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POLITICAL THEORY

BA

Second Year

Paper - II



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Ever since its inception, the university has been trying to achieve excellence and fulfill the objectives as envisaged in the University Act. The university received academic recognition under Section 2(f) from the University Grants Commission on 28th March, 1985 and started functioning from 1st April, 1985. It got financial recognition under section 12-B of the UGC on 25th March, 1994. Since then Rajiv Gandhi University, (then Arunachal University) has carved a niche for itself in the educational scenario of the country following its selection as a University with potential for excellence by a high-level expert committee of the University Grants Commission from among universities in India.

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The faculty members have been actively engaged in research activities with financial support from UGC and other funding agencies. Since inception, a number of proposals on research projects have been sanctioned by various funding agencies to the University. Various departments have organized numerous seminars, workshops and conferences. Many faculty members have participated in national and international conferences and seminars held within the country and abroad. Eminent scholars and distinguished personalities have visited the University and delivered lectures on various disciplines.

The academic year 2000-2001 was a year of consolidation for the University. The switch over from the annual to the semester system took off smoothly and the performance of the students registered a marked improvement. Various syllabi designed by Boards of Post-graduate Studies (BPGS) have been implemented. VSAT facility installed by the ERNET India, New Delhi under the UGC-Infonet program, provides Internet access.

In spite of infrastructural constraints, the University has been maintaining its academic excellence. The University has strictly adhered to the academic calendar, conducted the examinations and declared the results on

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In spite of infrastructural constraints, the University has been maintaining its academic excellence. The University has strictly adhered to the academic calendar, conducted the examinations and declared the results on time. The students from the University have found placements not only in State and Central Government Services, but also in various institutions, industries and organizations. Many students have emerged successful in the National Eligibility Test (NET).

Since inception, the University has made significant progress in teaching, research, innovations in curriculum development and developing infrastructure.

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INTRODUCTION

Political theory as a subject teaches us how to live together, collectively. A political theorist attempts to explain or define precisely ideas such as freedom, equality, democracy and justice. Ideas that may have a sound foundation or be backed by reasoned arguments or may even be based on misguided premises.

According to John Dunn (1990) in *Reconceiving the Content and Character of Modern Political Community*, the purpose of political theory is to diagnose practical predicaments and show how best they can be confronted. He also believes that this can be done by developing the following three skills:

1. Ascertaining how one gets to know where one is and understanding why things are the way they are
2. Deliberating about the kind of world one wishes to live in
3. Judging how far, and through what actions, and at what risk, one can hope to move this world as it exists today towards the way one wishes it to be.

Study of political theory helps you to differentiate between legitimate functions of government and the arbitrary use of power. These aspects are discussed in the book entitled *Political Theory*.

This book is divided into ten units. The learning material in this book has been presented in the self-learning format, wherein each unit begins with an Introduction to the topic followed by an outline of the Unit Objectives. The detailed content is then presented in a simple, structured and easy-to-grasp style interspersed with Check Your Progress questions to test the student's understanding. At the end of each unit, a Summary and a list of Key Terms have been provided for recapitulation.

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UNIT 1 INTRODUCTION TO POLITICAL SCIENCE

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- 1.1 Unit Objectives
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1.0 INTRODUCTION

Political theory was initially formulated in Greece —the land of enlightenment and knowledge in ancient times. Emphasizing on the contribution of the Greeks to the realm of knowledge, it is often said that 'excepting the blind forces of nature, nothing moves in this world which is not Greek in its origin.' While in the Eastern countries, political philosophy intermingled with religion and mythology, it were the Greeks who for the first time, separated politics from the fetters of religion and superstition by giving it the character of independent science. They differentiated politics from mythology, theology and ethics. For this reason, political theory is described as the invention of the Greeks.

Political theory is a very wide and comprehensive subject. There is no agreement among the political scientists with regard to the scope of political theory. There are various political theories, such as orthodox political theory, liberal political theory and Marxist political theory. Political theory is also closely related to other social sciences.

In this unit, you will learn about the meaning and background of political theory. You will also study various other aspects of political theory mentioned above in more detail.

1.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Discuss the meaning of political science
- Understand the nature of political science
- Examine the scope of political science

1.2 MEANING AND NATURE OF POLITICAL SCIENCE

NOTES

Some writers treat the history of political ideas as a contribution to political education and attempt to trace the evolution of political science from the time of the Greeks. Others seek to discover the principles of political science that would provide knowledge of political phenomena and a basis for sound political decision. Frederick Pollock, a late nineteenth century writer, presented the history of political theory as the history of the science of politics. In his view, one of its principal functions was that of critical expositions. Its chief purpose was not to revive the corpus of past erudition but to make more vivid the life of today and to help us envisage its problems with a more accurate perspective.

William A. Dunning's three volume study, *A History of Political Theories*, was published between 1902 and 1920. Dunning's contribution did a great deal to establish the tradition of political theory as a distinct discipline. In a way, it shaped the basic concerns and assumptions that would dominate for the next few decades. Dunning's work was indeed the prototype of a genre that promoted the analysis of classic works, explaining them in their historical contexts from Plato to the present. For Dunning and his followers, research in the history of political theory and the practice of empirical political science were complementary efforts. Despite fundamental differences among scholars with regard to what constituted proper historical data, inductive history was seen as a key to a science of politics. The history of political theory was seen to be at the heart of this enterprise.

Dunning, while acknowledging his debt to his predecessors, lamented that inadequate attention had been given to the history of political theories. He described them as the successive transformations through which the political consciousness of men had passed. He argued that these transformations pointed toward a science of political society. He was convinced that an in-depth study would yield both contemplative and manipulative political knowledge. He ended his long study with a consideration of the evolutionary philosophy of Herbert Spencer. He also praised Auguste Comte for having generalized from the past, the elements of progress in civilization and in specifying the method and utility of history.

According to Dunning, political theory consisted not only of political literature but also of operative ideas. He found such ideas implicit in the legal institutions of the state and the political consciousness of a society. He envisaged a pretty definite and clearly discernible relationship between any given author's work and the current institutional development. He emphasized an interpretation of the development of political theory in its relation to political fact. He attempted to demonstrate that modern political institutions and political science in the West were the culmination of an evolutionary process that began with the Ancient Greeks.

Dunning believed that political theory as well as political consciousness began with the Greek masters. They had explored the entire height and depth of human political capacity and were the first to outline the principles, which at all times and circumstances, must determine the general features of political life. Moreover, Greek thought on political authority contained substantially all the solutions ever suggested. Despite some gaps, in its concrete expression, there is an evidence of progress in theory since the time of the classical Greeks. This progress is apparent in areas like the views about slavery,

representative democracy, a clear distinction between state and society and modern concept of sovereignty.

Since the turn of this century, there had been a visible consensus on the role of political theory. It was to develop the concepts and principles of a scientific political science. In this respect, the history of political theories was closely related to political fact. They were not only dependent upon and evoked by objective conditions, but they also reflected the actuating motives of political events and scientific understanding. In his view, the historical method required no defence. Both Dunning and Willoughby stressed the various ways in which political theories and political facts were related and were mutually explanatory.

But in the 1920s, along with Charles Merriam, many writers came to reject the historical method. They saw political science moving into the new stage of empirical science. They welcomed the new emphasis on quantitative techniques and approaches. These had come to be closely identified with sociology and psychology. However, the rejection of the historical method did not amount to a rejection of the history of political theory as irrelevant to the discipline of political science. Like Dunning, Merriam too, in many respects, attempted to establish a close relationship between political ideas and their social ambience. Above all, the history of political theory, more or less, was treated as the history of political science.

In 1924, Raymond G. Gettel attempted to trace the development of political thought in relation to its historical, institutional and intellectual background. Gettel saw no conflict between the two beliefs that political ideas do not embody absolute and demonstrable truths, but are relative to historical circumstances, and that in both ideas and institutions, there was a movement towards democracy. He saw in the history of political theory a scope of practical application. However, he emphasized that it contributed to clarity and precision in political thought. Besides, he underlined its relevance to contemporary politics. He treated it as a basis for rational action in democratic society. He assumed that the theory of politics was the peculiar product of Western thought and that there existed not a single controversy of our day without a pedigree that did not stretch into the distant ages.

Similar themes were evident in the work of C.H. McIlwain. He noted the close tie between political ideas and institutions. The history of political theory served to illumine the development of our ideas about the state and government. He also explained the growth of thought about the basic problems of political obligation.

1.2.1 Politics and Political Theory

Modern writers make a distinction between 'politics' and 'political theory'. Sir Frederick Pollock, for the first time, broke up the subject into two parts such as (i) theoretical politics, and (ii) practical or applied politics. The first portion covers the theory of the state and government, theory of legislation and theory of the state as an artificial person. The subject under the first category deals with the features of the state and the basic principles of the government, and do not study actual working of any particular government. The second part covers the study of the state and actual forms of government, working of government and administration, political actions and elections. Table 1.1 demonstrates the distinction between the types of political theory.

NOTES

NOTES

Table 1.1 Theoretical and Applied Formulations of Political Theory

Theoretical Formulations of Political Theory	Applied Formulations of Political Theory
(a) It should deal with the theory of the state.	(a) It should deal with the actual forms of government.
(b) It should deal with the various theories of government.	(b) It should deal with the working of the government, administration, etc.
(c) It should deal with theory of legislation.	(c) It should deal with the actual law, their procedure and courts.
(d) It should deal with the theory of the state as an artificial person.	(d) It should deal with the state personified i.e., diplomatic relations during war, peace and other international dealings.

Though the terms theoretical and applied formulations of political theory are quite significant, yet a majority of the writers accept political theory as the appropriate title of the subject.

1.3 SCOPE OF POLITICAL SCIENCE

The nature and concerns of political theory implies its jurisdiction of subject matter. Political theory is a very wide and comprehensive subject. There is no agreement among the political scientists with regard to the scope of political theory. A conference of political scientists, held under the auspices of the International Political Science Association in Paris in the year 1948, demarcated the scope of political theory into four zones, namely, political institution, political dynamics (parties, public-opinion, etc.) and international relations. But this demarcation of the International Political Science Association rather delimits the scope of political theory within the bounds of four zones. As the importance of political theory is increasing day-by-day, its scope is also increasing and becoming wide. Despite this difficulty, one may make an attempt to define the scope of political theory as follows:

1. A Study of the State and Government

Political theory primarily studies the problems of the state and government. The state is defined as a group of people organized for law within a definite territory. The state possesses four characteristics, viz., population, territory, government and sovereignty. Government is an agent of the state. Political theory studies the activities of the state and explains the aims and objectives of the state and government.

If we carefully study political theory, we come to know that despite the differences found between the state and the government, the scope of one cannot be separated from that of the other. The state is the institution under which the government functions. The state is imaginary and it is the government that gives it a concrete shape. Therefore, one is the complement of the other. The existence of the state is not possible without the government. This is the reason why Laski, Garner, Gettell, Gilchrist and others have included the study of both the state and the government in the scope of Political Theory.

2. A Study of Political Science

Political science is a major branch of political theory. On the basis of the political ideas or thoughts of political thinkers, political science formulates definitions of concepts like democracy, liberty, equality, grounds of political obligations, etc. A student of political theory must start his lessons with political science. Political science explains the

Check Your Progress

1. When was *A History of Political Theories* published?
2. Which writer for the first time attempted to break up the subject of political theory into two parts?

NOTES

rudimentary concepts of political theory. It also includes the study of political philosophy. Political speculations of political philosophers and some ideologies such as individualism, anarchism, and communism and so on are put together in one volume which is given the title of 'political science'. Here the underlying assumption is that other parts of political theory on governmental organisation, political parties and pressure groups, international relations, etc. are distinct from political theory. The danger of viewing political theory in such a way is that a special meaning is being attached to the word 'theory' and this will rule out the possibility of the existence of any theory in other segments of political science. One should be cautious about it.

3. A Study of Political Institutions

The field of political theory is rather vast. It includes the study of political institutions. This covers a study of constitutions and comparative government. It deals with the nature of different political institutions including government, explains their merits and demerits, their structure and working and arrives at different conclusions by making a comparative study. Besides, the study of public administration and local government may be included in this area. However, the study of public administration has emerged as an independent subject in recent times.

4. A Study of Political Dynamics

The study of political dynamics became significant in the 20th century. It has acquired more significance in the 21st century. It means the current forces at work in government and politics. It covers a wide range and includes the study of political parties, public opinion, pressure groups, lobbies, etc. A scientific study to the working of these political dynamics helps to explain the political behaviour of individuals and different groups.

5. A Study of Adjustment of the Individual with the State

The scope of political theory also includes a study of the nature of relationship between the individual and the state. It examines how man should adjust himself with the society. Man is the root of politics. The process of adjustment of men with the society is an important aspect of political theory. The state guarantees certain rights and liberties to the citizens and at the same time imposes certain reasonable restrictions on them.

6. A Study of International Relations and International Law

Lastly, the scope of political theory includes a study of international relations which has become significant since the first quarter of this century. It covers a wide range of subjects and includes diplomacy, international politics, international law, international organisations like the United Nations, etc. Because of scientific inventions and discoveries, the co-operations and contacts among the different nations of the world have become easier and the whole world turns to be a family. The above contents show the wide range of subjects that come under the fold of political theory.

7. Knowledge of the State

The primary aim of the study of political theory is to inculcate knowledge of the state, its origin, nature, structure and functions. Knowledge about the state is of great significance to modern man. Further, in democratic states, the citizens must possess at least rudimentary knowledge about political theory and its principles. This will make them conscious of the state. They will be able to keep a vigilant eye over the rulers and assert their supremacy over them. They will try to check misuse of power.

NOTES

8. Knowledge of Government and Administration

The administrators, statesmen and diplomats, who conduct the affairs of the state, also require sound knowledge of political theory in order to perform their functions with efficiency. An administrator who has no knowledge of political theory is bound to be a failure. Consequently, all new entrants to the Indian Administrative Service have to undergo a course in political theory at the National Academy of Administration, Mussoorie.

9. Knowledge about the World

Apart from the utilitarian considerations, the acquisition of knowledge of political theory enriches one's mind and widens one's intellectual horizon.⁷ In order to know what is happening in the world around us, at least an elementary knowledge of political science is necessary. In the modern age, an individual cannot lead an isolated life. Each country has to maintain relations with other countries of the world. Those who specialise in the various fields of political science conduct researches to discover hitherto unknown principles underlying political phenomena and make a rich contribution to the realm of knowledge. In the ultimate philosophy, if human life is to enrich knowledge, then political science makes a major contribution to the storehouse of knowledge. Its study helps us a lot in understanding international relations. It explains the governmental system of the other countries. Sidwick observes, 'What, as students of political theory, we are primarily concerned to ascertain is not the structure or functions of the government in any particular historical community, but in the distinctive characteristics of different forms of government in respect of their structure or their functions; not the particular processes of political change in Athens or England but the general laws or tendencies of change exemplified by such particular processes'.

10. Knowledge of Political Dynamics

Political dynamics refers to all the factors that come to bear on political figures, their activities and policy directions. Political theory lays down principles which are to be followed in the conduct of public affairs. One who has no knowledge of politics is at a great disadvantage and in one's own interests and in the larger interest of the society as a whole; it is advisable to have adequate knowledge of political theory. To know the national and international affairs, the condition of the various institutions, the nature and conduct of the government, the programmes and policies of political parties, pressure groups, lobbies and various other matters, a knowledge of political theory is indispensable.

1.3.1 Traditional and Contemporary Perspectives

The disciplines of political theory can be divided into the various categories which have been discussed ahead.

Orthodox Discipline of Political Theory

Orthodox political theory has positive explicit uniqueness. Firstly, it was dominated by philosophy. Great philosophers such as Plato and Aristotle were great because of the comprehensiveness and scope of their thought. The digressions of political theory included description, explanation, prescription and evaluation. Secondly, there was no clear distinction between philosophical, theological and political issues. Political theory was not an autonomous subject as it is today. Thirdly, political theory was concerned with probing into issues, asking important questions and serving as a sort of conscience keeper of politics. Fourthly, classical tradition believed that political theory dealt with the political whole – the theory must be all-comprehensive and all-inclusive.

Liberal (Broad-Minded) Political Theory

The long spell of Plato, Aristotle, Augustine, Cicero and other thinkers of the classical age was broken in a variety of ways after the twin revolutions of Renaissance and Reformation in Europe since the 15th century, coupled with the Industrial Revolution later on. The Renaissance produced a new intellectual climate which gave birth to modern science and modern philosophy and a new political theory known as liberalism. This new political theory found classical expression in the writings of Grotius, Hobbes, Locke, Thomas Jefferson, Thomas Paine, Jeremy Bentham, J.S. Mill, Herbert Spencer and a host of other writers. Whereas classical political theory considered the moral development of individual and the evolution of the community as co-terminus, the liberal political theory developed the concept of sovereign individual. The central theme of this political theory was individualism. The liberal theory declared that state is not a natural institution but comes into existence by mutual consent for the sole purpose of preserving and protecting the individual rights. The new liberal political theory dismissed the idea of common good and an organic community.

Marxist Political Theory

Marxist political theory focuses social change and revolutionary reconstitution of society. In this context, Marxism consists of three interrelated elements:

- An examination and critique of the present and past societies. This is known as dialectical materialism and historical materialism.
- The notion of an alternative model against a society based upon exploitation and divided among classes. The new society is based on the common ownership of the means of production on which human potential will be allowed to freely develop its manifold facets. Such a society will be classless and stateless.
- Though there was a general agreement that capitalist system was unstable and crisis-ridden but the advent of socialism required a revolutionary action by the proletariat, whose growing impoverishment will lead to revolution, and establishment of a socialist state and society.

The central themes of Marxist political theory are modes of production, class division, class, struggle, property relations, revolution and state as an instrument of class domination. Marxism also examined the nature of rights, liberty, equality, justice and democracy but came to the conclusion that in a class divided society, they are the prerogatives of the propertied class. Real liberty and equality can be achieved only in a classless and stateless society. Thus, Marxist political theory preoccupied itself with the establishment of a socialist state through revolutionary action.

Marxism as the economic, social and political theory and practice originating in the works of Marx and Engels, has been enriched by a number of revolutionaries, philosophers, academicians and politicians. It has also been subject to a variety of interpretations. In the twentieth century, the prominent contributions to Marxist thought have been made by Lenin, Bukharin, Stalin, Rose Luxemburg, Gramsci, Lukacs, Austro-Marxists, the Frankfurt school, Herbert Marcuse, the New Left theorists, Euro-communists, Mao Tse Tung and various other people. Up to the First World War, Marxism was highly deterministic and represented a philosophy of socio-political changes which culminated in the Russian revolution. However, during the inter-war period and the post-second world war, Marxism developed more as a critique of present socio-economic and cultural conditions than a philosophy of revolutionary action. Known as contemporary

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Marxism, it has been more concerned with the problems of superstructure, culture, art aesthetics, ideology, alienation etc. other than the above mentioned disciplines of political theories there are some other disciplines also which explain political theory in detail and these disciplines are empirical- scientific discipline of political theory and the contemporary discipline of political theory.

Empirical Enquiry

There is another kind of political theory developed in America popularly known as the empirical enquiry in political theory. The study of political theory through scientific method (instead of philosophical) and based upon facts (rather than on values) has long history but the credit for making significant development in this connection goes to the American social scientist. In the early twentieth century, Max Weber, Graham Wallas and Bentley gave an empirical dimension to the study of political theory and advocated that its study should be based upon 'facts' only. Another writer, George Catlin emphasized that the study of political theory should be integrated with other social sciences such as sociology, psychology, anthropology etc. However, it was during the inter-war period and after the Second World War that a new theory was developed by the political scientists of Chicago University (known as the Chicago School) such as Charles Merriam, Harold Lasswell, Gosnell, and others like David Easton, Stuart Rice, V.O. Key and David Apter. The new political theory shifted emphasis from the study of political ideals, values and institutions to the examination of politics in the context of individual and group behaviour.

Broadly speaking, political theory contains the topics dealing with both empirical facts and value preferences. Questions of facts are concerned with those dealing with value preferences and are concerned with what should be. The contents of political theory fall in either of those two broad categories. Recently, dissatisfaction with the contents of the subject and its long indulgence in value judgements has led to interesting controversies about the scope of political theory and the proper methods for its study. Especially in the United States of America, efforts are being made to develop a kind of empirically oriented and value-free scientific politics which seeks to be at par with the natural sciences. There are some difficulties in the development of scientific politics.

Empirical-scientific theory is different from the classical tradition in many respects. First, the scientific theory believes that the political theory should order, explain and predict the phenomena and not evaluate it. Nor is it concerned with the creation of grand political utopia. What is worth nothing is that the relation with philosophy is completely served. Political theory is meaningful to the point or degree it is verifiable. Second, the study of political theory should be value free. It should concern itself with 'facts' only.

The task of empirical enquiry is to analyse the present political phenomena and not evaluate of what is happening and what should happen. The concern of political theory should not be with 'who rules, who should rule or why?' but with only 'who does rule and how'. It should focus attention on the study of political behaviour of man, group and institutions irrespective of their good or bad character. Third, practical theory is not only concerned with the study of the state but also with the political process. Fourth, scientific theory does not believe in critical function, that is, it should not question the basis of the state but should be concerned with maintaining the *status quo*, stability, equilibrium and harmony in the society. Fifth, it should develop many new concepts borrowed from other social sciences such as power elite, decision-making, policy-making, functioning of structures, political system, political culture etc.

Due to too much stress science, value-free politics, methods and its failure to study the pressing social and political issues, empirical political theory began to attract critics after 1960s. The 'Behavioural Revolution' announced by David Easton laid less emphasis on scientific method and technique and showed greater concern for the public responsibilities of political theory. The debates in 1970s resulted in the frank admission that there are segments of human life relating to values or purposes embodied in any political structure that were either ignored or overlooked by the behavioural studies. The core issues of political theory such as liberty, equality, justice were taken up once again by John Rawls, Robert Nozic, Habermas and others which signalled once again the revival of normative political theory. This new revival is termed as contemporary political theory.

1.3.2 Interdisciplinary Approach

Paul Janet writes, 'the concerns of political theory is closely connected with political economy or the science of wealth; with law either natural or positive, which occupies itself principally with the relation of citizens one to another; with history, which furnishes the facts of which it has need; with philosophy and especially with moral which give to it a part of its concerns.' This statement indicates that political theory is related to other social sciences. Man is a social and political animal. His life has many aspects and concerns, political, social, religious, economic and ethical. Many social sciences like political science, sociology, economics, philosophy and history, etc. deal with the different aspects of human life. As all these subjects deal with the different aspects of human life, they are called social sciences. 'Man is a social being', says Professor Bluntschli, 'and his various social activities may be studied separately. His political life is only one part of his total social life. But as every human being lives within a State, the science of the State is necessarily connected with other sciences.' It is necessary to examine the concern of political theory with other social sciences.

1. Political Theory and History

The relationship/concerns between political theory and History are very close. The two are complementary to each other. The intimacy between political theory and History is well brought-out in the following couplet of Seeley, an eminent English historian who wrote - 'History without Political Science has not fruit, Political Science without History has no root.' The affinity between History and Political Science is so close that Freedom goes to the extent of saying that 'history is past politics and politics is present history.' Willoughby writes, 'History gives us the third dimension of political theory.' History provides the necessary raw-materials for political theory. Gilchrist says, 'In the Treatise of Political Theory', 'we must trace the history of various institutions, not for the sake of history but to enable us to form conclusions of our science. In so much as history not merely records events but analyses causes and points out tendencies. It overlaps political theory. Political theory, however, goes further. It uses historical facts to discover general laws and principles; it selects, analyses and systematizes the facts of history in order to extract the permanent principles of political life. Political theory, further, is teleological, that is to say, it deals with the state as it ought to be, whereas history deals with what it has been.' The political scientist goes back to the past in order to explore the future. 'So conceived history', writes Burns, 'will be made something more than the luxury of a scholar. It will be the inspiration of honest politician; it will be the real basis for criticism of the present and modification of the future'.

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2. Political Theory and Sociology

Both political theory and sociology deal with human activities. But there is difference in their respective spheres. Sociology is a broad and comprehensive term. It is a parent science of all social sciences. It is defined as 'a science of society viewed as an aggregate of individuals'. The term 'political theory' is narrower than sociology. Sociology denotes the study of society in all its manifestations, whereas political theory is confined to mostly the study of the state and government. In other words, while sociology deals with man in all his social relations, political theory is concerned with man in his political relation alone.

3. Political Theory and Economics

Political theory and economics are both social sciences, and hence they are closely connected. In the past, economics which was regarded as a branch of political theory was called political economy. Today the two subjects have been separated and given different areas, but the areas are closely related. In the promotion of the welfare of the people, both the subjects go hand in hand. In a way, they can be regarded as the two sides of the same coin. Thus, political set-up and economic life are inter-connected. That is why often it is said that political democracy without economic democracy is meaningless. In present-day India, the students of political theory and economics are vitally concerned with matters like Five Year Plans and community development projects.

4. Political Theory and Philosophy

Political theory is also related to philosophy. Philosophy is defined as the science of ethics or the science of moral order. It aims at achieving some ideals. Political theory is not completely devoid of morality or ideals. In political theory there are certain ideals which the state and the citizens should follow. Political theory is not completely devoid of morality or ideals. In political theory there are certain ideals which the state and the citizens should follow. Political philosophy deals with various ideals. Plato, the earliest writer on political theory, was also a great philosopher. In his book, *The Republic*, he visualized an ideal state.

5. Political Theory and Psychology

Psychology is the science which deals with the behaviour of man. 'Psychology', says Woodworth, 'is the science of the activities of individual in relation to the environments.' It is defined as a science of mind or a science of conscious experience. It is the 'science of social consciousness and deals with the rational and irrational aspects of human life.' As political science deals with the political side of human life, it has to be taken for granted that it is closely related to psychology which deals with all the aspects of human behaviour.

Political Theory and Other Social Sciences

As time moves on, more and more subjects are closely connected with political theory. Anthropology, for example, which studies man, seems to be related to the study of political theory. There are two main divisions of anthropology, namely, physical and social. Physical anthropology throws light on the conditions of primitive individuals and their environment. It helps political theory in studying the origin and development of various political institutions. Social or cultural anthropology deals with the existence, growth and interpretation of customs, traditions, superstitions and religious beliefs, etc.

which also interact with the political factors in a society. Political theory is also related to geography which is defined as the 'science of the earth's surface, form physical features, natural and political divisions, climate, production, population, etc. A statistician collects and classifies numerical facts in a systematic manner. The data collected by the statisticians are helpful to the politicians and administrators. The behavioural approach is much benefited by the statistical method. With the help of this method, it is now possible to study the voting behaviour, social conditions, social legislation, etc.

There is an intimate affinity between political theory and jurisprudence. Jurisprudence is defined as the 'science of law'. As political theory is defined as the science of the state and government which are controlled and regulated through law, its relation cannot be separated from jurisprudence.

In recent times, public administration is going to assume the status of a separate academic discipline in modern states. According to L.D. White, public administration 'consists of all those operations having for their purposes the fulfilment or enforcement of public policy as declared by competent authority'.

1.4 SUMMARY

In this unit, you have learnt that:

- Some writers treat the history of political ideas as a contribution to political education and attempt to trace the evolution of political science from the time of the Greeks. Others seek to discover the principles of political science that would provide knowledge of political phenomena and a basis for sound political decision.
- Frederick Pollock, a late nineteenth century writer, presented the history of political theory as the history of the science of politics. In his view, one of its principal functions was that of critical expositions.
- William A. Dunning's three volume study, *A History of Political Theories*, was published between 1902 and 1920. Dunning's contribution did a great deal to establish the tradition of political theory as a distinct discipline.
- Dunning's work was indeed the prototype of a genre that promoted the analysis of classic works, explaining them in their historical contexts from Plato to the present.
- According to Dunning, political theory consisted not only of political literature but also of the operative ideas. He found such ideas implicit in the legal institutions of the state and the political consciousness of a society.
- In 1924, Raymond G. Gettel attempted to trace the development of political thought in relation to its historical, institutional and intellectual background.
- Modern writers make a distinction between 'politics' and 'political theory'. Sir Frederick Pollock, for the first time, broke up the subject into two parts such as (i) theoretical politics, and (ii) practical or applied politics.
- The nature and concerns of political theory implies its jurisdiction of subject matter. Political theory is a very wide and comprehensive subject. There is no agreement among the political scientists with regard to the scope of political theory.
- Political theory primarily studies the problems of the state and government. The state is defined as a group of people organized for law within a definite territory.

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Check Your Progress

3. Define the state.
4. What is the primary aim of the study of political theory?
5. Define public administration, according to L.D. White.

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- Political science is a major branch of political theory. On the basis of the political ideas or thoughts of political thinkers, political science formulates definitions of concepts like democracy, liberty, equality, grounds of political obligations, etc.
- The field of political theory is rather vast. It includes the study of political institutions. This covers a study of constitutions and comparative government.
- The study of political dynamics became significant in the 20th century. It has acquired more significance in the 21st century. It means the current forces at work in government and politics.
- The scope of political theory also includes a study of the nature of relationship between the individual and the state. It examines how man should adjust himself with the society.
- Lastly, the scope of political theory includes a study of international relations which has become significant since the first quarter of this century. It covers a wide range of subjects and includes diplomacy, international politics, international law, international organisations like the United Nations, etc.
- The primary aim of the study of political theory is to inculcate knowledge of the state, its origin, nature, structure and functions.
- Orthodox political theory has positive explicit uniqueness. Firstly, it was dominated by philosophy. Great philosophers such as Plato and Aristotle were great because of the comprehensiveness and scope of their thought.
- The long spell of Plato, Aristotle, Augustine, Cicero and other thinkers of the classical age was broken in a variety of ways after the twin revolutions of Renaissance and Reformation in Europe since the 15th century, coupled with the Industrial Revolution later on.
- The central themes of Marxist political theory are modes of production, class division, class, struggle, property relations, revolution and state as an instrument of class domination.
- Marxism as the economic, social and political theory and practice originating in the works of Marx and Engels, has been enriched by a number of revolutionaries, philosophers, academicians and politicians.
- There is another kind of political theory developed in America popularly known as the empirical enquiry in political theory. The study of political theory through scientific method (instead of philosophical) and based upon facts (rather than on values) has long history but the credit for making significant development in this connection goes to the American social scientist.
- Paul Janet writes, 'the concerns of political theory is closely connected with political economy or the science of wealth; with law either natural or positive, which occupies itself principally with the relation of citizens one to another; with history, which furnishes the facts of which it has need; with philosophy and especially with moral which give to it a part of its concerns.'
- The relationship/concerns between political theory and History are very close. The two are complementary to each other.
- Sociology is a broad and comprehensive term. It is a parent science of all social sciences. It is defined as 'a science of society viewed as an aggregate of individuals'. The term 'political theory' is narrower than sociology.

- As time moves on, more and more subjects are closely connected with political theory. Anthropology, for example, which studies man, seems to be related to the study of political theory.

1.5 KEY TERMS

- **Political dynamics:** It refers to all the factors that come to bear on political figures, their activities and policy directions.
- **Orthodox political theory:** It is a type of political theory dominated by philosophy and in which there is no clear direction between philosophical, theological and political issues.
- **Liberal political theory:** It refers to a political theory founded on the natural goodness of humans and the autonomy of individuals and favouring civil and political literature.
- **Legislation:** Legislation (or 'statutory law') is law which has been promulgated (or 'enacted') by a legislature or other governing body or the process of making it.
- **Anarchism:** Anarchism is a political philosophy that advocates self-governed societies based on voluntary institutions. These are often described as stateless societies, although several authors have defined them more specifically as institutions based on non-hierarchical free associations.
- **Status quo:** Status quo means the existing state of affairs, particularly with regards to social or political issues.

1.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. *A History of Political Theories*, was published between 1902 and 1920.
2. Sir Frederick Pollock for the first time attempted to break up the subject of political theory into two parts.
3. The state is defined as a group of people organized for law within a definite territory.
4. The primary aim of the study of political theory is to inculcate knowledge of the state, its origin, nature, structure and functions.
5. According to L.D. White, public administration 'consists of all those operations having for their purposes the fulfilment or enforcement of public policy as declared by competent authority'.

1.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the meaning and nature of political science.
2. What are the traditional perspectives on the discipline of political theory?
3. What do you understand by empirical enquiry in political theory?
4. State the relationship between political theory and history.

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Long-Answer Questions

1. Discuss the relationship between politics and political theory.
2. Explain the scope of political science in detail.
3. What are the contemporary perspectives of political theory? Explain in detail.
4. What is the interdisciplinary approach of political theory?

1.8 FURTHER READING

- Baylis John and Steve Smith (eds). 2005. *The Globalization of World Politics- An Introduction to International Relations*. New Delhi: Oxford University Press.
- Bottomore Tom (ed.). 2000. *A Dictionary of Marxist Thought*, New Delhi: Blackwell Publishers Ltd.
- Lenin V.I. 1973. *Imperialism, The Highest Stage of Capitalism*, Peking: Foreign Languages Press.

UNIT 2 APPROACHES TO THE STUDY OF POLITICAL SCIENCE

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Structure

- 2.0 Introduction
- 2.1 Unit Objectives
- 2.2 Historical Approach
- 2.3 Philosophical Approach
- 2.4 Institutional Approach
- 2.5 Behavioural Approach
- 2.6 Marxian Approach
- 2.7 Summary
- 2.8 Key Terms
- 2.9 Answers to 'Check Your Progress'
- 2.10 Questions and Exercises
- 2.11 Further Reading

2.0 INTRODUCTION

The term 'political theory,' also known as 'a theory of politics', is well known to us. It can simply be defined as an orientation that characterizes the thinking of a group or nation. Totalism, anarchism, autocracy, moderatism, collectivism, communism, democracy, elitism, fascism, federalism, monarchism, socialism and republicanism, all fall under the ambit of political theory.

However, it is necessary to understand the relation of political science with other social sciences. In addition, in order to better understand the political philosophers and their theories and doctrines, it is essential to comprehend the various methods or approaches of political science, i.e., historical approach, philosophical approach and behaviouralism. This unit deals with all these features of political theory.

2.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Analyse the historical approach to political theory
- Examine the philosophical approach to political theory
- Discuss the institutional approach to political theory
- Explain the behavioural approach to political theory
- Describe the Marxian approach to political theory

2.2 HISTORICAL APPROACH

Paul Janet, a French scholar of philosophy, politics and ethics, writes: 'The concerns of political theory are closely connected with political economy or the science of wealth;

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with law either natural or positive, which occupies itself principally with the relation of citizens one to another; with history, which furnishes the facts of which it has need; with philosophy and especially with moral which give to it a part of its concerns.' This statement indicates that political theory is related to other social sciences. Man is a social and political animal. His life has many aspects and concerns—political, social, religious, economic and ethical.

Many social sciences like political science, sociology, economics, philosophy, history, etc., deal with the different aspects of human life. As all these subjects deal with the different aspects of human life, they are called social sciences. 'Man is a social being', says Professor Bluntschli, professor of law at Heidelberg, 'and his various social activities may be studied separately. His political life is only one part of his total social life. But as every human being lives within a State, the science of the State is necessarily connected with other sciences.'

The relationship/concerns between political theory and history are very close. The two are complementary to each other. The intimacy between political theory and history is brought out in the following couplet of Seeley, an eminent English historian, who wrote—'History without Political Science has not fruit, Political Science without History has no root.' The affinity between history and political science is so close that Freedom goes to the extent of saying that 'history is past politics and politics is present history.' Willoughby writes, 'History gives us the third dimension of political theory.' History provides the necessary raw materials for political theory. Gilchrist in the *Treatise of Political Theory*, says 'we must trace the history of various institutions, not for the sake of history but to enable us to form conclusions of our science. In so much as history not merely records events but analyses causes and points out tendencies. It overlaps political theory. Political theory, however, goes further. It uses historical facts to discover general laws and principles; it selects, analyses and systematizes the facts of history in order to extract the permanent principles of political life.'

Political theory, further, is teleological, that is to say, it deals with the state as it ought to be; whereas, history deals with what it has been.' The political scientist goes back to the past in order to explore the future. 'So conceived history', writes Burns, an English philosopher, 'will be made something more than the luxury of a scholar. It will be the inspiration of honest politician; it will be the real basis for criticism of the present and modification of the future'.

The historical approach is a very popular method using which a social science can be studied. Political theory is also studied through this method. Every political idea or institution has its birth, growth and decay. Historically one can study the origin, growth and decay of an institution. It is through the study of the past history of political institutions that the political scientists try to understand the present political situations. Political scientists cannot neglect the past. The past has its influence over the present and the future. The aim of study of political theory is not to repeat the mistakes of the past. Only the study of history will enable men to avoid the mistakes of the past. Thus, historical method is a very popular method in the study of political theory.

The common method of studying political phenomena is historical. Montesquieu, Burke, Seeley, Maine, Freeman and Laski are some of the eminent exponents of this method. Professor Gilchrist has very aptly observed, 'The source of the experiment of political science is history; they rest on observation and experience.' The study of political science, according to Laski, 'must be an effort to codify the results of experience in the

history of states.' It is correct to say that history serves as a guide to the present and future. History provides the best kind of laboratory for political science. It is the storehouse of events pertaining to human life. This is the reason why one should seek the aid of history, when one studies the origin, development and the present nature of such important political institutions as the state and the government. The chief method of experimentation in political science, writes Professor Gilchrist, 'is the historical method.' To understand political institutions properly, one must study their origin, a growth and development. History not only explains institution, but also helps us to make certain deductions for future guidance. It is the pivot around which both the inductive and deductive processes of political science work. Sir Frederic Pollock supports this method. 'The historical method', says Sir Frederic Pollock, 'seeks an explanation of what institutions are and are tending to be more in the knowledge of what they have been and how they have been and how they come to, what they are, than in the analysis of them as they stand.'

2.3 PHILOSOPHICAL APPROACH

Political theory is also related to philosophy. Philosophy is defined as the science of ethics or the science of moral order. It aims at achieving some ideals. Political theory is not completely devoid of morality or ideals. In political theory, there are certain ideals, which the state and the citizens should follow. Political philosophy deals with various ideals. Plato, the earliest writer on political theory, was also a great philosopher. In his book, *The Republic*, he visualized an ideal state.

This approach is known as deductive or philosophical approach. Rousseau and Hegel used this method in their studies. This method implies that principles should be deduced from a series of general truths or assumptions. It admits 'an abstract ideal and draws deductions from it concerning the nature functions and aims of the state.' A certain view of human nature is taken for granted and deduction about the nature of political institutions are made. This approach is not strictly realistic because a political philosopher may lose sight of actual facts and may roam in darkness, *The Republic* by Plato and *Utopia* of Moore are the products of philosophical imagination. Philosophy deals with ideals and aspirations of a society. An accurate knowledge of the political life of people can, as a matter of fact, be acquired with the help of a combination of the actuals and ideals in life.

Broadly speaking, political theory consists of political science and political philosophy. These two branches of political theory taken together perform three functions which are recognized as the functions of political theory: (a) description (b) criticism and (c) reconstruction. Political science mainly relies on empirical method, that is, the knowledge based on our practical experience which is supposed to be most reliable. Hence, it specializes in description. Political philosophy being concerned with value-judgment specializes in 'criticism' and 'reconstruction'.

Advocates of positivism, new-positivism (logical positivism) and behaviouralism wish to confine political theory to the sphere of political science. They argue that the question of value-judgment should be dropped from the purview of political theory all together. However, since the advent of post behaviouralism (1969) and the consequent revival of political philosophy in the 1970s and 1980s, there has been a renewed emphasis on values in the realm of political theory. It is now argued that value-judgment serves as an essential guide to social policy. Indifference to value-judgment will leave society in

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Check Your Progress

1. Mention some of the eminent exponents of the historical method of studying political phenomena.
2. Who wrote the *Treatise of Political Theory*?

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the dark. The emerging concerns of environmentalism, feminism, human rights and social justice for the subaltern groups, etc., have called for exploring the new horizons of value-judgment. Thus, all the functions of political theory have now become very important and urgent in the present day world where most of our problems are assuming a global dimensions and there being recognized as the problems of humanity as such.

According to George H. Sabine who authored, *What is Political Theory?* (1939), every political theory could be scrutinized from two points of view: as social philosophy and as ideology. As ideology, theories were psychological phenomena, precluding truth or falsity. Theories were beliefs, 'events in peoples mind and factors in their conduct', irrespective of their validity or verifiability.

Theories played an influential role in history, and therefore the task of a historian was to ascertain the extent to which the theories help in shaping the course of history. A theory had to be examined for its meaning, rather than for its impact on human actions. Viewed from this perspective, a theory comprised two kind of propositions: factual and moral. Sabine focused on factual rather than moral statements, for the latter precluded description of truth or falsity. He says the moral element characterized political theory which was why it was primarily a moral enterprise.

Political theory is closely related to moral philosophy. Both are normative and evaluative and, although not all political values have moral origins ('tradition', which Burke valued, and 'efficiency' seem to be non-moral), they rely on moral language, since a value is something we would consider good, and would prefer to have more, rather than less, of. Although an ideal such as democracy is primarily political, it's supporting values, freedom and equality, are as pervasive in moral as in political philosophizing. This shared area of concern and similarity of language is appropriate, since both moral and political philosophy attempt to define the 'Good Life', the first on an individual level, the second for the community at large. So the importation of moral terms into political theory is both permissible and necessary.

Is there a necessary connection between political theory and ideology? Ideology, as will be argued, is crucial in forming the political theorist's own view of the world. It would be convenient if we could distinguish clearly between ideology and theory—if we could label theory 'ideological' whenever values and prescriptive or persuasive elements are visible. But many ideological influences affect theory invisibly, pre-selecting which data the theory will explain, and dictating its conceptual vocabulary from the start. Likewise, much theory contains ideological bias without having ideology's express aim of persuasion. All political theory and theorizing is susceptible to greater or lesser ideological bias, and that a necessary task for commentators and students is to identify and evaluate that bias, and, of course, their own bias.

Political theory is an umbrella term. It comprehends the persuasive and normative doctrines called ideologies; it also embraces the analytical activity known as political philosophy, which styles itself 'value-free'. Rather than propounding grandiose theses about the nature of political society and the 'Good Life', this examines the units of which political theory, including ideology, is composed, the concepts. Hence, it is sometimes called 'conceptual analysis'. It has been held that its main endeavour is to 'clear up confusions' which result from non-clarity or inconsistency in the use of concepts such as freedom and equality by providing a clear and coherent account of their proper use. This activity often employs the methods established by the school of philosophy called 'linguistic analysis', which flourished for several decades after World War II but has more recently been generally rejected as too narrow and barren. A more normative and engaged kind

of philosophy is now favoured. The other task of political philosophy is said to provide generally acceptable definitions of central political terms. These self-ascribed functions also rest on the conviction that even value-laden concepts are capable of a constant and definite meaning.

Political theory is a personal endeavour to understand and experience as the present political reality and also to evolve a mechanism in order to transcend the present imperfect society leading to perfection and a more just order. This includes a study of the evolution, nature, composition, need and purpose of the governmental apparatus, and also an understanding of human perception and nature, and its relationship with the larger community. The golden age of political theory was from Plato (428/27–347 BC) to Hegel (1770–1831 AD). Political theory is one of the core ideas of political science. Political theory as an academic discipline has emerged recently. Before its emergence, those engaged in enterprise were known as philosophers or scientists.

The term political science, political theory and political philosophy are not exactly identical and a distinction can be made among them. This differentiation were emerged because of the rise of modern science that brought about a general shift in intellectual perceptions. While political science tries to provide plausible generalization and laws about politics and political behaviour, political theory reflects upon political phenomena and actual political behaviour by subjecting them to philosophical or ethical criteria. It considers the question of the best political order, which is the part of a larger and more fundamental question, namely the ideal form of life that an individual should lead in a larger community.

But it should be kept in mind that there is no tension between political theory and political science as they differ in terms of their boundaries and jurisdiction but not in their aim. Political theory supplies idea, concepts and theories for purpose of analysis, descriptions, explanation and criticism, which in turn are incorporated in political science. Political theory helps in explaining the history of political thought, use of technique of analysis, conceptual clarification and formal model building, and thereby can be termed as theoretical political science. In a nutshell, it can be said that political theory is theoretical, scientific as well as philosophical and at the same time dynamic with a clear objective of attaining a better social order. It is a unique synthesis of the elements of 'theory', 'science', 'philosophy', 'ideology' and 'thought'.

2.4 INSTITUTIONAL APPROACH

To study the concepts of state, government and law, Plato and Aristotle adopted the deductive and inductive approaches respectively. Plato laid emphasis on universal values and reasoning. He had his own concept of the ideal state which was the embodiment of morality, justice and truth. He drew his conclusions on the basis of the first major premise. In other words, Plato proceeded from the universal to the particular which is the main characteristic of the deductive approach. Aristotle, on the other hand, used the inductive approach in the study of political theory. He preferred to proceed from a particular to a general conclusion. First of all, he observed, analysed and compared different constitutions of city-states and then drew the model of an ideal constitution. In this case, the general conclusion was established from particular facts. This is the inductive approach.

Aristotle was the first political philosopher who adopted this approach in the study of political science. Since the early days, both deductive and inductive approaches are being popularly used in the field of the study of political theory. Besides these two

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Check Your Progress

3. State the definition of philosophy.
4. Who wrote *The Republic*?

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approaches, the other approaches used for the study of political theory are historical, comparative, philosophical, observational, experimental, psychological, statistical, sociological and juridical methods. These are known as the traditional approaches used for the study of political theory.

In the deductive approach, one proceeds from a more general proposition to an equally general or less general proposition. The deductive approach is concerned with implication, and here, one may proceed from the general to the particular. All valid reasoning and universal truth are arrived at by deductive method. Here, the conclusion only makes explicit what is implied by the premise and one does not bother about the material truth or falsity of the premise or the conclusion. In the deductive approach, the formal truth is accepted and it is applied to different political situations. Political action is considered as right or wrong on the basis of the general conclusion. This approach puts emphasis on universal values and reasoning.

When one proceeds from a particular to a general conclusion or from a less general proposition to a more general proposition, the approach is called inductive. Here, a scholar arrives at a conclusion by a process known as generalization from the particular fact observed within the range of his experience. The inductive approach is defined as 'the legitimate derivation of universal laws from individual cases'. In political science, the inductive approach is used to draw general principles from particular experiences. One examines here various facts, experiences and findings. Political science is such a vast subject that the problems of various individuals, groups and the states may be studied and certain generalizations can be made.

The inductive approach is scientific and rational as it establishes a general truth of principle by observation, experimentation or reasoning from particular examples. Its findings are mostly correct and it takes reality into consideration. While the deductive method is said to be dogmatic, the inductive approach is pragmatic.

The inductive approach takes into consideration various complex factors in actual life. While advocating empirical investigation, it studies different factors or variables causing such complexities. Its approach is dynamic as it takes changing factors into consideration. In the modern age, Bacon is a great advocate of the inductive approach. The inductive method of study of political theory has given rise to the behavioural approach in recent times. According to the behavioural approach, the unit of analysis is the individual person in a political situation. A behaviouralist studies the behaviour of persons whose interactions influence group actions and he arrives at conclusions on the basis of actual findings. The inductive approach also suffers from some defects. It is a difficult method because collection of data is time taking. It is also expensive. Lot of time and money are wasted in observation and collection of data. There are certain limitations while applying the inductive method in the study of political phenomena. The primary limitation is that the subject of study, that is, human beings, are unpredictable.

The long spell of Plato, Aristotle, Augustine, Cicero and other thinkers of the classical age was broken in a variety of ways after the twin revolutions of Renaissance and Reformation in Europe since the fifteenth century, coupled with the Industrial Revolution later on. The Renaissance produced a new intellectual climate which gave birth to modern science and modern philosophy and a new political theory known as liberalism. This new political theory found classical expression in the writings of Grotius, Hobbes, Locke, Thomas Jefferson, Thomas Paine, Jeremy Bentham, J.S. Mill, Herbert Spencer and a host of other writers. While classical political theory considered the moral

development of individual and the evolution of the community as co-terminus, the liberal political theory developed the concept of sovereign individual. The central theme of this political theory was individualism. The liberal theory declared that state is not a natural institution but comes into existence by mutual consent for the sole purpose of preserving and protecting the individual rights. The new liberal political theory dismissed the idea of common good and an organic community.

Recently, the idea of power has become very important in the realm of political theory. Earlier, politics was defined as the study of state and government. Today, it is defined as the study of power. The significance of power was highlighted by Machiavelli in the Medieval Age, and later by Hobbes and Nietzsche. In the modern times, Max Weber, Catlin, Merriam, Lasswell, Kaplan, Treitschke and Morgenthau have brought out the importance of this concept. The 'Power Theory State' was first advocated in Germany in the nineteenth century by historians like Heinrich Von Treitschke and philosophers like Friedrich Nietzsche. Power is the primary objective of foreign policy.

The state plays an important role in social life. Thus, a group or class (or even, in some cases, an individual) that can control the various agencies of the State is potentially very influential in terms of politics, economy and ideology.

2.5 BEHAVIOURAL APPROACH

A new trend in the study of political theory was clearly visible in the twentieth century, particularly since the end of World War II. This was due to the increasing attention given to the study of political behaviour of important persons, exercising political power, and the ordinary people. This new movement was started by a group of political scientists, mostly in the USA, who strongly expressed their dissatisfaction with the traditional approaches to political theory. The underlying principle of behavioural method in political theory is its central focus on 'political behaviour'. As Heinz Eulau, the William Bennett Munro professor of political science, emeritus, Stanford University, observes, 'The study of political behaviour is concerned with the acts, attitudes, preferences and expectations of man in political contexts.'

Behaviouralism refers to an approach in international relations, which seeks to provide an objective and quantified description to explain and predict international political behaviour. Behavioural approaches have been regarded as the turning point in the history of political science, particularly international relations.

Behaviouralists questioned the methodologies that were used to describe international relations, particularly by the American scholars in the second half of the 20th century. In the first half of the 20th century, international relations were more of a subject than a discipline, where the non-academic commentators had contributed as much as academicians.

Behaviouralists want international relations to follow the process of scientific analysis as they believe that international relations, as a social science, are not fundamentally different from the natural science. That is why they seek to adopt the same analytical method (including the quantitative methods) in studying international relations. They also favour interdisciplinary studies among the social sciences. This has led to the belief that international relations are also amenable to scientific research.

Behaviouralists ask the most fundamental question of how to look at politics in order to study it scientifically. The answer that they have found is to focus on human

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Check Your Progress

- Who was the first political philosopher who adopted the inductive approach in the study of political science?
- What do you understand by the inductive approach?

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behaviour as it involves politics and government by investigating the acts, attitudes, preferences and expectations of people in their political context.

The key element of the behavioural approaches, which also forms the basic unit of analysis, is the individual person. It analyses politics from the aspect of the people and their political behaviour at different levels of analysis. Thus, the focus of the study of the political behaviour is the role of people in different social structures.

The theories that constitute the behavioural approach of studying international relations are the system theory, input-output theory, game theory and decision-making theory.

1. System theory

The system theory approach of international relations is engaged in developing theories of the international system. It was introduced in the late 1950s with the basic assumptions that international relations follows an order or a system. It is the most prolific and promising school. Its main exponents are Morton Kaplan, K. Boulding, Kenneth Waltz, Mclelland, etc. The most prominent of the system theory approach are scholars such as Karl W. Deutsch and Raymond Aron.

The system is a set of interacting variables or a collection of functionally interdependent parts. In other words, a system is 'a set of variables in interaction which makes a unified whole affecting each other's actions.' Generally speaking, a system may be either natural such as the solar system or mechanical such as a clock, computer or a car, or social such as a family. Stanley Hoffmann, the Paul and Catherine Buttenwieser University professor at Harvard, has defined it as: 'A system connotes relationships between units or its various components.'

The system theory approach conceives nations to be in contact in a complicated framework of relationships that result from the process of interaction. They emphasize the significance of the interaction of behaviour of states, since each nation is involved to some degree in participation in the international environment. That is why it is possible to find out that there are certain regular modes of behaviour, which could be generalized within the structure of the political organization.

According to Raymond Aron, a French philosopher, the period of the post-World War has witnessed, for the first time, the emergence of the global system. Within this system, there are small systems or subsystems, which affect the working of the larger system. The mutual relationship between the two systems is called as feedback, which can be both negative as well as positive. The nation's behaviour is thus what Mc Clelland, an American psychological theorist, calls as a 'two-way activity of taking from and giving to the international environment'.

Characteristics of the system approach

The system approach, developed under the general system theory, seeks to analyse the international relations as a system of interactions, which are independent and interrelated. It views the international relation as a pattern of behaviour of the international actors. Therefore, in order to develop a scientific study of politics, it has to be treated as a system of action. The process of exchange in politics is fairly continuous, regular and patterned, and can be studied as a system of behaviour.

The system consists of a set of units in interactions and is possible to conceive relations among nation as constituting a kind of system. That is why the system consists

of a known set of variables such as the political machinery, attitudes, interests and activities along with the values as a parameter to study. The system approach in international relations is based upon the following main assumptions:

- **International system is not an international political system:** The concept of system is used in the context of international politics; it is taken to mean the international political system. The international system is not international political system as it does not allocate authoritative values over them.
- **International and national actors:** The international actors are basically the national actors who act in the international environment.
- **Classification of national and supra-national actors:** The international actors can be classified into the following two types:
 - o The national actors who act in the international environment
 - o The supra-national actors, such as UN, regional organizations and other international agencies

The supra-national actors can be further classified as bloc actors and universal actors. From these fundamental assumptions, the system theory assumes that the international system is constituted by a set of interaction among the actors or entities such as national interests. There is a continuous process of interactions among the actors and entities, which occur at a regular interval in the international environment. These mutual exchanges occur due to the participation in the international environment, which occur in a certain identifiable pattern and describable patterns, as an interaction among nations. The concept of system can enrich the understanding of the phenomena, which will help in theory building of international relations. That is why the system distinguishes the units or actors, structural processes and the context, i.e., the environment as major elements in every system.

Morton Kaplan's models of international system

Professor Morton Kaplan is considered as one of the most influential thinkers associated with developing systems theories of international relations. He presented a number of real and hypothetical models of global political organizations. His six well-known models are as follows:

- Balance of power system
- Loose bipolar system
- Tight bipolar system
- Universal actor system
- Hierarchical system
- Unit Veto system

The first two models are historical realities, while the remaining four are hypothetical models. Although Kaplan did not say that his six systems were likely to emerge in that order, it was expected that the Super Power being very powerful, the non-aligned countries would lose their status and become parts of one or the other power blocs, leading to a tight bipolar world. Each of these models is briefly discussed as follows:

- **Balance of power system:** This model refers to the balance of power system that operated in the 18th and the 19th century Europe. It is a popular model in which the power relations among the five or six major powers constitute a

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balance and there is no authoritative international organization that is present in the system. The system has six fundamental rules, which can be mentioned as follows:

- o Each actor seeks to increase its capabilities through negotiations and not resort to war.
- o Each actor is prepared to fight rather than pass on an opportunity to increase capabilities to protect the national interest.
- o No actor is to be eliminated in the system. The actor should terminate war before the opponent is eliminated.
- o An actor or a group of actors acts to oppose any other group or single actor that tends to assume unduly powerful position and predominance with respect to the rest of the system.
- o Attempts are made to check the actors who try to follow supranational organizing principles.
- o The defeated or constrained essential actors are permitted to re-enter the system as acceptable role partners. Actors act to bring some previously inessential actor within the essential actor classification and treat all essential actors as acceptable role partners.

These six rules keep intact the 'balance' in relations. The failure to keep up these rules disturbs the system and leads to an end of the balance. The end of the balance of the power system leads to the end of the system. In the early years of the 20th century, these rules were not followed and lead to the breakdown of the balance of power system. It resulted in the outbreak of the First World War in 1914. The breakdown of the balance of power system led to the bipolar system. It manifested in two forms—the loose bipolar and the tight bipolar system.

- **Loose bipolar system:** The loose bipolar system comes into existence when the two powerful nations are successful in organizing the other nations into their two respective competing blocs or groups. However, the organization of the bloc is loose and internal differences prevail among the members of each bloc. In other words, the loose bipolar system is constituted by two major power blocs-actors, non-member bloc actors such as the group of non-aligned countries and the universal actors such as UN. Each of these blocs tries to increase its relative capabilities and strives to use its universal actor for increasing its own power and seeks to eliminate or weaken their rival blocs. The non-bloc actor tends to support the universal actor for reducing the dangers of war between the rival blocs. The blocs attempt to extend membership and tolerate the status of the non-bloc actors.
- **Tight bipolar system:** The loose bipolar system transforms into a tight bipolar system when the two major powers lead their respective blocs of allied powers. Each bloc is dominated by the major power. In such a situation, the international organization is very weak and there are no neutral blocs or nations. The tight bipolar system is characterized during the peak of the Cold War between the erstwhile USSR and USA.
- **Universal actor system:** The fourth model is the universal actor system in which the nations get organized in a federal system. The world gets transformed into a Federal World State based upon the principles of mutual

toleration and universal rule of law. This system works through a universal actor (for example, international organizations like the NATO). The universal actor is powerful enough to check war and preserve peace or balance in international relations.

- **Hierarchical system:** The hierarchical system comes into existence when a single powerful superpower can bring either all the nations under its control, either through a conquest or a treaty. The states or territorial units are then transformed into functional units, with the superpower becoming the universal actor and absorbing all the other nations. If the system comes into existence through conquest, then it is a directive system but, if it evolves through a democratic means, then it becomes a non-directive system.
- **Unit veto system:** The sixth model of Kaplan is the unit veto system. It involves the conception of a situation of multi-polarity in which each state is equally powerful as it possesses weapons such as nuclear weapons that can destroy the other state. It becomes stable when each state can resist and retaliate threats from every other state.

Later, Morton Kaplan incorporated insights from his research such as mixed empirical models like very loose bipolar system, détente system, unstable bloc system and incomplete nuclear diffusion system. He described his six models as theory sketches rather than theory per se and stresses on the fact that they are essentially heuristic models. Nevertheless, Kaplan's theory provides 'initial' or 'introduction theory'.

The belief that the international system is the result of interaction is closely connected with the idea of transformation. For the interaction of state behaviour is always subject to change under the impact of new factors. Numerous efforts have been made to study the transformation process and this idea has found echo in the 18th century in both the American as well as the French revolution and later in the 19th century in the writings of Utopian Socialists and Marxists.

However, in the 20th century, these ideas have been found to be inappropriate, as Spengler, Toynbee and Sorokin have rejected the concern with material welfare, which has been prominent in both the liberal as well as the socialist thought on international transformation. Toynbee has suggested a new creative ideal which is based on revitalization of Christianity than Sorokin wants the end of 'the sensate period' and offers a philosophy of altruism.

2. Input-output theory

David Easton developed the system theory as a conceptual framework for analysing politics through the interactions of the system and the role that they play in the system. It seeks to analyse the factor for the different process as well as their operations and find the causal factor for its causal actions in the political system of a country. This model has proved useful for both empirical as well as practical purposes, benefitting both the advanced as well as the third world countries.

The Input-Output Theory was conceived as ideas in a number of important works during the 1950s and 1960s, including *The Political System* (1953), *A Framework for Political Analysis* (1965), and *A Systems Analysis of Political Life* (1965). Easton presented an outline of the conceptual framework of systems analysis and is also known as the 'flow model'. The model uses the 'system' as the broad unit of analysis.

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Easton analyses the system through the political interaction of different units, on the basis of the following four major premises:

- System
- Environment
- Response
- Feedback

3. Game Theory

The game theory is another approach used in the study of international relations. It was initially influenced by mathematics and economics. It attempts to apply the different models of game to international politics, especially in highly competitive situations when outcomes of the actions are difficult to anticipate. This has led the scholars to create the game theory for a more scientific study of the calculation of probabilities in an uncertain situation. Hence, the game theory is a method of analysis which will select the best course of action.

The game theory has been developed mainly by the economist Oscar Morgenstern and the mathematician John von Neumann in their publication of *The Theory of Games and Economic Behaviour* and has been advocated by the influential theorists like Martin Shubnik, Morton Kaplan, Thomas Schelling, D. Luce, H. Raiffa and Karl Deutsch. They were the first ones to recognize the importance of the game theory. Although it was in the field of economics that has been used as a model of studying the economic behaviour, of late the game theory has also been applied in many other fields with suitable modifications.

Meaning of the Game Theory

The game theory postulates that by assigning individual participants roles to play in real or imaginative international crises, decision making can be simulated in such a way that it can take into account the wide range of variables in the international process, which is in search of solutions. It involves the application of the art of model building to international politics.

Assumptions of the Game Theory

The game theory assumes that the political process is the confrontation like a chess game or contest between two merchants or brokers or the manoeuvres of rival political candidates or the counter actions of opposed diplomats. In other words, the game theory is similar to those in the games and what the game offers.

That is why the game theory tries to determine the nature of the system of powers in the international politics. As the power relations are partly competitive and partly cooperative, they can be analysed as game among players. The nations are players which are competing for the fulfilment of their respective national interests and are like players of a game. Therefore, the theory seeks to:

- Isolate the variables
- Examine the modes of their interactions
- Infer relationships among the variables
- Construct hypothesis

The game theory as an approach seeks to perform two task, namely to formulate the principles which could specify what is rational behaviour in certain situations and to formulate on the basis of the principles the general characteristics of the behaviour.

4. Decision-Making theory

The decision-making theory has been emphasized in the study of international politics during the 1950s by Richard Synder, H.W. Bruck and Burton Sapin, who had undertaken a theoretical exploration of the behaviour of actors in international relations. In the Sixties, writers such as William Riker, James Robinson, Herbert Simon and J.W. Burton contributed to the Decision-making Theory and enriched them. The well-known scholars who have made an analysis of the decision-making process include Garham Allison in *The Essence of Decision*, 1971, Ole Holsti, James Rosenau, J. Wilbenfield and Michael Breacher in *India and World Politics*.

Focus of Decision-Making theory

The decision-making approach seeks to study the functioning of states in general and the actual decision makers of the state in particular. It is done through the following processes:

- Identification of the decision makers
- Analysis of the decision-making process
- Search of appropriate and precise methods for comprehending the process as well as international politics

The decision-making approach advocates the use of models for appropriately analysing decisions. Graham T. Allison describes these models as follows:

- The rational actor model seeks to assess the policy process on the basis of the ex-post factor reviews of the credibility of the policies pursued.
- The organizational process model is concerned with tapping the administrative and organizational behaviours with the specific aim of comprehending and analysing government decisions.
- The government politics model stresses the problems and significance of securing international bureaucratic consensus as an instrument of evolving policy.

The basic inquiry in the decision-making analysis is on how and why the national actors behave. They focus on the study of the processes foreign policy formulation. The decision-making theory approaches used by the decision makers and the state is defined as decisional units. The action of the state is seen through the action of the decision-makers and proceeds with the assumption that the key to political action lies in the way in which decision-makers define their situation.

Snyder's Decision-Making framework

According to Snyder, there are two fundamental purposes of decision-making approach:

- To help identify and isolate the 'crucial structures' in the political realm where action is initiated and carries out and decisions are made
- To help analyse systematically the decision-making behaviour which 'leads to action as well as sustain them'

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Post-behavioural approach

Post-behaviouralism was a reform movement in behaviouralism. Post behaviouralists wanted to have a federation of social scientists to identify major issues of the day to lay down objectives to study alternative solutions to the problems faced by the society and follow those rigorously in the political sphere.

They believed in action-oriented research related to social conditions. They believed in 'relevance' and 'action'. David Easton, a Canadian political scientist, has given seven major traits of post-behaviouralism. According to him: 'Insofar as research in political science was concerned, substance must precede techniques. It was more important to be relevant rather than to develop sophisticated tools of investigation.' They said that it was always better to be vague than be non-relevant and precise. Then another feature was that they believed was that behavioural science concealed an ideology of empirical conservatism.

2.6 MARXIAN APPROACH

Marxist political theory focuses on social change and revolutionary reconstitution of society. In this context, Marxism consists of three interrelated elements:

- An examination and critique of the present and past societies. This is known as dialectical materialism and historical materialism.
- The notion of an alternative model against a society based upon exploitation and divided among classes. The new society is based on the common ownership of the means of production on which human potential will be allowed to freely develop its manifold facets. Such a society will be classless and stateless.
- Though there was a general agreement that capitalist system was unstable and crisis-ridden, the advent of socialism required a revolutionary action by the proletariat, whose growing impoverishment will lead to revolution, and establishment of a socialist state and society.

The central themes of Marxist political theory are modes of production, class division, class, struggle, property relations, revolution and state as an instrument of class domination. Marxism also examines the nature of rights, liberty, equality, justice and democracy but came to the conclusion that in a class divided society, they are the prerogatives of the propertied class. Real liberty and equality can be achieved only in a classless and stateless society. Thus, Marxist political theory preoccupied itself with the establishment of a socialist state through revolutionary action.

Marxism as the economic, social and political theory has been enriched by a number of revolutionaries, philosophers, academicians and politicians. It has also been subject to a variety of interpretations. In the twentieth century, the prominent contributions to Marxist thought were made by Lenin, Bukharin, Stalin, Rosa Luxemburg, Gramsci, Lukacs, Austro-Marxists, the Frankfurt school, Herbert Marcuse, the New Left theorists, Euro-communists, Mao Tse Tung and various other people. Up to the First World War, Marxism was highly deterministic and represented a philosophy of socio-political changes which culminated in the Russian revolution. However, during the inter-War period and the post-Second World War, Marxism developed more as a critique of present socio-economic and cultural conditions than a philosophy of revolutionary action. Known as contemporary Marxism, it has been more concerned with the problems of superstructure, culture, art aesthetics, ideology, alienation, etc.

Check Your Progress

7. What do you understand by behaviourism?
8. What is the system approach?

Self-Instructional
Material

Other than the aforementioned perspectives of political theories, there are some other perspectives also which explain political theory in detail, such as the empirical-scientific perspective of political theory and the contemporary perspective of political theory.

2.7 SUMMARY

In this unit, you have learnt that:

- Many social sciences like political science, sociology, economics, philosophy, history, etc., deal with the different aspects of human life.
- The historical approach is a very popular method using which a social science can be studied. Political theory is also studied through this method. Every political idea or institution has its birth, growth and decay.
- The common method of studying political phenomena is historical. Montesquieu, Burke, Seeley, Maine, Freeman and Laski are some of the eminent exponents of this method.
- The study of political science, according to Laski, 'must be an effort to codify the results of experience in the history of states.'
- Political theory is also related to philosophy. Philosophy is defined as the science of ethics or the science of moral order. It aims at achieving some ideals.
- Broadly speaking, political theory consists of political science and political philosophy. These two branches of political theory taken together perform three functions which are recognized as the functions of political theory: (a) description (b) criticism and (c) reconstruction.
- The term political science, political theory and political philosophy are not exactly identical and a distinction can be made among them.
- To study the concepts of state, government and law, Plato and Aristotle adopted the deductive and inductive approaches respectively.
- The long spell of Plato, Aristotle, Augustine, Cicero and other thinkers of the classical age was broken in a variety of ways after the twin revolutions of Renaissance and Reformation in Europe since the fifteenth century, coupled with the Industrial Revolution later on.
- A new trend in the study of political theory was clearly visible in the twentieth century, particularly since the end of World War II. This was due to the increasing attention given to the study of political behaviour of important persons, exercising political power, and the ordinary people.
- Behaviouralism refers to an approach in international relations, which seeks to provide an objective and quantified description to explain and predict international political behaviour.
- Behaviouralists questioned the methodologies that were used to describe international relations, particularly by the American scholars in the second half of the 20th century.
- The theories that constitute the behavioural approach of studying international relations are the system theory, input-output theory, game theory and decision-making theory.

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Check Your Progress

9. What do Marxist political theory focuses on?
10. Mention the central themes of Marxist political theory.

Self-Instructional
Material

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- The belief that the international system is the result of interaction is closely connected with the idea of transformation. For the interaction of state behaviour is always subject to change under the impact of new factors.
- Post-behaviouralism was a reform movement in behaviouralism. Post behaviourists wanted to have a federation of social scientists to identify major issues of the day to lay down objectives to study alternative solutions to the problems faced by the society and follow those rigorously in the political sphere.
- Marxist political theory focuses on social change and revolutionary reconstitution of society.
- The central themes of Marxist political theory are modes of production, class division, class, struggle, property relations, revolution and state as an instrument of class domination.
- Marxism as the economic, social and political theory has been enriched by a number of revolutionaries, philosophers, academicians and politicians.

2.8 KEY TERMS

- **Federal system:** A federal system of government is characterized by the constitutionally-mandated division of political authority between the national government and sub-national territories, such as states or provinces.
- **Marxism:** Marxism is a method of socioeconomic analysis that analyses class relations and societal conflict using a materialist interpretation of historical development and a dialectical view of social transformation.
- **Revolutionary:** A revolutionary is a person who either actively participates in, or advocates revolution.

2.9 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Montesquieu, Burke, Seeley, Maine, Freeman and Laski are some of the eminent exponents of historical method of studying political phenomena.
2. Gilchrist wrote the *Treatise of Political Theory*.
3. Philosophy is defined as the science of ethics or the science of moral order.
4. *The Republic* was written by Plato.
5. Aristotle was the first political philosopher who adopted the inductive approach in the study of political science.
6. When one proceeds from a particular to a general conclusion or from a less general proposition to a more general proposition, the approach is called inductive.
7. Behaviouralism refers to an approach in international relations, which seeks to provide an objective and quantified description to explain and predict international political behaviour.
8. The system approach, developed under the general system theory, seeks to analyse the international relations as a system of interactions, which are independent and interrelated.

9. Marxist political theory focuses on social change and revolutionary reconstitution of society.
10. The central themes of Marxist political theory are modes of production, class division, class, struggle, property relations, revolution and state as an instrument of class domination.

2.10 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What is the historical approach to study political science?
2. Write a short note on political theory.
3. What is Aristotle's contribution towards the study of political science?
4. What do you understand by behavioralism?

Long-Answer Questions

1. What are the different approaches to study political science? Discuss in detail.
2. What is the difference between deductive and inductive approach to study political science?
3. Explain the theories that constitute the behavioural approach of studying international relations.
4. Discuss Morton Kaplan's models of international system in detail.

2.11 FURTHER READING

- Baylis John and Steve Smith (eds). 2005. *The Globalization of World Politics- An Introduction to International Relations*. New Delhi: Oxford University Press.
- Bottomore Tom (ed.). 2000. *A Dictionary of Marxist Thought*, New Delhi: Blackwell Publishers Ltd.
- Lenin V.I. 1973. *Imperialism, The Highest Stage of Capitalism*, Peking: Foreign Languages Press.

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UNIT 3 RELATION BETWEEN POLITICAL THEORY AND OTHER SOCIAL SCIENCES

Structure

- 3.0 Introduction
- 3.1 Unit Objectives
- 3.2 Political Theory and Geography
- 3.3 Political Theory and Economics
 - 3.3.1 Liberal Perspectives
 - 3.3.2 Marxist Perspectives
- 3.4 Political Theory and Sociology
 - 3.4.1 Some Early Approaches
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- 3.6 Key Terms
- 3.7 Answers to 'Check Your Progress'
- 3.8 Questions and Exercises
- 3.9 Further Reading

3.0 INTRODUCTION

This unit will discuss the relation between political theory and other social sciences like economics, sociology and geography.

Political economy usually refers to the interplay between economics and politics and how economic theory comes to influence political ideology. This relationship between the politics and the economy of a nation may not be apparent to most. However, the linkages between the two have been studied by scholars for many years. Today, the field of Political economy has come to encompass the disciplines of law, economics, political science, history, anthropology, etc. Such a wide variety of disciplines allows a student of political economy to get a comprehensive understanding of the socio-economic conditions in a country.

In India, where the vast majority of the people are poor and illiterate and thus open to exploitation by a variety of social and political forces, the field of political economy becomes even more relevant.

3.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Understand the relationship between political theory and geography
- Discuss the influence of economics on political theory
- Describe the difference between political theory and sociology

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3.2 POLITICAL THEORY AND GEOGRAPHY

Some writers believe that national life of the people, character and their political institutions are greatly influenced by the physical and geographical conditions. The first modern writer who dwelt upon the relationship between geography and political science was Bodin. Rousseau also tried to create a relationship between various forms of government and the climatic conditions of a particular nation. According to Rousseau, cold climates are conducive to barbarism, warm climates to despotism and moderate climates to a good polity. Another French scholar, Montesquieu also put emphasis on the influence of physical environments on the forms of liberty of the people and the government.

In his *History of Civilisation*, the English historian Henry Thomas Buckle maintained that 'the actions of men, and therefore of societies, are determined by reciprocal interaction between the mind and the external phenomena.' He believed that the actions of the societies and the individuals are influenced by the physical environments, particularly food, soil, climate and the 'general aspects of the nature.' He did not believe in the idea which was generally accepted that the free will of man determines the action of the society and the individual.

However, it is important to note that geographical location is an important factor in moulding the destiny of every state. Geographical location also influences the national and international policies as well as the political institutions. Consequently, a new discipline of geo-politics has been developed that would fathom the impact of geographical factors on the political life of the nation, particularly in relation to its foreign policy.

The geographical location of some countries, for example, Germany which is located in the centre of the Europe and without natural boundaries makes it a great military power. 'Our historical-political destiny', wrote Professor Hintze, 'lies in our geographical location'. The geographical conditions of a particular nation always influence the national policies in considerable measure. The character of the political institutions are also influenced by geographical location.

Bryce has aptly said that 'in any country, physical conditions and inherited institutions so affect the political institutions of a nation as to give its government distinctive character.' The obvious reference is to Great Britain and Switzerland.

3.3 POLITICAL THEORY AND ECONOMICS

Political economy refers to a specific approach to study social and political events where economics and politics are not seen as separate domains. It is based on the belief that the two disciplines have an intimate relationship and the hypothesis that this relationship unfolds in diverse ways. These assumptions constitute important explanatory and analytical frameworks within which social and political phenomena can be studied. The phrase *économie politique* (in English, political economy) was first used in 1615 by the French scholar Antoine de Montchrétien in his book *Traité de l'économie politique* (A Treatise on Political Economy).

Adam Smith, David Ricardo and Karl Marx were some of the exponents of the political economy approach. In contemporary scholarship, the term 'political economy' indicates the amalgamation of two different disciplines- political science and economics. However, it must be noted that the evolution of economics and politics as separate disciplines of study itself is a modern phenomenon. The distinction between the subject

matter of political science and economics was unknown until the Renaissance and Industrial Revolution in Europe. The ancient Indian scholar Kautilya described statecraft in his famous work *Arthashastra* (Economics).

On the other hand, Aristotle considered economic questions in his book *Politics*. Among classical political economists, Adam Smith considered political economy as 'a branch of the science of a statesman or legislator'. Karl Marx often referred to the 'critique of political economy' in his writings; however, it was Friedrich Engels, the co-author of *The Communist Manifesto* along with Karl Marx, who defined the term 'political economy'. According to Engels, studies of 'the laws governing the production and exchange of the material means of subsistence' are part of the political economy. Similarly, the Russian economist I. I. Rubin, who authored *Essays on Marx's Theory of Value*, stated that 'Political economy deals with human working activity, not from the standpoint of its technical methods and instruments of labour, but from the standpoint of its social form. It deals with production relations which are established among people in the process of production'.

Thus, the political economy approach provides an economic interpretation of political consequences. It seeks to study the social relations that evolve between people in the process of production, distribution, exchange and consumption. This approach assumes that political systems are merely expressions of the economic requirements of the society and social groups and that the changes in the economic system automatically lead to changes in the political system. This approach can be divided in two major perspectives—Liberal and Marxist.

3.3.1 Liberal Perspectives

The liberal perspective emerged as a critique of the comprehensive political control and regulation of economic affairs which had dominated European nation building in the sixteenth and seventeenth centuries, i.e., the Mercantilist school of thought. Liberals rejected theories and policies which subordinated economics to politics. They wanted a free market which was not limited by any monopoly or an economy that was not disassociated from the interest of the poor and of the community as a whole. The core ideas of the Liberal perspective stresses on the fact that the individual, being a rational individual actor, will find his or her way to progress through the process of free trade as there will be mutual exchange of goods and services. They say that the market being the main source of progress, cooperation and prosperity should not have any political interference or state regulation as they are uneconomical and retrogressive and lead to conflict.

Adam Smith, David Ricardo, Paul Samuelson, J.M Keynes, etc. are often regarded as leading exponents of the liberal perspective of the political economy approach. Adam Smith, the author of *Wealth of Nations*, believed that the market tended to expand spontaneously for the satisfaction of human needs – provided that the government did not interfere. He advocated the 'Laissez faire' policy where free individuals were best equipped to make social choices. David Ricardo argued that free trade benefited all the participants as it led to specialization which increased efficiency and thus productivity. It was through this rationale that Ricardo developed 'the law of comparative advantage'. Paul Samuelson summarized the argument by stating that trade will be mutually profitable when the region which has a comparative advantage of specializing the product, specializes and makes the region more efficient. There has been a recurring debate among economic liberals about the extent to which political interference by governments may be necessary.

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Check Your Progress

1. Who was the first modern writer who dwelt upon the relationship between geography and political science?
2. Who has written *History of Civilisation*?

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The different views of how much the state should interfere have led to the development of the different strands of economic liberalism, namely- classical Laissez Faire doctrine, Keynesian concept and Neo-liberal perspective.

Classical Laissez Faire Doctrine: The Laissez faire doctrine was introduced in the eighteenth century, though the origin of the term remains unclear. According to popular belief, the term entered common vocabulary when Jean-Baptiste Colbert, who controlled the finances in the regime of Louis XIV of France questioned industrialists as to what the government could do to help them. The reply of the industrialists was 'laissez-nous faire' which can be roughly translated as 'let us be' or 'leave us be'. Later, physiocrats, a group of French economists of the eighteenth century, popularized the term. Adam Smith, a British economist, became a major proponent of the theory. The early economic liberals called for the Laissez faire doctrine, i.e., the freedom of the market from all kinds of political restriction and regulation. They advocated for minimal interference of the government in a market economy although Laissez faire doctrine did not necessarily oppose the state's provision for a few basic public goods which was necessary for the market to function properly. The rationale of the doctrine is that if everyone is left to their own economic devices instead of being controlled by the state, then the result would be a harmonious and more equal society of ever-increasing prosperity.

Keynesian Concept: Keynesian concept is based on the idea that the market may not work according to the belief of efficiency and mutual gain and lead to instances of market failure. John Maynard Keynes, the leading economist of the early twentieth century, argued that the market economy was a great benefit to people but it also entailed potential evils of 'risk, uncertainty and ignorance.' Therefore, the market had to be improved through the political management of the state. In other words, the state should play a positive role in providing directions for the economy so that any market failure in the state can be averted and help to improve the situation if it occurs. The Keynesian view became popular in the decades after the Second World War as the state took up the responsibility of building the war torn economy through public planning of the state.

Neo-liberal Perspective: In the latter part of the twentieth century, especially since the late 1980s, occurrence of globalization, privatization and liberalization has brought back the classical laissez faire doctrine in the form of neo-liberalism. It describes the political economy approach from the perspective of the market to economic as well as social policy, which is based on neo classical theories of economics. It stresses on the efficiency of private enterprise and the need to liberalize trade through open markets, in order to maximize the role of the private sector and determine the political and economic priorities of the state. Economic liberals argue that the market economy, being an autonomous sphere of society, operates according to its own economic laws. The market maximizes benefits for rational self-seeking individuals, households and companies that participate in the market exchange. The economy is a sphere of cooperation for mutual benefit among the states as well as individuals. Thus, the economy should be based on free trade.

3.3.2 Marxist Perspectives

The Marxist perspective of political economy believes that economics forms the base of society and the political system. Marxist scholars hold that except in primitive communism every other society has been divided along the classes of 'haves' and 'haves-not'. For Marxists, human history is a history of class struggle. They see the capitalist state as a

tool to legitimize human exploitation and class inequality. The Marxist school of political economy has been led by Karl Marx, followed by other thinkers such as Engels, V.I. Lenin, Rosa Luxemburg, Trotsky, Kautsky, Bukharin and so on. There have been various stances in the Marxist perspectives which you will study in subsequent units. However, we can identify some common features of the Marxist perspective as follows:

- States are driven by the ruling class and are not autonomous. Capitalist states are primarily driven by the interest of their respective bourgeoisie and the conflict between states should be essentially seen in its economic context of competition between capitalist classes of different states. In other words, class conflict is more fundamental than conflict between states.
- The economic system of capitalism is expansive. As there is a never ending search for markets and profits, capitalism has expanded across the globe; first in the form of imperialism and colonization and in the contemporary world after the colonies have gained independence, it is led by the giant transnational corporations in the form of economic globalization. That is why class conflict is not confined to states, but rather cuts across state borders.
- According to V.I. Lenin, the process of capitalist expansion must always be unequal or uneven. He alluded to how Britain was ahead of Germany during the eighteenth and nineteenth century, while in the twentieth century, Germany wanted a revision of the international spheres of influence which led to war between Germany and England. This is the 'law of uneven development' which leads to disparities and cause conflict under the capitalist conditions.

3.4 POLITICAL THEORY AND SOCIOLOGY

Political sociology lies at the intersection of the disciplines of political science and sociology. Giovanni Sartori, an acclaimed Italian political scientist, had suggested that there was an ambiguity in the term 'political sociology' because it could be construed as a synonym for 'sociology of politics'. Due to this ambiguity, it became difficult to be precise concerning the objects of study and the approaches of inquiry within the field of Political Sociology. Therefore, there arose the need for clarification.

For Sartori, such a clarification would be possible only 'when the sociological and 'politicological' approaches are combined at their point of intersection.' This point of intersection is a site of interdisciplinary studies. However, to understand the dynamics of such a site, one must delineate the contours of the two parent disciplines—political science and sociology. Although the discipline of political science traces its history back to Aristotle, it evolved into an academic field of study in the United States of America. According to Lipset, one of the earliest usages of the term 'political science' occurred with the founding of the Faculty of Political Science at Columbia University, New York in the late 19th century. A few years later, in 1903, the American Political Science Association was founded, and, not much later, the first issue of the *American Political Science Review* was published, which is now more than a century old.

Gradually as the 20th century unfolded, political science acquired many a focus. It included a historical study of political thought, an analytic and comparative study of distinct polities as well as a normative approach to politics. Notwithstanding such a broad scope, if one were to narrow down the object of study of the discipline of political science to a single theme, it would be the State. If political science is largely focussed on

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Check Your Progress

3. Define political economy.
4. What is the main idea of Keynesian concept?
5. What is the Marxist perspective of political economy?

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the study of the State, sociology may be understood as the study of society. The latter discipline was the consequence of the Enlightenment—an intellectual epoch in the history of Europe that awarded primacy to the critical application of human reason as opposed to blindly following the dictates of human and divine authorities.

Political sociology seeks to understand the process of interaction between government and society, decision-making authorities and conflicting social forces and interests. It is the study of interactions and linkages between politics and society; between the political system and its social, economic and cultural environment. It is concerned with problems regarding the management of conflict, the articulation of interest and issues, and political integration and organization. The focal point in all these concerns is the independence of the interplay of sociocultural, economic and political elements.

The perspective of political sociology is distinguished from that of intuitionism and behaviouralism. The institutionalists have been concerned primarily with institutional types of political organization, and their study has been characterized by legality and formality. The behaviouralists have focussed on the individual actor in the political arena; and their central concern has been the psychological trait, namely, motives, attitudes, perception and the role of individuals. The task of political sociologists is to study the political process as a continuum of interactions between society and its decision-makers, and between the decision-making institutions and social forces.

Political sociology provides a new vista in political analysis. Yet it is closely linked with the issues which have been raised in political philosophy. Political philosophy, as we know, has a rich and long tradition of political thought that began with the ancient Indian and Greek philosophers, and that has amply followed since Machiavelli, who made a bold departure from Greek idealism and medieval scholasticism. It was Karl Marx, however, who brought into sharp focus issues concerning the nature of political power and its relationship with social or economic the foundation for the sociology of politics. Marx was, however, neither the first nor the only thinker to conceive of government as an organ of the dominant economic class. The Arabian scholar Ibn Khaldun and several European predecessors of Marx had argued that ideology and power were superstructures of economy.

The early origins of sociology are often traced to Auguste Comte's six-volume work *Cours de Philosophie Positive* (1830–42). This work offered an encyclopaedic treatment of sciences. It expounded positivism, and initiated the use of the term sociology to signify a certain method of studying human societies. Comte proposed a historical law of social development, and according to this scheme, human societies pass from an initial stage of interpreting phenomena theologically to an intermediate stage of metaphysical interpretation before arriving at the final stage of positivist interpretation. This idea of a historical development of human societies obeying laws of nature was adopted by Karl Marx.

The work of Marx, which emphasized the role of capitalist mode of production, and Marxism in general were important stimuli for the development of sociology. The early Marxist contribution to sociology included the works of Karl Kautsky on the French Revolution; Mehring's analysis of art, literature and intellectual history; and Grunberg's early studies on agrarian history and labour movements. It is important to note that Marxist studies of society also developed independent of universities as it was intimately related to political movements and party organizations.

In the decades following the death of Marx, sociology was gaining ground as an academic discipline, and the critics of Marxism had an important role to play in its

development. The most notable critics were Max Weber and Emile Durkheim. Weber's work on capitalism, the State, and methodological writings were largely directed against historical materialism. In the later works of Durkheim, an attempt was made to distinguish the social functions of religion from the explanation provided by historical materialism.

Given the inevitability of political role in society, a body of thinkers from Aristotle to Tocqueville has rightly emphasized the point that instead of deploring the evils of human nature or social circumstances, it is more prudent and worthwhile to accept the 'given' and improve it for the good of man and society. It is wiser to face it and to manage it so as to achieve reconciliation and accommodation. Conflict, though apparently an evil, is a condition of freedom, as it prevents the concentration of power. This kind of political realism recognizes the necessity and utility of the political management of conflict through compromise and adjustment among various social forces and interests. Political sociology aims at understanding the sources and the social bases of conflict, as well as the process of management of conflict.

The broad aim of political sociology is to study and examine the interactions between social and political structures. The determination of the boundaries of what is social and political, however, raises some questions. The relevant question in delineating the scope of political sociology is that of the kinds of groups which form part of the study of the discipline of political sociology. Some scholars believe that politics depends on some settled order created by the State. Hence, the State is political, and is the subject matter of political sociology, and not the groups.

There is another school according to which politics is present in almost all social relations. Individuals and small groups try to enforce their preferences on their parent organizations, family, club, or college, and thus indulge in the exercise of 'power'. Sheldon, S. Wolin takes quite a reasonable view of the word 'political', which according to him, means the following three things:

- A form of activity that centres around the quest for competitive advantage between groups, individuals, or societies.
- A form of activity conditioned by the fact that it occurs within a situation of change and relative scarcity.
- A form of activity in which the pursuit of advantage produces consequences of such a magnitude that they affect, in a significant way, the whole society or a substantial portion of it.

Two groups of scholars have discussed the scope of political sociology in two different ways. According to Greer and Orleans, political sociology is concerned with the structure of the State; the nature and condition of legitimacy; and nature of the monopoly of force and its use by the State; and the nature of the sub-units and their relation with the State. They treat political sociology in terms of consensus and legitimacy, participation and representation, and the relationship between economic development and political change. By implication, whatever is related to the State is alone held as the subject matter of political sociology. Andreu Effrat takes a broader view of the picture and suggests that political sociology is concerned with the causes, patterns and consequences of the distribution and process of power and authority 'in all social systems'. Among social systems, he includes small groups and families, educational and religious groups, as well as governmental and political institutions.

Lipset and Benedix suggest a more representative catalogue of topics when they describe the main areas of interest to political sociologists, as voting behaviour,

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concentration of economic power and political decision-making; ideologies of political movement and interest groups; political parties, voluntary associations, the problems of oligarchy and psychological correlates of political behaviour; and the problem of bureaucracy. To Dowse and Hughes, one area of substantive concern for the political sociologist is the problem of social order and political obedience.

Richard G. Braugart has pointed out that political sociologists are concerned with the dynamic association among and between: (a) the social origin of politics, (b) the structure of political process, and (c) the effects of politics on the surrounding society and culture. Political sociology should include four areas that are as follows:

- Political structures (social class/caste, elite, interest groups, bureaucracy, political parties and factions).
- Political life (electoral process, political communication, opinion formation, etc.).
- Political leadership (bases, types and operation of community power structure).
- Political development (concept and indices of its measurement, its social bases and prerequisites and its relationship to social change and modernization).

To illustrate, it can be pointed out that on one hand, sociologists focus their attention on the sub-areas of the social system, and political scientists concentrate on the study of law, local, state and national governments, comparative government, political systems, public administration and international relations. On the other hand, political sociologists ought to be concerned with topics of social stratification and political power: socio-economic systems and political regimes, interest groups, political parties, bureaucracy, political socialization, electoral behaviour, social movements and political mobilization. A significant concern of political sociology is the analysis of socio-political factors in economic development.

There are four main areas of research that are important in present-day political sociology. They are as follows:

- The socio-political formation of the modern state.
- How social inequality between groups (class, race, gender, etc.) influences politics.
- How public personalities, social movements and trends outside of the formal institutions of political power affect politics.
- Power relationships within and between social groups (e.g., families, workplaces, bureaucracy, media, etc.). Contemporary theorists include Robert A. Dahl, Seymour Martin Lipset, Theda Skocpol, Luc Boltanski and Nicos Poulantzas.

This introductory purview of the disciplines of political science and sociology should allow us to now characterize the field of political sociology. The latter may be understood as the study of the varied and multiple relationships between the State and society. In this sense, political sociology evolved into an interdisciplinary field lying between the academic disciplines of political science and sociology.

3.4.1 Some Early Approaches

Modern political sociology has existed for more than a century. According to Ronald Chilcote, the early political sociologists were interested in studying political and social life by incorporating data based on empirical research and an examination of informal

institutions and processes. Some of them went beyond the Marxist conception, wherein employers and the propertied class wield political power. Gaetano Mosca in his *Elementi di Scienza Politica* (1896) distinguished between elites and masses. Mosca's elites comprised of civil servants, managers and intellectuals. These elites formed the political class in parliamentary democracies. However, this class underwent transformation through recruitment of members from the lower strata and new social groups leading to a phenomenon known as the circulation of elites. Vilfredo Pareto sought to differentiate between governing and non-governing elites in his work *Cours d'Economie Politique* (1896-1897).

Max Weber in his *The Protestant Ethic and the Spirit of Capitalism* (1921) examined the entrepreneurial drives of individuals in capitalist economies. In his other works, he also analysed the impact of science, technology and the bureaucracy in the evolution of Western civilization. The works of these early political sociologists influenced the studies of American political scientists of the 20th century.

The historical context

In the previous section, we took a cursory look at the evolution of political sociology during the late 19th and early 20th centuries. Now let us take a look at the historical contexts from which political sociology experienced an evolution as important field of interdisciplinary scholarship. Peter Wagner has sketched a history of political sociology within the larger process of modernity. This sketch is relevant in so far as it allows us to locate the work of political sociologists within intellectual and political contexts. Wagner's scheme comprises three phases:

- Classical sociology and the first crisis of modernity
- Organized modernity and the consolidation of sociology
- The second crisis of modernity and the renewed debate on the possibility of sociology

Let us look at the first phase, which outlines the political context of those writings that is now known as 'classical sociology'. In the century after the American and French revolutions, intellectual debates were determined by theories based on the philosophy of liberalism. Nonetheless, towards the end of the 19th century, scholars began to realize the inadequacies of liberal theories. These inadequacies contributed to the first crisis of modernity. What were these inadequacies?

Although in theory, liberalism sought to establish principles liberty, equality and democracy, the reality was different in practice. Women, workers and non-European peoples were not actually 'free and equal citizens'. In fact, many intellectuals of the first half of the 19th century did not even advocate a totally inclusive liberal society. The ideas of liberalism were restricted largely to male property owners, who were believed to be reasonable and free. Thus, market relations were restricted to economic ties between these individuals.

As this century was drawing to a close, there occurred a gradual erosion of the elements that constituted this society. Migration, growth of industrial cities, struggles for suffrage and the increased strength of the workers' movements altered the social structure, and consequently, the traditional social identities as well. The ideology of socialism, trade unions and labour parties strengthened the new collective identity of the working class. The works of Durkheim, Weber and Pareto were produced within this context of changing social identities and politics.

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Wagner's sketch highlights certain currents that created discontinuities within the sociological tradition in Europe and the United States following the disillusionment of intellectuals with liberalism. The following points are to be considered:

- The rise of the 'philosophy of the deed', which emphasized a strong man and his willpower to rejuvenate the nation.
- The growth of empirical social research towards acquiring strategically useful knowledge about a certain populace.
- The political philosophy of John Dewey, which was linked to the social theory of George Herbert Mead, and the empirical sociology of the Chicago School also reinforced the belief in the human ability to create and recreate one's own life, both individually and collectively.
- American sociology witnessed a shift of hegemony from the Chicago School to the Columbia School, and the focus shifted to social policy research in the 1960s.

According to Peter Wagner, 'the social sciences in general, and sociology in particular, were consolidated and modernized in the decades following World War II.' The goal of the modernizing paradigm was to explain how traditional societies could be modernized, while maintaining societal coherence the same time. This process was called development and its goal is the establishment of a modern society. The works of Talcott Parsons, Gabriel Almond and Sidney Verba are prime examples of the modernization paradigm.

Parsons appropriated elements from classical European intellectual heritage to create a theory of modern societies, which were represented as systems. Each social system, according to this theory, was comprised of subsystems. To maintain stability of the system, Gabriel Almond and Sidney Verba argued that restricted political participation and exclusion of social actors voluntarily or otherwise was a legitimate objective for the sake of societal coherence. They recognized that liberal ideals such as liberty and autonomy were not always conducive for stability and coherence of societies.

The work of these systems theorists occurred during a phase described by Peter Wagner as 'organized modernity'. This phase was marked by an unprecedented growth of production and consumption accompanied by a relative stability of authoritative practices. This meant that this period saw limited restrictions to political liberties when compared to other epochs. The presence of economic growth, political stability and nominal liberty was treated as the final goal of all social change. Thus, modernization was defined as the process leading to the achievement of this goal. These circumstances would later provide the ground for an increased faith in those ideologies that proclaimed the 'end of history'.

As organized modernity placed restrictions on human freedom created by the boundaries of convention, certain intellectuals directed their efforts at creating ambivalence in the social structure instead of seeking a well-ordered society. Order, for them, meant placing limitations on human endeavour. So, they worked towards de-conventionalization. This questioning of the goal of a regimented society created a crisis, which Wagner denominates as the second crisis of modernity. This second crisis provided the context for the emergence of the post-modern sociological discourse.

3.4.2 Contemporary Views

Political sociology came into its own especially since the decade of the 1960s with the publication of a few notable books that have turned out to be classics in the field. Lipset's *Political Man* (1960) that highlighted the social bases of politics; Domhoff's *Who Rules America?* (1967) that renewed interest in the power of capitalism; and, Petras and Zeitlin's *Latin America: Reform or Revolution* (1967), which focussed on the role of labour movements are some such examples. *Bringing the State Back* in 1985 brought the state and the institutional apparatus back into the research agenda of political sociology. Briefly put, a new kind of political sociology was coming into being in the last quarter of the 20th century.

This 'new political sociology' was a result of empirical and theoretical changes. The most important empirical change has been the decentring of the State as the principal object of politics. This was a consequence of the globalization, the increased power of transnational actors, and the consequent reduction in the autonomy of the State. Another empirical change is the rise of social movements within States and across the globe. Certain social movements like environmental, feminist, gay and transgender movements have radically altered identities, and hence the politics of individuals, groups and States. The theoretical conclusions derived from the work of a variety of scholars across disciplines, but particularly those in the fields of culture studies, epistemology, hermeneutics and philosophy, since the 1960s have altered the traditional theoretical landscape.

3.5 SUMMARY

In this unit, you have learnt that:

- Some writers believe that national life of the people, character and their political institutions are greatly influenced by the physical and geographical conditions. The first modern writer who dwelt upon the relationship between geography and political science was Bodin.
- Rousseau also tried to create a relationship between various forms of government and the climatic conditions of a particular nation. According to Rousseau, cold climates are conducive to barbarism, warm climates to despotism and moderate climates to a good polity.
- In his *History of Civilisation*, Buckle maintained that 'the actions of men, and therefore of societies, are determined by reciprocal interaction between the mind and the external phenomena.'
- The geographical conditions of a particular nation always influence the national policies in considerable measure. The character of the political institutions are also influenced by geographical location.
- Political economy refers to a specific approach to study social and political events where economics and politics are not seen as separate domains.
- Adam Smith, David Ricardo and Karl Marx were some of the exponents of the political economy approach. In contemporary scholarship, the term 'political economy' indicates the amalgamation of two different disciplines- political science and economics.

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Check Your Progress

6. What is the purpose of political sociology?
7. Who wrote *The Protestant Ethic and the Spirit of Capitalism*?

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- Aristotle considered economic questions in his book *Politics*. Among classical political economists, Adam Smith considered political economy as 'a branch of the science of a statesman or legislator'.
- Karl Marx often referred to the 'critique of political economy' in his writings; however, it was Friedrich Engels, the co-author of *The Communist Manifesto* along with Karl Marx, who defined the term 'political economy'.
- The liberal perspective emerged as a critique of the comprehensive political control and regulation of economic affairs which had dominated European nation building in the sixteenth and seventeenth centuries, i.e., the Mercantilist school of thought.
- Adam Smith, David Ricardo, Paul Samuelson, J.M Keynes, etc. are often regarded as leading exponents of the liberal perspective of the political economy approach.
- 'Laissez faire' policy where free individuals were best equipped to make social choices. David Ricardo argued that free trade benefited all the participants as it led to specialization which increased efficiency and thus productivity.
- Keynesian concept is based on the idea that the market may not work according to the belief of efficiency and mutual gain and lead to instances of market failure.
- The Marxist perspective of political economy believes that economics forms the base of society and the political system.
- Political sociology lies at the intersection of the disciplines of political science and sociology. Giovanni Sartori, an acclaimed Italian political scientist, had suggested that there was an ambiguity in the term 'political sociology' because it could be construed as a synonym for 'sociology of politics'.
- Richard G. Braugart has pointed out that political sociologists are concerned with the dynamic association among and between: (a) the social origin of politics, (b) the structure of political process, and (c) the effects of politics on the surrounding society and culture.

3.6 KEY TERMS

- **Laissez-faire:** It refers to the abstention by governments from interfering in the workings of the free market.
- **Epoch:** It means the beginning of a period in the history of someone or something.
- **Neo-liberalism:** *Neoliberalism* (neo-liberalism) refers primarily to the 20th century resurgence of 19th century ideas associated with laissez-faire economic liberalism.

3.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The first modern writer who dwelt upon the relationship between geography and political science was Bodin.
2. *History of Civilisation* is written by Henry Thomas Buckle.
3. Political economy refers to a specific approach to study social and political events where economics and politics are not seen as separate domains.

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4. Keynesian concept is based on the idea that the market may not work according to the belief of efficiency and mutual gain and lead to instances of market failure.
5. The Marxist perspective of political economy believes that economics forms the base of society and the political system.
6. Political sociology seeks to understand the process of interaction between government and society, decision-making authorities and conflicting social forces and interests.
7. Max Weber wrote *The Protestant Ethic and the Spirit of Capitalism*.

3.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on the relationship between political theory and geography of a nation.
2. What are the contributions of Karl Marx towards the development of political theory?
3. What do you understand by classical laissez faire doctrine of political theory?
4. Explain the concept of political sociology.

Long-Answer Questions

1. 'In contemporary scholarship, the term 'political economy' indicates the amalgamation of two different disciplines- political science and economics.' Comment on the statement with reference to the text.
2. Write a detailed note on the liberal perspective of political economy.
3. What are the common features of Marxist perspective?
4. What are the different meanings of the term 'political', according to Sheldon, S. Wolin?

3.9 FURTHER READING

- Baylis John and Steve Smith (eds). 2005. *The Globalization of World Politics- An Introduction to International Relations*. New Delhi: Oxford University Press.
- Bottomore Tom (ed.). 2000. *A Dictionary of Marxist Thought*, New Delhi: Blackwell Publishers Ltd.
- Lenin V.I. 1973. *Imperialism, The Highest Stage of Capitalism*, Peking: Foreign Languages Press.

UNIT 4 THEORIES OF THE ORIGIN OF THE STATE

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Structure

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- 4.1 Unit Objectives
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4.0 INTRODUCTION

The importance of the state in political science is well-known. It is often said that political science begins and ends with the state. This unit deals with the theories on the origin of the state. The unit will first begin by examining the origins of the city-state in ancient times. It will go on to discuss the evolutionary theories of the state. The final section will examine the most critical theories on the origin of the state, that is, the social contract theory of John Locke, Thomas Hobbes and Jean Jacques Rousseau.

4.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Understand various theories for the origin of state
- Discuss historical developments that led to development of the state
- Describe the modern multi-cultural state

4.2 HISTORICAL DEVELOPMENTS

The term 'state' originates from the Latin words *stare* which means 'to stand' and *status* that means 'a standing or condition'. The term 'state' was used for the first time by the famous Italian philosopher Machiavelli in his book *El Principe*. He used the term to mean a community with a definite territory under a common ruler.

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The meaning of the term 'state', however, has transformed through the years to mean government, nation or society. Following are some of the definitions given by famous political philosophers:

- **Aristotle:** 'A union of families and villages having for its end a perfect and self-sufficing life, by which we mean a happy and honourable life.'
- **MacIver:** 'The state is an association, which acting through law was promulgated by government endowed to this end with coercive power, maintains within a community, territorially demarcated the universal external conditions of social order.'
- **Woodrow Wilson:** 'A people organized for law within a definite territory.'
- **Schulz:** 'The state is the union of a living people in a collective personality under a supreme power and a definite constitution for the realization of all common purposes, especially the establishment of the legal order.'
- **Bluntschli:** 'The state is a combination or association of persons in the form of a government and governed, on a definite territory, united together into a moral, organized masculine personality.'
- **Oppenheimer:** 'State exists when a people is settled in a country under its own sovereign government.'

From these definitions it becomes clear that when a group of people are permanently settled on a definite geographical area and form a government of their own, free from any kind of external control, then that group of people constitute a state. Thus, in the formation of states, people, territory, government and sovereignty play vital roles. These four elements are discussed in detail.

1. Population

In the formation of state, population is considered to be the most vital element. According to the various definitions just mentioned, it becomes clear that there will be no state in an unpopulated region. For instance, Antarctica is a territory, but without population; hence, it cannot be considered as a state. The residents of a state may be either its citizens or aliens. While fixing the number of people needed to constitute a state, various thinkers have given different opinions.

According to the ancient Greek philosopher Plato, an ideal state should comprise 5040 free citizens. Aristotle, a student of Plato and another remarkable Greek philosopher has maintained that the state should neither be too large nor too small. It should be large enough to manage itself and small enough to sustain itself. If the population is too large it will be unwieldy and uncontrollable, and if the population is too small, it will neither be self-sufficient nor large enough to be well governed. According to the 18th century French philosopher, Rousseau, there should be a proportion between the population of the state and the area of its territory. He fixed the population at 10,000 and the size of the territory to be adequate enough to nourish the inhabitants.

2. Territory

The second important element in formation of a state is territory. The importance of territory would become clearer with the example of the Jews. The Jews did not form a state until they settled in Palestine. Thus, territory is considered to be an integral part of a state. According to Bluntschli, 'As the state has its personal basis in the people, so it

has its material basis in land. The people do not become a state until they have acquired a territory'. It is not essential or important that the state's territory should either be compact or contiguous. It may consist of far-flung areas.

Philosophers have not stressed on any definite size for a territory. The territorial expansion of a state should be commensurate to its population. Some political philosophers believed that territory was not an important element for state formation. According to them, the population of a state was more important. According to 20th century political philosopher, Hall, 'Abstractly, there is no reason why even a wandering tribe or society should not feel itself bound as stringently as a settled community by definite rules of conduct towards other communities.' According to Seeley, 'What holds a state together is not territory, but the principal government'.

3. Government

The third important element of a state is its government. For the formation of sovereign will, every state requires a government. It is the duty of governments to formulate laws and enforce order to maintain peace and harmony in the state. In the absence of a government, there will be lawlessness and chaos in a state. Government plays a crucial role in state administration, regulating all its policies and procedures and performing its common functions.

4. Sovereignty

The supreme and independent authority over a definite territory with a defined population controlled by a valid government is termed as sovereignty. In the absence of sovereignty, a politically organized community cannot be considered a state. It is sovereignty which differentiates a state from other organizations and communities.

In a state, sovereignty has two aspects—internal and external. The internal aspect of sovereignty pronounces that the state has supreme power over all its subjects. The famous 16th century jurist and philosopher, Jean Bodin maintains 'Sovereignty means the supreme power over citizens and subjects unrestrained by law'. The external aspect of sovereignty ascertains that the state is independent and free from 'the control of any outside authority'. A good example of the importance of sovereignty is seen in India. Prior to 15 August 1947, even though the three other elements were present, India was not considered a state, because it had no sovereignty.

Besides these four elements, the famous thinker Burgess considers exclusiveness, comprehensiveness and permanence as important elements of a state. According to some other political philosophers, international recognition should be considered as one of the elements of the state. Most philosophers and thinkers were restrained in attaching undue importance to international recognition as they felt that only a newly formed state needs to be recognized internationally.

History is replete with evidence that the early nomads generally divided themselves into smaller groups due to excessive economic disparity and decline. The smaller groups of people established their own independent city-state. As their size grew in terms of population and economic activities, they again split and created similar types of city-states in their neighbouring territory. Thus, we find that the city-state is different from tribal state. They are different in terms of size, patriotism, exclusiveness and obsession for independence. Thus city-states are the smaller, independent units formed out of a large tribal settlement. In a political system, a city-state is considered to be an independent

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city which has its own sovereignty within a definite territory. As far as the origin of city-states is concerned, there is no single, common theory. Some philosophers maintain that the term city-state has its origin in 19th century England. Others maintain that the term was first given to a political form of grouping practiced in the ancient Greek civilization.

4.2.1 Origin of the City-State

The political fluidity and ethnic complexity of the eastern Mediterranean region had been considerably increased by the dramatic downfall of the Minoan Empire in the middle of the second millennium BC. Migrants from the north were drawn into the political and economic vacuum created by the demise of thalassocracy that for long had controlled the seas between the coasts of Egypt and Greece.

During this period, the eastern Mediterranean region was dominated by feuding tribal states that wanted to dominate the land between the Mediterranean and the Persian Gulf. It was here that the first imperial state was established. Among the migrants who moved to eastern Mediterranean were the Philistines. They eventually settled along the strip stretching between modern Tel Aviv and Gaza. They were the first to have founded the recognizable city-state as their basic form of political organization. The success of the first true city-state led to the development of several other city-states across other ancient civilizations.

Greek City-States

The Greek city-states may be taken as models of ideal city-states in the ancient world. A Greek city-state, known as a *polis*, was an administrative centre of a limited territory. The political experiments carried on in these states became the stepping stones for future civilizations. Political philosophers have laid major emphasis on the study of the political systems of these city-states. The main features of these Greek city-states were as follows:

- These were independent and self-governed. In fact, the emergence of city-states was a big experiment in self-governance.
- These led to the development of self-sufficiency and regionalism.
- These were typical examples of direct democracy.
- The emergence of city-states led to the direct participation of citizens in the functions of civil and military life.

Thus, original city-states were small in size. When the Greeks settled down in Europe, they were divided into clans and tribes. These clans and tribes settled on small pieces of land near water bodies that helped them in becoming a seafaring nation. With the passage of time, they organized themselves politically and consolidated into independent states. The city-states had independent jurisdiction over their small population. People were proud of their culture, civilization and independence and did not take kindly to outsiders. The citizens of the city-states were highly attached to their state and were conscious of their duties and responsibilities towards it. They would go to any extent for defending their independence. In a city-state, every citizen was a warrior, judge and member of the ruling assembly.

Each city-state had its own walled town, own Gods, own traditions, customs and their own government. Athens, Sparta, Corinth, Argos and Thebes were a few famous ancient city-states in Greece. Though the city-states experimented with various forms

of government, monarchy was the order of the day. They started with monarchy which gave way to aristocracy, which, in turn, gave way to polity. The city-states finally adopted democracy as the form of government. However, since every member of society was a part of the active political system, democracy turned into mobocracy, a government controlled by a mob. When democracy failed to survive the test of time, the city-states went back to monarchy again. In spite of a high degree of political excellence achieved by the Greek city-states, these also suffered many drawbacks.

The citizens did not think about expanding their territory because they had a deep conviction that small states were happy and efficient. The size of these city-states was deliberately small with a small number of people so that people could directly participate in government functions. Members of the city-states were concerned for its development and took active interest in formulating developmental policies and rules. In the Greek city-states, slavery was at its peak. The Greeks considered slaves to be an important part of their civilized society.

The city-states lacked certain qualities like patience, discipline, tolerance and humanity. They were arrogant, ego-centric and pleasure-loving. These attitudes led to constant in-fighting between sections of society. The ancient Greek philosophers and thinkers were concerned with this lack of humane virtues in the citizens. They warned the citizens that such indiscipline would soon lead to their downfall once a united force attacked them. With the rise of the Romans and Macedonians in the Ancient Age, the city-state system disintegrated.

Imperial State

An imperial state existed as part of an empire. An empire was deemed to be a group of countries under the direct or indirect control of a foreign power or government, which shaped their political, economic and cultural development. Here, the entire population did not have right of voting but only some special officials were chosen for adult suffrage in the state. Rulers held various important privileges and rights. They were allowed to formulate laws for their states without imperial interventions. They were also permitted to exercise certain regal powers, including the power to gather taxes, a monopoly over gold and silver mines and the power to issue money. In addition, they were permitted to formulate treaties and enter into alliances with other imperial states and with foreign nations. Thus, we can say that an imperial state was an autonomous state with the supreme authority vested in a foreign power. Their imperialistic power exerted control and influence over foreign entities either through military force or through political policies and economic pressure. Imperialists believed that their political, cultural and economic superiority justified control over other states, and such control was for the greater good of mankind. An imperial state was either ecclesiastic or secular. An ecclesiastic state is led by religious leaders like the Archbishop, Bishop, etc., while the secular state was led by imperial princes like the Grand Duke, Duke, Counts, etc.

Theocratic State

Theocracy may be described as the 'rule of the deity'. The word 'theocracy' has been derived from the Greek word *theokratia* composed of two smaller words, *theos* which means 'god' and *kratein* which means 'to rule'. Thus, theocracy is a form of government in which all political authorities and responsibilities are vested in the hands of religious leaders or a theologically trained elite group. In other words, a theocratic state is one where priestly order directly administers the state according to what it

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believes are divine law. In such a state, the religious and political orders are identical. The main objective of a theocracy is to uphold divine law through its policies and practices. It recognizes no legal separation of Church and state. Flavius Josephus, a Jewish historian, was the first to coin the term 'theocracy' while explaining the organization and political system of the Jewish commonwealth between the period c. 37–100 CE. Josephus discussed theocracy vis-à-vis other forms of government like monarchy, oligarchy and republic. According to him, 'Our legislature had no regard to any of these forms, but he ordained our government to be what, by a strained expression, may be termed a theocracy, by ascribing the authority and power to God, and by persuading all the people to have a regard to him, as the author of all good things.'

According to the Shorter Oxford English Dictionary on Historical Principles, 'Theocracy is a system of government by sacerdotal order, claiming divine commission. It is a state in which priests exercise political power, or more precisely, a state ruled by ministers.' The concept of the theocratic state is found to be present since historical times. It existed in ancient Egypt where the king represented a deity. Indian American civilizations, such as the Toltec, Natchez, Maya and Aztecs were prominent examples of Theocratic States. Examples of theocratic states were also found in Muslim empires and in Europe.

There are two forms of theocratic states; in the first, power was shared by secular government leaders devoted to the principles of the dominant religion. English politics, for example, was determined by the Anglican Church. When Puritans migrated to New England, a theocratic government was founded during the 1630s. In fact, for the Puritans, theocracy was considered the best form of government in a Christian commonwealth because only such states could acknowledge Christ as the sole ruler of the people. They believe that their aim is not to vest their ministers with political powers; but that they should govern according to God's word and will.

The other form of theocratic state is one where power is shared by a secular ruler, such as king, or by a religious leader, such as Pope or an Ayatollah. In modern times, the Islamic Republic of Iran, as Ayatollah Khomeini aspired to run it, or the State of Afghanistan run by the Taliban (1996–2001) provide the best example of a theocratic state. The imams and other political leaders are the central legal authority in such states with all powers vested in them. Such fundamentalist regimes help in developing society as per the Islamic religion or sharia.

If the Indian State was to be run by an elite class of Brahmins in accordance with the Dharmashastras, then India would also be a theocratic state. Such a theocratic state must be distinguished from a state that establishes the practice of a particular religion. In such a state, the religion is granted formal or legal recognition. In fact, there is an official alliance between the state and the religion. However, a priestly order does not directly govern such states. In case it does, religious institutions are distinct from political institutions. The two institutions perform different functions. For instance, the Church or the religious order is meant to help people follow the path of humanity.

The political order exists in order to maintain peace and order, primarily in temporal matters. This disconnection between religious and political institutions is also referred to in some contexts as Church–state separation. This goes hand in hand with an overall ideological connection. For example, in the last instance, both sets of institutions share common goals. The state is subordinate to religious ends even though it has its own function, internal norms and power structure. Because of this first order connection of

the ultimate goals, there is an automatic third-order connection at the level of law and policy. In such states, religion is a natural object of law and policy. For instance, the revenue collected by the state may be available for religious purposes. The state may enact laws compelling individuals to congregate for religious purposes. The disintegration of the theocratic state began with the downfall of the Roman Empire from the 17th century onwards.

4.3 EVOLUTIONARY THEORIES

Let us understand the evolutionary theory of the state.

Evolutionary Theory

The evolutionary theory of the state is now considered the most widely accepted theory on the origin of the state. According to it, the state is neither the work of god, nor the mere extension of the family. Rather, it is the product of growth, a slow and steady evolution extending over a long period of time and ultimately shaping itself into the complex structure of a modern state. According to the evolutionary theory, there are basically five factors responsible for the evolution of the state. These are discussed below.

- (i) **Kinship:** This is the most vital factor on the origin of the state and was based upon blood relationship. Family constituted the first connection in the process of the evolution of the state with the expansion of the family arose new families and the multiplication of families led to the formation of clans and tribes.
- (ii) **Religion:** The second connection that helped unify society was religion. The worship of a common ancestor and common goods created a sense of social solidarity.
- (iii) **Force:** Force also played a vital part in the origin of a state. Force helped create and expand empires.
- (iv) **Property and Defence:** These also played a critical role in state formation, especially amongst nomads and tribals. According to Laski, the need to protect property ultimately compelled the ancient people to establish the state.
- (v) **Political consciousness:** This arose from the fundamental need for the protection and order. When people settled at a particular place, they felt a desire to secure it from encroachers.

Thus, it can be said that no one factor was responsible for the formation of the state, rather it was a multitude of factors that were responsible.

In recent times, the word 'state' has often been combined with the word nation to form the entity called nation-state or state-nation. Although these two words, nation and state, are often used interchangeably in everyday conversation, they are two quite different concepts.

Differences between Nations and States

A nation is a group of people who share a common symbolic identity, history, religion, and often, culture.

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Check Your Progress

1. Who used the term 'state' for the first time?
2. What are the four factors that play a vital role in the formation of a state?

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Key features of a nation

- A nation has boundaries, territories or both.
- It is an integral unit.
- A nation is a self-contained state, sovereign, or at least aiming for sovereignty.
- The government of a nation needs to serve the interests of the people.
- The people are actively involved in collective affairs of the nation.
- A nation is characterized by a blend of language, traditions, culture, principles and thinking.
- The residents of a nation are of a common descent and share the same history.

A state is a particular type of political structure distinct from a band, chiefdom and tribal society. It is hierarchical, bureaucratic, centralized, and has a monopoly on the legitimate use of force to implement its policies.

Key features of a state

- A state is a sovereign power superior to all other associations and groups within it. It has the supreme power of the land.
- As opposed to other associations, foundations of a state are either *private* or *public*. While a private body helps in running businesses and forming trade unions that realize common people's aspirations, public bodies help in accomplishing collective decisions.
- The decisions of a state are binding on its people as these are made for their common good.
- The state is vested with the right to enforce laws and rules. It also reserves the right to punish anyone who violates the law.
- From an international perspective, a state is considered to be an autonomous body with geographically defined boundaries. It has a territorial jurisdiction over all its subjects; its laws encompass citizens as well as outsiders residing within its boundary.

In informal practice, the term nation and state are used in such a manner that they both are synonyms of each other, but in formal practice the two are of different. Nation indicates a people who share a common tradition, foundation and record. However, a state is a community settled on a large territory with an active government with complete sovereignty.

Nation-State

A state that has a defined territory and residents with identical racial and cultural background is termed a nation-state. According to the *Oxford English Dictionary*, 'nation-state is a sovereign state of which most of the citizens or subjects are united also by factors which define a nation, such as language or common descent'. Thus, we can say that the people of a nation-state share the same set of culture, language and national values. They practice similar religions and hold identical religious beliefs. Excellent examples of nation-states are Japan and Iceland. Both these nations are considered as ideal nation-states. Japan is considered a nation-state because the citizens of Japan have a sense of national identity and share a common language. Nation-states have a

unique national identity enforced through its policies. For nation-states, regionalism is more important than national sentiments.

As for Iceland, it is an almost ideal nation-state because the rate of immigration to the country is very low. These examples show that despite sharing a common language and culture, the formation of a nation-state is dependent on the rate of immigration. The countries which have higher rate of immigration do not fall in the category of nation-state. In fact, most of the countries cannot be treated as nation-states because once the country opens its doors to immigrants the residents no longer share the same traditions, culture and religion.

Formation of nation-states

Philosophers have always debated the origin of nation-states. Nationalists believe that nations came first and nation-states followed. Most philosophers attribute the origin of nation-states to the 19th century European phenomenon of spreading of mass media and mass literacy. Some maintain that the invention of the printing press was also partly responsible for bringing people closer to each other. Benedict Anderson, Professor Emeritus of International Studies at Cornell University, propounded that before the printing press was invented, elite languages like Greek or Latin were inaccessible to common people. With the invention of the printing press, these languages united common man and created a bond that transformed into regionalism.

In terms of language, race and ethnicity, the development of the nation-state took place since the middle of the 19th century. In France, the creation of nation-states started during the French Revolution when half of its population spoke almost the same language, shared the same racial and ethnic backgrounds. It was France where the notion of nation-states spread early and rapidly. After France, the idea of the nation-state spread over other parts of the world like Japan, Iceland and Ireland. Nation-states were formed in two completely different ways. The first was when responsible people staying within a definite territory formed a common government. This was the peaceful method of forming a nation-state. A good example of this type of state formation is found in the Dutch Republic and the United States of America. The second method, wherein an army defeats a province and forms a nation-state of his own, is more oppressive. The foreign leader basically imposes his will on the people who were part of the conquered nation and forcibly rule over them. Legitimacy of a nation-state is dependent on its citizen's appreciation of its government. A nation-state should change with changing developments in socio-political economic situations, development in science and technology, etc.

Political power, whether legitimate or not, eventually rests on the undisputed control of the military potential. Contemporary history proliferates in illustrations that, outside old established communities that have reached a certain level of prosperity, the power holders have to rely for the possession and maintenance in power on the loyalty of the military establishment. Neither Hitler nor Mussolini could have established themselves without the involvement or at least the tolerance of the armed forces.

4.3.1 Military Occupation

Military occupation is the domination by military force of one state over another. Here we are concerned with foreign rule and not with internal military dictatorship. On the other hand, the limits of our subject are distorted. Poland in 1982, for example, is an obscure case. General Jaruzelski was chief of a Polish military regime, but his army

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treated the citizens cruelly and disrespectfully; as if they were in an occupied enemy country. Foreign rule is not an exact term also, since some states are multinational and the discontented nations may claim that rule of the central government is foreign rule, even if legally it is not. Military domination may take various forms. These are as follows:

- Annexation of territory from a defeated state.
- Stationing of troops on a part, or on most of that state's territory, whether as conquerors or as allies.
- Control over the foreign state's civil government apparatus through different chains of command.
- Stationing of strong military forces just beyond the foreign states' frontiers.

Military occupation in effect

The studies of military occupation of Europe shows that the conquering power had retained some of its forces within the defeated country for some time. The places occupied were usually selected for their strategic importance, and were often in border areas. The aim of the military occupation was to make sure that the defeated observed the terms of the peace treaty and did not become a danger.

When Napoleon relinquished his throne in 1814, the victorious allies whose armies had entered France accepted the former heir to the throne, Louis XVIII, and did not at first propose to keep their troops on French soil. After Napoleon returned and the battle of Waterloo had to be fought, though, it was considered necessary to take precautions against a revival of the threat from France, and occupation forces were stationed. They were not there for long; the allies soon satisfied themselves that Louis XVIII's government was peaceful and reliable, and the Congress of Aix-la-Chapelle in 1818 decided to remove the occupation forces.

In 1871, the victorious Prussians kept troops in France until the French government paid the indemnity imposed by the peace settlement. This was expected to take five years, but the French paid it in less than three, and the occupation forces were removed in 1873. After the Great War, French, British and Belgian troops occupied positions on the west bank of the Rhine. The French encouraged self-rule among the Germans living on the west bank of the Rhine initially to create a separate state as a part of the French Empire. When this proved unsuccessful, they were contended with occupation, in order to ensure the security of their eastern frontier and to put pressure on the German government to pay large sums demanded as war damages. European politics in the 1920s were full of disputes and crises caused by damages; there were compromises in 1924 and 1929, and the troops were removed from the Rhineland in 1930.

In all three of these cases, security of the victorious states was the plan, and only a portion of the defeated country was occupied. At the end of World War II, the situation was quite different. One difference was that the defeated countries were occupied entirely. In Italy, Romania and Hungary, the war was fought throughout the country, from one extremity to the other, while in Germany resistance in the west, east, and south went on until all but a small corner was conquered.

Therefore, the victors at the end of the war were in control of all the enemies' territories, and in most of them such dreadful destruction had occurred, such vast numbers of people had been uprooted and transported far from their homes or work places, that only the resources of the victorious armies could get things moving. The second difference

was that the victorious people, both governments and the public, in Soviet Russia as well as in the Western victor states, were resolved to destroy the whole political and social system variously known as 'Hitlerism' and 'Fascism', and to replace it with what they considered to be 'democracy'.

Military occupation in Europe from 1944 to 1945, then, were not just to make certain the security of the victor states, but to administer and assist reconstruction of occupied states. Missionary zeal, during this time, was a significant force. Broadly speaking, the same also applies to the American occupation of Japan. Missionary zeal and its acceptability to the conquered peoples differed widely. Germans and Italians were tired of all that Hitler and Mussolini had stood for, though these two leaders still had a few fanatical followers left. In both countries there was an old parliamentary tradition, and there were significant democratic socialist parties. Hence, the ingredients necessary for a Western type of democracy were present, and the popular mood favoured it. There were noticeable differences in political attitudes among the three Western governments, and among their representatives in the three western zones of Germany: the British had more sympathy for the German Social Democrats, the Americans for the conservative Christian Democrats, while the French initially supported the idea of Rhineland separatism.

As an alternative, a structure of representative government was built up in these three zones. The Federal Republic was established in 1949, also in the central government. The Germans have managed their political system since then.

One really cannot maintain that the Western Allies forced a political system on the Germans, though they certainly played a major part in building the structure. The period of military occupation of Germany legally ended when the Federal Republic became a member of the Atlantic Alliance in 1955, but Western troops remained in Germany as allies and not as occupiers.

In Italy the process was more rapid, since only British and American forces were present and there was no territorial division into separate zones. After the peace treaty with Italy was signed in 1946, Italy became fully sovereign as a parliamentary republic. In Austria there were four zones as in Germany, but a single Austrian central government was recognized by all four powers. Military occupation lasted until 1955, but then was recognized by all four powers. Khrushchev, who was at that time keen to improve his relations with the United States, and also with Austria's southern neighbour, Yugoslavia, agreed to sign a joint peace treaty in return for Austrian acceptance of neutrality on the Swiss model, and all foreign troops were evacuated. In these three countries, then, the reconstruction tasks of the Western occupation armies were, to a certain extent, successfully completed, due in large part to the incredible will to rebuild the occupied state.

4.3.2 Military Dictatorship

The type of government in which the political power dwells with the military is called a military dictatorship. Similar to several dictatorships, a military dictatorship might be authorized or unauthorized. Mixed structures, too, subsist, in which military exercises an intense authority without being completely central. The archetypal military dictatorship of Latin America was governed by a *junta*, a Spanish word which stands for 'conference' or 'board', or a working group which was a compilation of a number of officials, a large number of whom came through military's most superior headship. A number of military dictatorships are totally in the hands of a solitary officer, often called a 'caudillo', usually the senior-most army commander.

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In both cases, the chairman of the *junta* or the solitary commander takes over the office as head of state. Military governments habitually were ruled by a single governing person in the Middle East and Africa, and these were autocracies as well as military dictatorships. Leaders like Idi Amin, and Muammar al-Gaddafi, worked hard to erect a celebrity cult and went on to become the faces of their nations.

Majority of military dictatorships were created after a rebellion had made ground for the collapse of the preceding rule. An extremely unlikely example was the one set up by Kim Il-Sung's rule in North Korea and Saddam Hussein's rule in Iraq. These two states began as one-party states, but through the route of their continued existence went on to curve into military dictatorships. As the military became powerfully drawn in, the government and their leaders dressed themselves in uniforms. Other military dictatorships may gradually restore vital elements of a civilian government even as the senior military commander still sustains executive political power. Generals Zia-ul-Haq and Musharraf had seized singular referendums to select themselves President of Pakistan for further terms, usually forbidden by the constitution of Pakistan.

Prior to the 20th century, military governments portrayed themselves as the solution to a problem propagated by the current ruler. In the 20th century, this trend changed and they began to represent themselves as unprejudiced, impartial parties which wished to provide short-term guidance during times of disorder. The foundation of a permanent state of emergency is one of the most common features of a military government. Even though there are exclusions, military governments generally have little or no admiration for human rights and use means needed to silence political rivals; anyone seen opposing the army is perceived as an enemy. A military government is hardly ever willing to leave power unless forced to by popular rebellion, whether active or looming.

Latin America, the Middle East and Africa have been common areas for military dictatorships. The fact that the military often has more unity and institutional construction than most of the civilian institutions of society could be a basis for this. Since the 1990s, there is a reduction in incidences of military dictatorships. This could have happened as military governments do not receive international recognition easily. The end of the Cold War and fall of Russia has made it difficult for military leaders to use the pretext of communism for their rebellion. Since the Cold War had come to an end, in the Middle East, governments for instance those of Algeria and Egypt that were formerly evident military dictatorships have now changed into other forms of dictatorship.

A State that recognizes, supports and admires multiple ethnic cultures is known as a multicultural state. 1960s saw a change in definition of human characteristics. Though the Nazis had drawn a divide between the Aryans and the Non-Aryans throughout Europe and propagated hatred and humiliation towards millions of innocent people, their regime was ultimately overthrown by the Allies who restored some sanity in the world. After World War II, the concept of anti-racism started raising its head. Martin Luther King Jr championed the cause and proclaimed that whites and blacks had nothing uncommon except for their skin colour. For him, it was a matter of disgrace that whites thought of African-Americans as 'the lesser breed without the law' and insisted on ruling over them. African-Americans started taking pride in their history and started exclusive political mobilization. Women started noticing their difference from men and concluded that they were more sensitive and sympathetic than men.

The domination that ended with the downfall of the Nazis brought in its wake ideas of personal, cultural, sexual and political freedom. In the United States, this

progressive politics of identity was termed as 'multiculturalism'. In the United Kingdom, the concept of multiculturalism was more restrained. It primarily meant the immigration of non-white people from outside Europe to the continent and the resultant problems that ensued between various groups. People who were trying to settle in a foreign land and looking for their individuality lead to this vortex that brought together people with varied racial and national history.

The first countries to practice multiculturalism were Canada, Australia and the United States. In 1960s and 1970s, people settled in United States were indirectly pressured to conform to the cultural practices of major parts of society. In the next few decades, countries from western European societies like Britain, Sweden and the Netherlands began to import labour in tandem with their post-war economic reconstruction. In the 21st century, about 50 per cent of the entire population of most of the cities in these countries would be descendants of immigrants and would characterize its cultural, political and economic life.

4.3.3 Modern Multicultural States

Some of the major modern multicultural states have been discussed in this section.

United Kingdom

In 1970s and 1980s, the local communities in UK started opening up to embracing immigrants from Asian and African countries. The Labour Government of Tony Blair approved multicultural policies in the 1990s. Studies show that majority of these immigrants had come from the Caribbean and Indian subcontinents in the previous decades. In 2004, the number of people who were accepted as British citizens rose by a record 12 per cent from 2003. In the last decade, about 40 per cent of immigrants came from Asia and 32 per cent from Africa. People from India, Pakistan and Somalia made up majority of the immigrant population.

United States of America

USA has no structured and formulated policy regarding multiculturalism. Ever since the first half of the 19th century, constant immigrations have influenced the economic, social and political aspects of American lives. The amalgam of these immigrants without state interference in the very social fabric has come to show that America is tolerant of varied cultures.

Canada

Canada has long been viewed as a champion in multiculturalism as it had publicly accepted multicultural philosophy as part of its society. Finally, Prime Minister Pierre Elliot Trudeau had formally accepted multiculturalism during his tenure from 1968 1979. Multiculturalism is accepted in the Canadian Multiculturalism Act and Section 27 of the Canadian Charter of Rights and Freedoms enacted in 1982.

Australia

Australia stands second to Canada in accepting multiculturalism in its legal policies, for example, the formation of the Special Broadcasting Service. The 2006 census illustrates that about 50 per cent of the population were either born overseas or had one parent residing in some other country.

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The Netherlands

Till the 1950s, Frisian, Limburgish and Dutch Low Saxon were the only official languages of the Netherlands. It was largely a monocultural society. Multiculturalism in the Netherlands is a recent phenomenon; the first mosque was built in 1955.

However, in the last decade, increase in the number of Hindus, Jews, Muslims, Roman Catholics, Protestants, etc. have led to the establishment of different schools for different communities. All these schools follow the same curriculum and are guided by the central department of education; only the lessons on their respective religions and culture differ. As of 2008, about 19.6 per cent of the total population was comprised of immigrants. The Constitution provides and safeguards civil and cultural rights of immigrants through a number of its Articles.

India

The basic tenet of Indian society is 'unity in diversity'. The vast country incorporates multiple languages, customs, religions, rituals, dance, music, architecture, etc. India has a rich socio-cultural history that is witness to foreigners being accepted within the social fabric. Throughout her extensive history, foreigners have come and settled here, bringing with them their rich and varied culture that soon became part of the mainstream society. The society consists of Hindu majority (80 per cent), trailed by Muslims (13 per cent). Christians, Sikhs, Buddhists, Jains, Jews and Parsis are all parts of the Indian social fabric. The boundaries of the states of have primarily been drawn based on the linguistic demarcation that exists in society. Majority of the states vary from one another in language, traditions, cuisine, attire, mythical style, architecture, music and celebrations, to name a few.

Indonesia

Indonesia's policy on multiculturalism may be appreciated by their national slogan, *Bhinneka tunggal ika*, which means unity in diversity. Though principally a Muslim State, Indonesia has large Christian and Hindu populations. In 1999, when Abdurrahman Wahid became the President, he immediately banned all racist and unequal laws against immigrants. Taman Mini, a park situated outside Jakarta was set up with an ethnographic import. Every province had a house to represent the regional architecture; distinctive local cloth, weapons and books were sold to promote different region. Multiculturalism was evident in the manners and traditions of every region. These differences are more objective, material distinctions between regions, rather than deep political and emotional aspects of the social order.

4.3.4 Pluralist States and Polyarchies

The main idea behind pluralism is plurality—variety, multiplicity and many-sidedness. Its core suggestion is that power and resources within society are scattered. Pluralism achieved fame, in fact superiority, as an explanatory model of political science in the thirty years subsequent to World War II, a period in which US experience came to lead the discipline. Its dominance went mostly uncontested in the period down to the late 1960s and it continues to be a well-known descriptive model. Currently, like most other such positions, it is found to be giving rise to 'reformed pluralism', 'critical pluralism', 'radical pluralism', 'neo-pluralism' and even 'Marxist pluralism'.

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Pluralism classically gives very little room to the idea of 'the State'. Pluralists have always been very apprehensive of such concepts. They wanted to concentrate upon visible behaviour—the actions of individual citizens, social groups or governmental officials—and have kept away from terms which they have tended to identify as abstract philosophizing. They have been suspicious of the idea of a unitary and sovereign state and have held up the dispersal of power especially in US institutions—the constitutional separation of powers, federalism, the lack of disciplined national parties, the entrenched rights of individual citizens—as examples for much wider admiration and emulations. Likewise, their attention has been focused not upon states but upon 'governments' or, better still, upon the activities of particular groups and individuals involved in the discharge of public functions.

Certainly, many of them have identified a sort of pluralism within the institutions of the state itself. Different ministries, agencies, even cabinet colleagues are seen to be following differing objectives, bringing assortment and multiplicity to the very core of government and state.

For pluralists, the actual source of democratic decision-making lies not in this disaggregated state, but in a diverse society. The thing that makes countries such as the UK and the USA good liberal democracies, in the pluralist outlook, is not so much their constitutional understandings, but to a certain extent, the nature of the wider society within which these are placed. Such societies are 'open'.

Power is to be found in many diverse places. Dissimilar groups are able to assemble differing sorts of resources, and power is generally non-cumulative. Citizens are open to express them and to look for, to organize and mobilize, to advance their numerous interests. They enjoy a 'civic culture' which is liberal, stable, established and capable of accepting and merging differences of interest without resorting to violent social and political conflict. They also enjoy a common agreement about the 'basic rules of the political game'. This agreement is not an expression of shared substantive viewpoint about what public policy should be. To a certain extent it expresses a readiness 'to agree to disagree', accepting that there should be an assortment of interests within society and that other citizens should have an equal right to organize themselves around their diverse and challenging interests.

Such a pluralist system also necessitates that citizens are willing to accept what is constantly a short-term conciliation between their numerous interests brokered by the public authorities. Under these conditions, the chief mechanism of policy-shaping is not the individual citizen casting a vote in some recurrent elections. The restraint of electoral answerability is a significant one, but parties, in particular the 'catch-all' parties in a two-party system search for the broadest possible voter appeal and are quite unsuccessful in communicating the wide range of very particular interests that individual citizens wish to see practiced. For pluralists, the right mechanism shaping policy results is the action of interest groups.

Upon such an account, the creation of public policy by governments is the outcome of a course of cooperation and adjustment in which citizens categorized in groups to stand for their interests wield pressure to realize their goals. If such a process is to be broadly democratic, it is obvious that all interests should probably be able to organize, that no group should enjoy such a command of resources that they are able to 'squeeze out' challenging interests, and that the agencies of the state should be open, unbiased and disjointed. Largely, mainstream pluralists insist that these criteria are essentially

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satisfied in societies like ours. Only some of them deny that some interest, above all business interest, do command unequal resources and governmental attention. This privileged position of business interests has been sufficient to drive some of the most illustrious pluralists out of the pluralist camp.

Pluralism has been under constant intellectual attack for more than thirty years. Each one of its assumptions has come under attack. Therefore, it is argued that pluralists concentrate only just upon observable actions (manners) to the segregation of causal asymmetries of power; that they pay no attention to the problems of the differential capacity to form interest groups; that certain groups have systematically privileged (and others effectively barred from) access to the policy-making procedure; that particular agencies of government, if not the whole dome of state activity itself, have been in effect 'captured' by sectional social interests.

Despite the criticisms, we see that pluralists have in fact, come to work with a number of notions of the state. These range from the hypothesis that the state is more or less powerless to an account in which its representatives act quite deliberately to shape the policy process in sequence with their own policy aspirations. What brings these pluralist positions together, though, is the belief that the original source of power of the state's activity come up from the societal sources.

States might be relatively active, but they are in fundamental nature reactive, at their most domineering, seeking to turn the tide of miscellaneous societal initiatives to their own ends.

4.3.5 Polyarchies

The term 'polyarchy' was pioneered by Robert A. Dahl, a professor at Yale University, to portray a form of government wherein power is given in the hands of three or more persons. Polyarchy comes from the Greek word *poly* meaning 'many', and *kratos* which means 'rule' or 'strength'. This structure of regime was first put into practice in the United States and was increasingly taken up by several other countries. Dahl expresses that, 'the basic democratic principle is that when it comes to fastening cooperative decisions, each person in a political community is permitted to be given equal concern to their interests.' A polyarchy is a nation-state that has definite procedures which are essential conditions for following the democratic principle. In appearance; the word polycracy portrays similar form of government, however from a somewhat different basis: 'A polycracy is a state ruled by more than one person, as unlike to monarchy'.

The future of polyarchy

One can build numerous believable prospects for polyarchy in the world. A positive picture would predict its sturdy long-run expansion, as the political institutions of increasingly non-democratic countries transforming into polyarchies. An unenthusiastic depiction would foresee a long-run decline, as the circumstances for polyarchy become more adverse, mostly among countries that have only in recent times gained, or regained, polyarchy. Another prospect is that countries on the margin will swing between polyarchy and non-democratic establishments. Yet another theory says that even as a number of countries with non-democratic regimes turn into polyarchies, some recent polyarchies will be substituted by non-democratic regimes; hence, for the projected future the number of polyarchies will float around a limit that is already quite round the corner.

Let us reflect in brief on the odds that the increasing tendency in the number of polyarchies over the past century will continue approximately for an indefinite period.

Most probably, the trend would continue because conditions favourable to polyarchy would grow stronger in more and more countries. Consequently, in many countries up till now governed by non-polyarchial regimes, the institutions of polyarchy would not only emerge but would be merged into stable systems of polyarchy. Thus, the following are the five most favourable conditions for a stable polyarchy:

- A modern, vibrant, organizationally pluralist society exists.
- The conflictive potentialities of sub-cultural pluralism are sustained at acceptable levels.
- Leaders do not utilize the major instruments for violent intimidation, particularly the police and the military, to gain and uphold their power.
- Amongst the people of a country, predominantly its political active section, a political culture and system of beliefs exists that is favourable to the idea of democracy.
- The institutions of polyarchy and the effects of foreign pressure or control are either insignificant or positively favourable.

4.4 SOCIAL CONTRACT THEORY

The social contract theory of the state was a theory of the origin of the state first propounded by the philosopher Thomas Hobbes. Later, the philosophers John Locke and Jean-Jacques Rousseau also gave their versions of the theory. Let us begin by looking at Hobbes' theory.

1. Hobbes' Theory

(a) Laws of Nature and the Covenants

In Thomas Hobbes' opinion, it is natural law which prompts men to abandon the state of nature and to establish law and government. Natural law consists of the following rules of self-preservation: (a) everybody should aim at securing peace; (b) man should be willing, in concert with others, to give up their natural rights; (c) man should keep their contracts; (d) man should show gratitude or return beneficence for beneficence. Thus, the requirements of self-preservation itself created a sense of duty in the mind of men which prompted them to form the state. Hobbes says there is one thing that all men fear and that is death since avoiding death is an absolute condition of satisfying their other, more various desires, peace, which renders premature deaths less likely, must be sought by all rational men: 'all men agree on this, that peace is good, and therefore also the way, or means of peace'.

According to Hobbes, in a state of nature, individuals enjoy complete liberty, including a natural right to everything, even to one another's body. The natural law is not synonymous with 'laws' or 'commands'. However, subsequently he argued that the law of nature was also a proper law as they were 'delivered in the word of God'. He called it counsel of prudence. He differs with *Stoics* on the meaning of natural law. Unlike *Stoics*, natural laws to Hobbes do not mean internal justice, perfect morality or standard to judge existing laws. It also does not imply the existence of common good, for they merely created the common conditions which were necessary to fulfil each individual good. These laws were immutable. To him, there were nineteen natural laws which he called *Article of Peace*.

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Check Your Progress

3. What do you understand by a nation-state?
4. State the definition of military dictatorship.

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There were three important natural laws among them such as: (a) seek peace and follow it; (b) abandon the natural rights to things; and (c) that individuals must honour their contracts. The other laws of nature demonstrate how peace and justice are to be achieved in society. The laws of nature may be summarized by the precept: 'Act towards others in a manner in which you would want them to act towards you.' However, this precept is presented in a negative form by Hobbes, who argues that, the precept: 'Do not act towards others in a manner in which you would not want them to act towards you' is the most intelligible method of evaluating moral conduct. He argued that the laws of nature are rules of reason which are contrary to the natural instincts of human beings. The laws of nature to him is the theorem of peace. In his opinion 'a law of nature is a precept of general rule, found out by reason, by which a man is forbidden to do, that, which is destructive of his life or take away the means of preserving the same; and to omit that by which he thinks it may be preserved. Law and rights, differ as much as obligation and liberty, which in one and the same matter, are inconsistent.

Hobbes said that natural law may be revealed by civil law, and civil law may be revealed by natural law. However, natural and civil law may differ in whether or not they may be changed by a sovereign. Unlike civil law, natural law is immutable and is the eternal law of God. Natural law may be known by reasoning, but judgments concerning civil law may depend on both the ability to reason and the ability to interpret natural law.

Civil law, according to Hobbes is written, and that natural law is unwritten. He also contends that ignorance of the laws of nature is not an excuse for disobeying them, because these laws may be known by anyone who is capable of clear reasoning, and because the laws of nature may be summarized by the precept: 'Do not act towards others in a manner in which you would not want them to act towards you'. He also argued that ignorance of civil law may be an excuse for breaking a law only if the law is unclear or equivocal. In other cases, in which a law is clear and unequivocal, ignorance of the law is not an excuse for breaking the law. He declared that natural laws are also moral laws. These laws include: equity, justice, mercy, humility, and the other moral virtues. These moral laws are also known as 'divine laws'. The laws of the kingdom of God are divine laws, which may be known by reason, by revelation, and by faith. According to him, the kingdom of God is a commonwealth where God is Sovereign, and where God reigns eternally. Obedience to divine law and faith in God are all that is necessary to be saved from pain and sorrow, from sin and death. Thus, an eternally perfect and spiritual commonwealth may be found in the kingdom of God.

The law of nature for Hobbes meant a set of rules according to which an ideally reasonable person would pursue his own advantage, if he was perfectly conscious of all the circumstances in which he was acting and was quite unswayed by momentary impulse and prejudice. Since he assumes that in the large, men really do act in this way, the law of nature states hypothetical conditions upon which the fundamental trades of human beings allow a stable government to find it. They do not state values but they determine casually and rationally what can be a given value in legal and moral systems.

Absolute authority in Hobbes' account is followed by a set of limits on the obligation of subjects to obey and on the proper use of law and punishment. These limits are new in *Leviathan*; they do not appear in Hobbes' earlier works, *The Elements* and *De Cive*. Although certain natural rights are understood as non-renounceable in these works, the idea is not developed into anything corresponding to the 'true Liberty' of *Leviathan*. Nor is there anything in these works suggesting limits to the proper exercise of authority, since a great deal of Part Two of *Leviathan* Chapters 21 through 28 is either absent in

the earlier works or else discussed only obliquely. The discussion of law in *Leviathan* especially as regards the limits of obligation and the exercise of authority is a significant revision in Hobbes' political theory.

As Hobbes says, it is wrong to punish the innocent because this violates the laws of nature, those which require equity and which forbid ingratitude and revenge. Hobbes does not specify natural laws for any of the other limits he mentions but it is clear that the same three laws of nature would forbid the sovereign from outlawing or punishing the exercise of true liberties in all cases. Such acts are committed 'without injustice,' with no violation of the obligation owed to the law and by subjects who are fully law-abiding; to outlaw or punish such acts would be iniquitous, ungrateful and vengeful. Thus, the sovereign has a duty to respect each subject's natural rights.

Hobbes talks of covenant which individuals opted for to emerge out of state of nature. Now, you might want to ask why and how individual of the state of nature wanted to enter into a covenant. Since the first law of nature requires individuals to seek a peace, the only way to attain it was through a covenant leading to an establishment of a state. Individuals, thus, agree to enter into a covenant and surrender all their powers through a contract to a third party who was not a party to the contract. This third party which became the sovereign, received all the powers surrendered by the individuals. Thus, 'the commonwealth' was constituted when the multitude of individuals were united in one person, when every person set to the other, 'I authorize and give up my right of governing myself to this man, or this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner'.

(b) Covenants and the Sovereign

Individuals renounced the state of nature and enter into a covenant out of which an independent sovereign power emerged. The sovereign power was not a party to the contract but he was a beneficiary of that. The third party, the sovereign which was a consequence of the contract was an artificial person distinct from the natural individual. Individuals gave up all their natural rights to all the things through a common consent to a person or body of persons. Thus, they confer all rights on the sovereign for enforcing the contract by using force. They authorize the sovereign all their action as their own. The sovereign had no obligation. The sovereign was not the common will of all but it was only a substitute for conflicting individual will, as that would guarantee unity among the sovereign authority whereby each individual gave up his right of governing himself on the condition that others did likewise. All the individuals were guaranteed basic equality with every other member by consenting to a set of rules. This implies no one possessed more rights than other. The sovereign must treat all the individuals equally in matter of justice and laying taxes.

According to Hobbes, justice means equality in treatment and equality in rights. He also equated justice with fairness which means treating others as one would expect to be treated. The Sovereign was bestowed with all the powers. The contract was made by each with the other. The contract made by the individuals was a social and political contract. This contract created a civil society and political authority. According to Hobbes, a commonwealth or sovereign can be established by two methods: *acquisition*, and *institution*. When individuals get threatened into some mission, the method of acquisition is adopted whereas when individuals of their own impulse united, agreeing to transfer all their natural powers through a contract to a third party of one, few or many, the method of institution is adopted. Both the methods are contractual.

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Thus, the social contract brings a sovereign into existence who enjoys supreme and absolute authority. Hobbes visualizes sovereign power as undivided, unlimited, inalienable and permanent. He created unlimited political obligation. Both the state and government was created simultaneously by the contract. Everywhere, individual in the society, except the sovereign himself became his subjects. As earlier stated, all natural rights of man are surrendered to the sovereign ones for all. The individual cannot withdraw the power conferred on the sovereign, because if they chose to revive their natural rights, they will have to go back into the state of nature which is characterized by anarchy and insecurity. This is the reason why Hobbes did not grant the people right to revolt. He condemned the Civil War of 1642, because of this reason.

The contract made by the individuals was perpetual and irrevocable. It means individuals cannot change the sovereign. By creating a civil society, the individuals limited their sovereignty voluntarily. Hobbes preferred a monarch to be sovereign. He preferred monarchy against aristocracy or democracy for the following reasons: (i) The self-indulgence of one compared to that of many would be cheaper; (ii) The existence of an identity of interest between the king and his subjects; and (iii) less intrigues and plots, which were normally due to personal ambitions and envy of members of the ruling elite. Since the state and society came into existence together through a single contract, repudiation of the contract would result not only in an overthrow of the government but also a disintegration of society itself. This is the reason why Hobbes made the power of the sovereign beyond any question. In a way, thus, he justifies an absolute government or monarchy. However, absolute power enjoyed by sovereign was not derived from the notion of kings. It was essentially derived through a contract based on individual consent.

Hobbes made the sovereign (*Leviathan*) the sole source and interpreter of laws. He alone is the interpreter of divine and natural laws. Sovereign of Hobbes was not bound by divine and natural laws. Even the sovereign is not subject to civil laws. Like Jeremy Bentham and John Austin, Hobbes defined the laws as a command of the sovereign. Since a law was command of the sovereign it could be wrong, unjust or immoral. The sovereign administers as well as enforces the law. His theory of sovereignty was a forerunner of Austin's monistic theory of sovereignty. As individuals surrendered all their powers, sovereign gained absolute power. He talked about absolute sovereign power only because of his through-going individualism. The absolute sovereign represented the individuals, and was constituted by them for providing order and security, and averting the worst of all evils, civil war. He did not recognize any prepolitical order of society based on kinship, religion and other associations, which normally contributed to sociability in the individual. He was quite unsympathetic towards customs, tradition and other moralities that existed outside the purview of the sovereign law. On this basis, he proclaimed that law was not derived from the social institutions of people but was the command of the sovereign. He ruled out private beliefs and divisions and multiplicity of authority which is antithetical to a stable political order. In his opinion, authority has to be unitary. He placed sovereign above the law.

The *Leviathan*, the sovereign of Hobbes has some rights and duties. These include: to govern and conduct policy, protect civil society from dissolution, limit or restrict freedom of expression, opinions and doctrines, control subject's property, reserve all conflicts through the right of judicature, make war and peace with other nations, confer owners and privileges, determine artificial religion and the form of its worship and prevent excess to subversive literature, etc. The will of the sovereign is absolute and the individual has no appeal against it. Hobbes visualized a unified sovereign authority. He did not give the

subjects of the right to change the form of the government. The contract was not between the individual and the sovereign. It was among the individuals themselves. Thus, as stated earlier elsewhere sovereign was not party to the contract. Hence, the individuals cannot be freed from the sovereign's authority rather the individuals have a duty and obligation to obey the sovereign.

Hobbes' sovereign was characterized by the position rather than the person who commanded it. He provided a comprehensive theory of political absolutism and reconciled legitimate political authority with conflicting yet justified human demands. He also stipulated that for ensuring civil peace, lesser association could exist only with the permission of the sovereign. He gave a subordinated status of the church against the sovereign. The sovereign enunciated by Hobbes stood outside the society. It was only fear and interest that supplied the reason for the existence of sovereign but the authorized sovereign had some limits. It is bound by the law of nature to ensure peace and safety. There were some duties to be performed by the sovereign towards the subject. One of the foremost duties was to protect the subject from rebellion. To achieve this Hobbes has seven injunctions: (a) patriarchic commitment to the status quo; (b) to resist demagogues; (c) to respect the established government; (d) the specific need for civil education; (e) the importance of decline that was inculcated in the home; (f) the law and order, to abstain from violence, private revenge, disowner to person and violation of property; (g) right attitudes would bring about the right behaviour.

Hobbes' account of authority in *Leviathan*—in contrast to his earlier works, has a two-tiered structure, one in which absolute authority is inscribed with recognizable limits upon its proper use. As a consequence of this absolute authority, the sovereign could declare any exercise of 'true liberty' illegal and punishable. But sovereigns might by the same authority cede certain essential rights of sovereignty or declare that the moon is made out of green cheese. These would all have the same legal force; they are all equally authoritative but equally improper. As a result, a command which forbids the exercise of 'true liberty' could be known to be authoritative only in terms which implied that it could not be a proper law. Any 'punishment' on this basis would instead be an act of hostility—a recognizable misuse or abuse of the sovereign's proper authority.

He placed great emphasis on the fact that the sovereign is never obligated to subjects because as a non-party to the social contract, the sovereign is understood to have remained in the state of nature, i.e., the sovereign's authority is derived from being a third party beneficiary of the social contract. We may perhaps understand Hobbes to mean that the sovereign's authority to use coercive power to frame the will of subjects arises in the amoral context of the state of nature, a context which persists even under the social contract and becomes manifest in the various instances where he specifies that the subject's inalienable right of defence limits the sovereign's authority.

In the case of the sovereign's right to punish, he is quite clear that this right derives from the right of nature which only the sovereign retains as a non-party to the social contract. Political authority is justified by the social contract because subjects create civil society by laying down or transferring the right of nature in the proprietary sense. But, since subjects can never be understood to transfer, or lay down their right of self-defence, in cases of capital punishment, any obligations arising from the social contract which would require subjects to forbear acts of resistance are suspended, i.e., the condemned subject and sovereign are understood to be in a pre-civic amoral relationship.

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2. Locke's Theory of Social Contract and Civil Society

John Locke proceeded to derive civil society from the consent of its member. The consent, by which each person agrees with other to form a body politic, obligates him to submit to the majority. The compulsion to constitute a civil society was to protect and preserve freedom and to enlarge it. The state of nature was one of liberty and equality but it was also one where peace was not secured being constantly upset by the 'corruption and viciousness of degenerate men'. It led to three important wants: The want of an established, settled, known law; the want of a known and indifferent judge; and the want of an executive power to enforce just decisions. Through a contract, individuals consented to submit to the majority rule and organized themselves as a community or civil society. Locke says men being by nature all free, equal and independent, none can be put out of this estate (state of nature) and subjected to political power of another without his own consent. This is the reason why the problem was to form a civil society by common consent of all men and transfer their right of punishing the violators of natural law to an independent and impartial authority.

After the formation of civil society, this common consent becomes the consent of the majority. As a result of the contract, all men unanimously agree to incorporate themselves in one body and conduct their affairs by opinion of the majority. They surrender their powers partially, namely the three specific rights that constituted the natural right to enforce the laws of nature. At first, individuals establish a civil society, and then they establish a government to act as a judge in the nature of a 'fiduciary power' for promoting certain ends. Thus, Locke envisioned two contracts, one by which the civil society is established and the other which creates the government.

According to Jeremy Waldron, contract and consent have three stages in Locke's description: First, man must agree unanimously to come together as a community and pull their natural powers so that they can act together to uphold one another's right; second, the members of this community must agree by a majority vote to set up legislative and other institutions; third, the owners of property in a society must agree, either personally or through their representatives to pay the taxes that are imposed on the people.

Locke's depiction of several stages of contract was a clear departure from Hobbes's depiction. In Hobbes theory, state and society were formed together but in Locke's theory, they were created in different steps. In the first stage, civil society was found and in the second stage, only government was established. This is the reason why, when a government is dissolved society remains intact. By drawing a distinction between the process of formation of society and the state, Locke places the government under the control of society, so there is no scope for absolutism unlike Hobbes.

The relationship between society and the government is expressed by the idea of trust because it obviates making the government a party to the contract and giving it an independent status and authority. Within the government, the legislative power was supreme, since it was the representation of the people, having the power to make laws. There was also an executive which concedes to usually one person who has the power to enforce the law. According to Locke, the executive which included the judicial power had to be always in session. It enjoyed prerogatives, watched subordinates and was accountable to the legislature. He also advocated for the separation of power between executive and legislature. Besides the legislature and executive, there was a third wing of the government, which is called the federative power. It means the power to make treaties and conduct external relation.

Unlike Hobbes, he created a limited sovereign and rules out political absolutism. He advocated that a good state is the one which existed for the people who formed it and not vice versa. The government has to be based on the consent of the people subject to the constitution and the rule of law. Government will act as a trustee of the people's right. Powers of the government are derived from the people. Natural laws and individual rights act as a limitation on the government's power. He also advocated that supreme power resided in the people, and the people as a community had the inalienable right to institute and dismiss a government. He justified resistance to unjust political power. After overthrowing a government, an individual can establish a new one.

3. Jean Jacques Rousseau's Theory

Jean Jacques Rousseau is considered as the greatest thinker that France has ever produced. Not only in France but in the entire history of political theory, he was the most exciting and most provocative. By the very magic of his style no other political thinker could come anywhere near him. He was a genius and a keen moralist who was ruthless in his criticism of 18th century French society. He was one of the most controversial thinkers, as evident from the conflicting, contradictory and often diametrically opposite interpretations that existed of the nature and importance of his ideas. He was a philosopher, writer and composer of 18th century Romanticism. He was born in Geneva, Switzerland on 28 June 1712. During that period, Geneva was a city-state and a protestant associate of the Swiss Confederacy. He rose to fame with his prize winning essay *Discourse on the Science and Arts*. In this essay, he rejected progress based on the Arts and Sciences, as he did not elevate the moral standards of human beings. He traced the rise of inequality and the consequent fall of the human individual. He wrote a novel namely *La Nouvelle Heloise* in 1761. In this novel, the themes of his early essays reappeared, and his preference for nature and the simple pleasures of country life became evident. It is only after his death that his *Confessions* was published. He accomplished many things during his lifetime which included writing on music, politics and education. His fame primarily rested on his writings. He also composed some operas. He remained mainstay of the Paris opera for years to come. He also wrote a dictionary of music and devised a new system of music notation. He wrote *The Social Contract*, his most famous book in Paris. He died in 1778.

(a) Revolt against Reason

More than most men, Rousseau projected the contradiction and maladjustments of his own nature upon the society about him and sought an anodyne offer his own painful sensitivity. For this purpose, he adopted the familiar contrast between natural and the actual current in all the appeals to reason. But he did not appeal to reason. On the contrary, he termed the contrast into an attack upon reason. Against intelligence, the growth of knowledge, and the progress of science, which the enlightened believes to be the only hope of civilization, he said amiable and benevolent sentiments, the good. He criticized the idea of enlightenment since his early period.

In his prize winning essay *Discourses on the Science and Art*, he depicted the drawbacks of science and arts including its impact on morality. According to him, science had brought moral degradation among men. He criticized the idea that science has brought progress. He termed it as an elusion. It was not progress and in fact was regression. The advancement of science and modern civilization has made individual life unhappy. It had made him less virtuous. He advocated for a simple society. He said virtue can be prevalent only in a simple society.

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In his criticism of modern advancement society, he alleged that man has been growing corrupt day by day. With the advancement of the civilizations, man has become corrupt. He advocated that the abundance in the world has brought more evil than good. According to him, luxury is the fertile source of corruption. It not only negatively impacts man but also undermines the nations. He cited the example of Athens. It is because of its luxury, wealth, science and elegance that brought vices which led to its downfall in the long run. He also cited the example of Rome. As long as Rome was simple and devoid of luxury, it had respect all over the empire but the time it embraced luxury and wealth it began to decline. He severely criticized the advancement of art and science. He argued that the minds of human beings have been corrupted in proportion as the arts and science have advanced through the ages.

To Rousseau the much-vaunted politeness, the glory of civilized refinement was a 'uniform perfidious veil' under which he saw jealousy, suspicion, fear, wildness, reverse, fraud and hate. Science brought intelligence and knowledge revolution. The supporter of enlightenment eulogized it. But he against this notion gave preference to amiable and benevolent sentiments, the reverence and goodwill. He preferred sentiments and conscience to reason. He argued intelligence was dangerous because it undermined reverence. He termed science as destructive because it undermined faith. Reason was bad to him because it undermined morality. For Rousseau, morality is nothing other than the ability to see oneself through the eyes of others and act appropriately. This is a fascinating description of morality. Learning to live with others is the essence of morality. Humans have the capacity to act morally but it is not natural in the sense of being fully fixed in all humans from birth. It is capacity that has to be developed, educated and nurtured.

(b) Critique of Civil Society

Rousseau maintained that liberty in the state of nature was a great boon. However, with the increasing population and the depletion of the treasures of nature it was no longer possible for man to enjoy natural liberty as before. Thus, in the changed circumstances, the natural liberty was threatened when the forces of nature no longer sustains them, they have to consolidate their own force to save themselves. They, therefore, create a civil society to maintain their freedom. According to him, vanity among human beings and difference in property and possessions led to inequality. The rich became richer and poor became poorer. Laws were enacted to protect property rights. Civil society degenerated into a state of war, extreme inequality, ostentation, cunning, ambition and enslavement. Through laws and other political devices, the rich were able to corner power and dominate, while the poor descended into slavery. Civilized man was born a slave and died as one.

In the state of nature, man was a 'noble savage'. He lived in isolation and had limited desires. According to him, it was neither a condition of plenty nor scarcity. There was no conflict for cooperative living. Individuals had no language or knowledge. They had no idea of any art or science. He argued in this type of situation that man was neither happy nor unhappy. He had no conception of just and unjust, vice and virtue. He was not guided by reason, but guided by self love or the instinct of self preservation. This state of nature was not perennial. Gradually individuals discovered the utility and usefulness of labour. Man began to collaborate and created a provisional order. It led to a patriarchal stage when man began to build shelter for themselves and families stayed together. He began to use language and reason. The division of labour came into being. It led him

from the subsistence economy to an economy of productive development. Individuals learned metallurgy and agriculture. It gave him iron and corn and made him civilized. However, it ruined humanity and morality. The growth of agriculture and division of labour created the idea of property. Rousseau famously stated that 'the first man who after fencing of a piece of land, took it upon himself to say this belongs to me and found people simple minded enough to believe was the true founder of civil society'.

Man's talents and skills created inequality among the people. The longing for possession and wealth led to enslavement of some people and led to conflict and competition. It is this conflict, which led a demand for a system of law to ensure order and peace. Especially the rich people demanded it to save their possession and wealth. Thus, the social contract envisioned by the rich was to maintain their status and position. As a result of this demand and social contract, the civil society and law was originated. It brought ban to the poor and boon to the rich. It destroyed natural liberty.

According to Rousseau, the emergence of civil society degenerated human society. He argued that the natural man lost his ferocity once he began to live in society. As a result, he became weak. He lost natural independence as his desires were expanded and comforts became a necessity. He became dependent which created problems in human relationship as they became vain and contemptuous. Their vanity brought various social ills. Vanity overpowered man and guided his actions which degenerated individual's mind and the society. He also severely criticized enlightenment which believes in human progress of reason through science and technology. It brought down moral improvement which thereby led to human unhappiness in his book *Emile*. He stated that though God has made all things good, it was man who meddled with them and made them evil.

It is in his *The Second Discourse on the Origins of Inequality* he developed his views expressed earlier in his prize-winning essay *Discourses on the Science and Arts*. In this work, he narrated the fall of man. He highlighted how nature got twisted, warped and corrupted with the emergence of civil society. The civil society was necessitated by the rise of the institution of private property and the need to defend it by institutionalizing social inequality through law. Thus, he underlined the difference of 'natural man' and 'civilized man'. He appreciated the natural man and criticized severely the civilized man who was created as a result of the emergence of civil society.

(c) General Will

The creation of popular sovereignty by vesting it in the *General Will* was a unique contribution of Rousseau which led the foundation of modern democracy. The concept of General Will is the central theme of Rousseau's doctrine. It is distinguished from other types of human will. According to him, the General Will is always right, that is the will that one has as a citizen when one thinks of the common good and not of one's own particular will as a private person. Many later thinkers have used the distinction between actual will and real will in order to explicate Rousseau's distinction between particular will and General Will. The existence of these two types of will is a source of conflict within the minds of men. Actual will is motivated by his immediate, selfish interest whereas real will is motivated by his ultimate collective interest. Actual will is concerned with his ordinary self, whereas real will with his better self. The satisfaction of his desire is the aim of his actual will but real will induces him to acts of reason. The characteristic of actual will can be termed as transient, unstable and inconsistent whereas real will is stable, constant, consistent and determinant. The actual will is detrimental to human freedom. Thus, to attain freedom, the individuals should follow the direction of the real

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will. His real freedom is reflected by the real will. The real will is concerned with the interest of the community and subordinates his self-interest. The problem is that individuals at times may not be able to discriminate between his actual will and real will. This problem can be eliminated by the transition from the 'particular' to 'general' will. The general will is the harmonization of the interest of each with those of all. However, it is not a 'compromise' or the lowest common factor. It is an expression of the highest in every man. It reflects the true spirit of citizenship. Unlike particular will, the General Will always guides individual through a proper way.

Rousseau believed a unified collective view would emerge for two reasons. First of all, he envisaged a relatively simple society of farmers and artisans with no rich or poor (though he railed against property, he never advocated its abolition), a situation that it is the duty of the sovereign to maintain. All are equal and consequently there would be few conflicts and what is good for society would be relatively simple, a situation in which it would be easy inculcate love of the community. According to him, the General Will would be the source of all laws. The human being would be truly free if he followed the dictates of the law. Civil liberty meant freedom from the assault of others, from following the arbitrary will of another person, and obedience to one's notion of liberty.

Of course, if one had to be free then one had to obey one's own will which meant that one's will, and the laws of a state would have to be in harmony. The free state would be a consensual and participatory democracy. He categorically said that the General Will could emerge only in an assembly of equal law makers. It could not be alienated. The 'executive will' could not be the 'general will'. Only the legislative will, which was sovereign, could be the General Will. For Rousseau, it was the direct democracy that embodied the legislative will. The individual participated in the articulation of the General Will, for citizenship was the highest that one could aspire for. The General Will could not be the will of the majority. In fact, it did not represent the will of all; it was the difference between the sum of judgments about the common good and the more aggregate of personal fancies and individual desires. It would always aim and promote the general interest and will of its members.

According to Rousseau, submission to the General Will creates freedom. He spoke of a total surrender but not to a third party. Unlike Hobbes, he vested sovereign power in the political community. He created a sovereign which was inalienable and indivisible. But it was not vested in a man or a group of men, rather it was vested in a body politic. The people cannot give away, or transfer, to any person or body their ultimate right of self-government, of deciding their own destiny. Thus, he expounded the concept of popular sovereignty. His concept of inalienable and indivisible sovereignty does not permit people to transfer their legislative function, the supreme authority of the state to the organs of government unlike Locke. So far as the judicial and executive functions are concerned, they have to be exercised by special organs of the government, however, they are completely subordinate to the sovereign people. Sovereign power cannot be represented. He maintained that representative assemblies ignore the interest of the community and are often concerned with their particular interest. This is the reason why he advocated direct democracy. Sovereignty originated with the people and government was the agent of the General Will which is vested in the community. Sovereignty to him was the people, constituted as a political community through social contract.

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It would be pertinent to mention here that Rousseau, in his book *The Discourse on Political Economy*, first coined the term General Will. He points out in the book that General Will tends always to the preservation and welfare of the whole end of every part, and is the source of the laws, constitute for all the members of the state in relation to one another and to it, the rule of what is just and unjust. It is an outcome of the moral attitude in the heart of citizens to act justly. Here an individual sacrifices his private interest and embraces the public interest. The General Will is emerged from all and applied to all. It comprises rational will of all the members of the community. He pointed out that if someone refuses to obey the General Will he can be compelled to do so. He famously advocated that man can be forced to be free. When a man is being compelled to obey the General Will, it essentially means that he is being asked to follow his own best interest because it is by obeying the General Will that he can express his moral freedom. Obedience to the General Will is not the corrosion of their liberty because obedience to the General Will essentially implies obedience to part of their own selves.

In a nutshell, Rousseau advocated a policy that would aim for the general rather than the particular interest of its members. The freedom that the noble savage enjoyed in the state of nature would be possible under the right kind of society governed by the 'General Will'. Society and the individual, in his theory were complementary.

4.5 SUMMARY

- The term state originates from the Latin words *stare* which means 'to stand' and *status* that means 'a standing or condition'. The term state was used for the first time by the famous Italian philosopher Machiavelli in his book *El Principe*.
- In the formation of state, population is considered to be the most vital element. According to the various definitions just mentioned, it becomes clear that there will be no state in an unpopulated region.
- The second important element in formation of a state is territory. The importance of territory would become clearer with the example of the Jews.
- The political fluidity and ethnic complexity of the eastern Mediterranean region had been considerably increased by the dramatic downfall of the Minoan Empire in the middle of the second millennium BC.
- The Greek city-states may be taken as models of ideal city-states in the ancient world. A Greek city-state, known as a *polis*, was an administrative centre of a limited territory.
- An imperial state existed as part of an empire. An empire was deemed to be a group of countries under the direct or indirect control of a foreign power or government, which shaped their political, economic and cultural development.
- Theocracy may be described as the 'rule of the deity'. The word 'theocracy' has been derived from the Greek word *theokratia* composed of two smaller words, *theos* which may be defined as 'god' and *kratein* which means 'to rule'.
- In recent times, the word state has often been combined with the word nation to form the entity called nation-state or state-nation. Although these two words, nation and state, are often used interchangeably in everyday conversation, they are two quite different concepts.

Check Your Progress

5. Who did Hobbes consider the sole source and interpreter of Laws?
6. What is the compulsion to constitute a civil society?

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- A state that has a defined territory and residents with identical racial and cultural background is termed a nation-state. According to the *Oxford English Dictionary*, 'nation-state is a sovereign state of which most of the citizens or subjects are united also by factors which define a nation, such as language or common descent'.
- Military occupation is the domination by military force of one state over another. Here we are concerned with foreign rule and not with internal military dictatorship.
- The studies of military occupation of Europe shows that the conquering power had retained some of its forces within the defeated country for some time. The places occupied were usually selected for their strategic importance, and were often in border areas.
- The type of government in which the political power dwells with the military is called a military dictatorship. Similar to several dictatorships, a military dictatorship might be authorized or unauthorized.
- The main idea behind pluralism is plurality—variety, multiplicity and many-sidedness. Its core suggestion is that power and resources within society are scattered.
- Pluralism achieved fame, in fact superiority, as an explanatory model of political science in the thirty years subsequent to World War II, a period in which US experience came to lead the discipline.
- The term 'polyarchy' was pioneered by Robert A. Dahl, a professor at Yale University, to portray a form of government wherein power is given in the hands of three or more persons.
- In Hobbes' opinion, it is natural law which prompts men to abandon the state of nature and to establish law and government.
- According to Hobbes, justice means equality in treatment and equality in rights. He also equated justice with fairness which means treating others as one would expect to be treated.
- Hobbes' sovereign was characterized by the position rather than the person who commanded it. He provided a comprehensive theory of political absolutism and reconciled legitimate political authority with conflicting yet justified human demands.
- Locke proceeded to derive civil society from the consent of its member. The consent, by which each person agrees with other to form a body politic, obligates him to submit to the majority.
- In Hobbes' theory, state and society were formed together but in Locke's theory, they were created in different steps.
- More than most men, Rousseau projected the contradiction and maladjustments of his own nature upon the society about him and sought an anodyne offer his own painful sensitivity. For this purpose, he adopted the familiar contrast between natural and the actual current in all the appeals to reason.
- Rousseau maintained that liberty in the state of nature was a great boon. However, with the increasing population and the depletion of the treasures of nature it was no longer possible for man to enjoy natural liberty as before.
- The concept of General Will is the central theme of Rousseau's doctrine. It is distinguished from other types of human will. According to him, the General Will is always right, that is the will that one has as a citizen when one thinks of the common good and not of one's own particular will as a private person.

4.6 KEY TERMS

- **Jews:** The *Jews* also known as the *Jewish* people, are an ethno-religious group originating from the Israelites, or Hebrews, of the Ancient Near East.
- **Sovereignty:** *Sovereignty* is understood in jurisprudence as the full right and power of a governing body to govern itself without any interference from outside sources or bodies.
- **Leviathan:** For Hobbes', the leviathan is the maker of laws, the judge of first principles, the foundation of all knowledge, and the defender of civil peace.
- **Polyarchy:** In Western European political science, the term polyarchy was used by Robert Dahl to describe a form of government in which power is invested in multiple people.

4.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The term 'state' was used for the first time by the famous Italian philosopher Machiavelli in his book *El Principe*.
2. The four factors that play vital role in the formation of a state are people, territory, government and sovereignty.
3. A state that has a defined territory and residents with identical racial and cultural background is termed a nation-state.
4. The type of government in which the political power dwells with the military is called a military dictatorship.
5. Hobbes made the sovereign (Leviathan) the sole source and interpreter of laws.
6. The compulsion to constitute a civil society was to protect and preserve freedom and to enlarge it.

4.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write any five definitions of 'state' given by famous political philosophers.
2. Write a short note on Greek city states.
3. What is the difference between nation and state?
4. Mention the key features of a state.

Long-Answer Questions

1. How have nation-states originated?
2. What is military dictatorship? Discuss in detail.
3. What are modern multicultural states? Explain with suitable examples.
4. Discuss social contract theory in detail.

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4.9 FURTHER READING

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- Baylis John and Steve Smith (eds). 2005. *The Globalization of World Politics- An Introduction to International Relations*. New Delhi: Oxford University Press.
- Bottomore Tom (ed.). 2000. *A Dictionary of Marxist Thought*, New Delhi: Blackwell Publishers Ltd.
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UNIT 5 CONCEPTS: RIGHTS, LIBERTY AND EQUALITY

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- 5.0 Introduction
- 5.1 Unit Objectives
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5.0 INTRODUCTION

This unit discusses concepts like Rights, Liberty and Equality. Democracy is the form of government dedicated to the realization of the values of self-determination. It bears a complex relationship with equality. Democracy needs equality of democratic agency, which is different from the forms of equality flowing from the values of distributive justice or fairness. When the forms of equality demanded by distributive justice are defined by reference to philosophic reason and not by reference to democratic self-determination, there occurs an intrinsic tension between democracy and distributive justice.

Political theorists clarify the meaning of political concepts by looking at how they are understood and used in ordinary language. They also debate and examine the diverse meanings and opinions in a systematic manner. When is equality of opportunity enough? When do people need special treatment? How far and how long should such special treatment be given? Should poor children be given mid-day meals to encourage them to stay in schools? These are some questions which they address. As you can see, these issues are eminently practical; they provide guidelines for framing public policies on education and employment. As in the case of equality, so also in the case of other concepts, political theorists engage with everyday opinions, debate possible meanings and thrash out policy options.

Liberty and equality are complementary to each other. It is the motivating principle of almost all revolutions. History has recorded many battles and shedding of much blood to ensure liberty. Even in the twentieth century, two World Wars were fought to make the world safe for democracy and liberty. Liberty or freedom is a very precious condition without which an individual cannot develop his personality.

This unit focuses on the normative concepts of equality and liberty for the reconciliation of individual authority. The relevance of equality and liberty in the Indian democracy has also been discussed in the unit.

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The unit also throws lights on the history and significance of various political rights with a detailed outlook on natural rights, legal rights, claim rights, liberty rights, positive rights, negative rights, individual rights and group rights. In the construction of human personality, liberty forms an essential element. Liberty is the absence of restraints. The right to liberty is one of the most important rights because it contributes to the evolution of a man's individuality.

5.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Understand the meaning and importance of rights
- Explain the concept of liberty
- Discuss the concept of equality

5.2 RIGHTS

It is generally acknowledged that progress and development of a country is impossible in the absence of peace. A sound political nation mainly depends on certain political values and their appropriate knowledge and access. This section deals with all kinds of rights, which play a vital role in shaping the political system of a society.

5.2.1 The State of Nature and Natural Rights

As we turn to the state of nature argument of John Locke, we find a very different view indeed. Locke's conception of natural liberty is a moral conception of 'perfect freedom' and equality. His view of the law of nature is a normative rather than a descriptive one—a discussion of what people living up to their duty to God ought to do. State of nature to John Locke is not gloomy and pessimistic. In Locke's view, it is not a state of constant warfare. He points out that it is a state of 'peace, goodwill, mutual assistance and preservation'. He further says, it is a state of liberty, not a state of license. The state of nature is a state of equality amongst men.

Locke maintains, 'The state of nature has a law of nature to govern it, which obliges everyone, and reason, which is that law, teaches all mankind who will but consult it, that all being equal and independent, no one will harm another in his life, health, liberty or possession; for all men being the workmanship of one omnipotent and infinitely wise Maker; all servants of one sovereign Master sent into the world by His order and about His business; they are His property'.

Unlike Hobbes, Locke says that the majority of the people of this stage obey the law of nature. The law of nature, to Locke, is the law of inward morality. Individuals to Locke are rational beings. However, Locke advocates there are few persons who do not follow the rules of morality and give priority to their self-interest. It becomes very difficult to deal with such offenders, as in the state of nature, there is no established authority. If everybody thinks that he is the judge over his own case, justice will not be done to anybody. Thus, the state of nature becomes inconvenient to stay with. To overcome this problem, individual decides to renounce the state of nature and enter into a civil and political society by making a contract. Though individual is not controlled by any superior power, he is subject to the law of nature.

Locke clarified that the law of nature is dictated by reason. Since rights and duties are derived from the laws of nature, the most important of these is the right to hold others responsible for a breach of the law and to punish them accordingly. Though Locke categorically rejects the right of a person to kill oneself, he grants the right to inflict penalties, including the death penalty, on others who violate the law in general or if another person's life is threatened. Locke explicitly rejects the right of the individual to commit suicide and murder.

The conception of natural rights and theory of property is one of the important themes in Locke's political philosophy. According to Locke, natural right forms in the root of morality implanted in human conscience. He points out that natural right consists in the perfect freedom and equality of every man. This is not only to preserve his property (life, liberty and estate) against the injuries and attempts of other men, but to judge and punish the breaches of natural law committed by others. However, when individuals decide to enter into a contract and thereby establish a political society, they surrender their natural rights to be judges. Now, that power rests with the community but the natural rights to life, liberty and property still belong to them.

Locke points out that by human reason and by revelation, it is apparent that the earth and its fruits belong to God and that God gave them to the human inhabitants in common to enjoy. He also argues that it is human labour which distinguishes what is privately owned from what is commonly owned. Labour is the unquestioned property of the labourer and by mixing his labour with a piece of land, an individual acquires the right to whatever he makes. The stress is on what human beings make of the earth, how and what they leave for prosperity. He insists, God has given human beings the earth to make it a better place, full of conveniences of life by entrepreneurship, hard work and reason.

Locke in his depiction of state of nature states that individuals had initially a right to appropriation which was limited to three things. Firstly, an individual could appropriate only that much for which one had a need, and provided enough and good was left for others. Secondly, an individual had a right only to that much for which he had mixed the labour of his body and the work of his hand. Thirdly, labour not only created property but also determined its value.

Locke argued that it was labour that made the world different by creating conveniences and increasing productivity. In the state of nature, Locke argues that the individual had perfect freedom to dispose of their possessions and persons, as they thought fit. According to Locke, property was a natural right derived from natural law. It was there before the formation of government. He concedes individual rights to do as they pleased within the bounds of the law of nature. Thus, rights were not absolute, and hence limited to the extent that they did not harm themselves or others.

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Natural Rights vs. Legal Rights

Natural rights can be defined as the rights which are 'natural', i.e., they are 'not artificial, or man-made'. They are the rights which are derived from deontic logic, from human nature, or from the edicts of a god. They are universal, i.e., they are applicable to all people, and do not derive from the laws of any specific society. They are inherent in every individual and cannot be taken away. For example, it has been argued that humans have a natural right to life. They are sometimes called moral rights or inalienable rights.

In contrast, legal rights are based on the customs, laws, statutes or actions by legislatures of society. An example of a legal right is the right to vote of citizens. Citizenship, itself, is often considered as the basis for having legal rights, and has been defined as the 'right to have rights'. Sometimes, legal rights are called civil rights or statutory rights. They are culturally and politically relative as they are dependent on a specific societal context to have meaning.

Some thinkers view rights in only one sense, i.e., either as natural or legal, while others accept that both senses have a measure of validity. Throughout history, there has been considerable philosophical debate about these senses. For example, according to Jeremy Bentham, legal rights were the essence of rights, and therefore he denied the existence of natural rights; whereas Thomas Aquinas believed that rights asserted by positive law but not grounded in natural law were not properly rights at all, but only a facade or pretence of rights.

Claim Rights vs. Liberty Rights

A claim right can be defined as a right which necessitates that another person has a duty to the right-holder. Somebody else must do or refrain from doing something to or for the claim holder, such as perform a service or supply a product for him or her. Every claim-right requires that some other duty-bearer should perform some duty for the claim to be satisfied. This duty can be to act or to refrain from acting. For example, several jurisdictions recognize broad claim rights to things such as 'life, liberty, and property'; these rights impose an obligation upon others not to assault or restrain a person, or use their property, without the permission of the claim-holder. Similarly, in jurisdictions where social welfare services are provided, citizens have legal claim rights to be provided with those services.

On the other hand, a liberty right or privilege is a freedom or permission for the right-holder to do something. There are no obligations on other parties to do or not do anything. For example, if a person has a legal liberty right to free speech, that simply means that it is not legally prohibited for them to speak freely. However, it does not mean that anyone has to help enable their speech, or to listen to their speech, or even refrain from stopping them from speaking. Nevertheless, other rights, such as the claim right to be free from assault, may strictly limit what others can do to stop them.

Liberty rights and claim rights are the opposite of one another: a person has a liberty right which permits him to do something only if there is no other person who has a claim right restricting him from doing so. In the same way, if a person has a claim right against someone else, the other person's liberty is restricted.

Positive Rights vs. Negative Rights

A right can also be referred to as a permission to do something or an entitlement to a specific service or treatment. Such rights are called positive rights. However, when rights allow or require inaction, they are called negative rights; they either permit or do

nothing. For example, in some democracies, e.g., the US, citizens have the positive right to vote and they have the negative right not to vote; instead, people can stay home and watch television, if they want to. In other democracies, e.g., Australia, however, citizens have a positive right to vote but they do not have a negative right to not vote, as a fine can be levied on non-voting citizens. In view of that:

- Positive rights are permissions to do things, or entitlements to be done. For example, the purported 'right to welfare'.
- Negative rights are permissions not to do things, or entitlements to be left alone.

Individual Rights vs. Group Rights

The general concept of rights is that individuals have permissions and entitlements to do things which other persons, or which governments or authorities, cannot violate. However, there are situations in which a group of persons is thought to have rights, or group rights. In view of that:

- Individual rights are rights held by individual people, regardless of their group membership or lack thereof.
- Group rights have been argued to exist when a group is seen as more than a mere composite or assembly of separate individuals but an entity in its own right.

In other words, it is possible to see a group as a distinct being in and of itself. It is similar to an enlarged individual which has a definite will and power of action and can be thought of as having rights. However, there is another sense of group rights in which people who are members of a group can be thought of as having specific individual rights because of their membership in a group. As per this view, the set of rights which individuals as group-members have is expanded because of their membership in a group.

There can be opposition between individual and group rights. An instance in which group and individual rights disagree is conflicts between unions and their members.

Other distinctions

Other differences between rights depend more on historical association or family resemblance than on accurate philosophical distinctions. These include the distinction between civil and political rights, and economic, social and cultural rights.

5.2.2 Rights and Politics

Rights are often included in the foundational questions which are dealt by governments and politics. Often the development of these socio-political institutions has formed a dialectical relationship with rights.

Rights about particular issues, or the rights of particular groups, are generally areas of special concern. Often these concerns take place when rights come into conflict with other legal or moral issues, sometimes even other rights. Some such issues are labour rights, reproductive rights, disability rights, patient rights, prisoners' rights, etc. Moreover, information rights, such as the right to privacy are becoming more important, with increasing monitoring and the information society.

Some examples of groups whose rights are of significant concern include animals, and amongst humans, groups such as children and youth, parents (both mothers and fathers), and men and women.

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As a result, politics plays a vital role in developing or recognizing the above rights, and the discussion about which behaviours are included as 'rights' is an continuing political topic of importance. The concept of rights varies with political orientation. Positive rights, such as a 'right to medical care', are highlighted more often by left-leaning thinkers, while right-leaning thinkers emphasize more on negative rights, such as the 'right to a fair trial'.

History of Rights

The specific details of rights have greatly varied in different periods of history. In several instances, the system of rights propagated by one group has come into sharp and bitter conflict with that of other groups. In the political sphere, currently the question of who has what legal rights is sometimes addressed by the constitutions of the respective nations.

Most historic notions of rights were authoritarian and hierarchical, with different people being granted different rights, and some having more rights than others. In contrast, modern conceptions of rights often stress on liberty and equality as among the most important aspects of rights, though conceptions of liberty (e.g., positive or negative) and equality (e.g., of opportunity or of outcome) frequently differ.

5.3 LIBERTY

Liberty has been a magic word in the history of mankind which has inspired many revolutionary struggles against tyranny and despotism. It has been the most powerful weapon in the hands of the unarmed and has defeated the strong armies of the dictators and despotic rulers. Liberty and humanity are closely associated with each other. Liberty is the motivating principle of almost all revolutions. History has recorded many battles and shedding of much blood to ensure highly coveted liberty. Even in the twentieth century, two World Wars were fought to make the world safe for democracy and liberty. In a sense history is a record of unending struggle for liberty.

Liberty or freedom is a very precious condition, without which individual cannot develop his personality. It is an abstract concept and as such it is difficult to give precise meaning of liberty. As R.N. Gilchrist writes: 'Everyone has a vague notion of liberty of some kind and a desire for it, but among ten people using the word, perhaps no two will be able to say exactly what they mean or, if they do say it, will not agree each other in their definitions.' Being an abstract concept, it has evoked so much response from human beings that a French revolutionary has aptly exclaimed, 'Oh! Liberty, what crimes are committed in the name!'

The word liberty owes its origin to Latin word 'Liber' which means freedom. Thus, liberty means freedom from restraints. It implies freedom to do anything one desires to do without any interference.

The dictionary meaning of the term liberty is freedom from constraint, captivity or tyranny and freedom to do as one pleases. The terms liberty and freedom are generally used as synonymous terms. Various political scientists have defined liberty in different ways. Some of the standard definitions are given below:

Check Your Progress

1. What are the factors on which a sound political nation depend on?
2. State the definition of claim right.

Definitions of Liberty

The following are the important definitions of liberty:

- Laski defines liberty as 'the eager maintenance of that atmosphere in which men have the opportunity to be their best selves'.
- French Declaration of the Rights of Man (1789) says, 'Liberty consists in the power to do everything that does not injure another.'
- According to T.H. Green, 'Freedom consists in a positive power or capacity of doing or enjoying in common with others.'
- According to Seeley, 'Liberty is the absence of restraint or opposite of over government.'
- McKechnie writes: 'Freedom is not the absence of all restraints, but rather the substitution of rational ones for the irrational.'
- 'Liberty', observes Burns, 'means liberty to grow to one's natural height, to develop one's abilities.'
- Gettell says: 'Liberty is the positive power of doing and enjoying those things which are worthy of enjoyment and work.'
- 'Liberty is', writes G.D.H. Cole, 'the freedom of the individual to express without external hindrances to personality.'
- Mahatma Gandhi says: 'Liberty does not mean the absence of restraint but it lies in development of personality.'
- Locke maintains: 'Where there is no law, there is no freedom.'
- Ramsay Muir says: 'By liberty I mean, the secure enjoyment by individuals and by natural and spontaneous groups of individuals, such as a nation, church, trade union of the power to think their own thoughts and to express and act upon them, using their own gifts in their own way under the shelter of law, provided they do not impair the corresponding rights of others.'

Two Aspects of Liberty

The various definitions of liberty indicate its two aspects, i.e., negative and positive aspects.

1. Negative aspects of liberty

The negative aspect of liberty means absolute freedom of the individual or it means that the individual has the freedom to do anything; Absence of all restraints is the meaning of the individual's all actions into 'self-regarding and 'other-negative liberty. J.S. Mill divided the man's all actions into 'self-regarding and 'other-negative liberty. Those actions of the individual which concern only the individual are self-regarding actions. Those actions of individual which affect others are other-regarding actions. There should not be the State interference with self-regarding actions. The actions. There should not be the State interference with self-regarding actions. The State interference is justified only in other-regarding activities, in case his action amounts to an intervention into the domain of the freedom of other individuals. The negative concept of liberty means absence of all restraints or limitations on individual actions. No civilised society can afford to grant such liberty to its members.

2. Positive aspects of liberty

The Liberty has a positive connotation. It does not mean the absence of restrictions. On the other hand, true liberty exists only when every citizen enjoys the opportunity for self-

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realization and the State maintains those rights and opportunities which help the citizens to develop all that is best in them. 'The true test of liberty lies in the extent to which the law of the land helps the citizen to develop all that is good in him.' The positive aspect of liberty includes the right of the man to enjoy or do something that is worth enjoying or worth doing.

Liberty as a positive concept refers to a condition or an atmosphere created by the state. The individual, in the condition or atmosphere so created, finds it easy to develop into his best. Mill says: 'That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to other. Over himself, his own body and mind, the individual is sovereign.' This statement explains the real meaning of liberty which involves it's negative but also positive. His idea of liberty means an atmosphere where every individual is accorded an opportunity to develop his personality. Laski's view of liberty means an atmosphere where every individual is accorded an opportunity to develop his personality. Laski's view of liberty also fits into the socialistic theories of modern times. To sum up, 'liberty' in modern times means that individual should be free to avail opportunities to develop his personality. It does not mean complete absence of restraints. On the other hand, the modern States do impose limitations on individual's actions. Liberty means power to do everything that does not injure others. Thus, liberty has the following features:

- Liberty does not mean the absence of all restraints.

- Liberty does not mean absence of all restraints.
 - Liberty means absence of unjust and tyrannical restrictions.
 - Liberty means legal, moral and reasonable restrictions on actions of individual.
 - Liberty means the absence of special privileges.
 - There can be no liberty when the rights of some depend upon the mercy or pleasure of others.
 - Liberty is an essential condition for the development of individual personality.
 - Liberty means the rights of the individual to do things which are not harmful to others or society.
 - All the individuals are entitled to liberty equally.
- The state should not be biased or partial towards any individual. Liberty is not license.

Normative Theories of Liberty

Theories of Liberty

It is customary to classify liberty under the following seven categories:

- 1. Natural theory of liberty:** The concept of 'natural theory of liberty' men

1. **Natural theory of liberty:** The concept of natural liberty owes its origin to the famous contractualist philosophers Hobbes, Locke and Rousseau. In their 'state of nature' men enjoyed natural liberty. Natural liberty is based upon the liberty that is natural to man. He is born with it. Natural liberty implies complete or unrestricted freedom for one to do what he wills. It is another name for the liberty of the jungle that is known as 'licence'. As such, it cannot be applicable to our social life or civil society. Liberty in modern times is considered as a product of civil society. Our liberty arises out of the membership of civilised society.
2. **Moral theory of liberty:** Man's condition will be deplorable, if he does not have moral liberty or freedom. Moral liberty consists in acting in accordance with one's rational or real self. It is related with the self-realization of the individual. It means

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freedom to do things according to the dictates of one's conscience. Political liberty and civil liberty do not have much significance without moral liberty. Philosophers like Kant, Hegel, Green and Bosanquet pay much attention to it. Thus, moral liberty has a meaning only in the context of the common good, and it includes the good of each member and postulates free scope for the development of his personality.

3. **Civil theory of liberty:** Civil Liberty is the liberty which a man enjoys in a State or civil society and it consists of the rights which are guaranteed to us by the State. It implies the right of each to do as he chooses within the limits prescribed by law. It may involve protection from interference at the hands of the government. Civil liberty in the main includes freedom of conscience, freedom of opinion, freedom of religion, freedom of movement and equality in the eye of the law. Lord Bryce observed that 'civil liberty has a positive as well as a negative side. It imparts activity, it implies the spontaneous ... exercise of the powers of willing and doing.' Civil liberty is of immense value to the individual in a state.
4. **Political theory of liberty:** Political liberty is sometimes known as constitutional liberty. It is the right of individual to take part in the State. It includes those rights that are guaranteed by the State to the citizens and such rights concern the question of participation in the affairs of the State. Thus the right to vote, the contest in election or hold a public office, right to form or join in a political party, etc. can be included under political liberty. It may be pointed out that real political liberty is possible only under a democratic form of government. According to Laski, two conditions are essential for the enjoyment of political liberty:
 - Individual should be educated to the point where he can express what he wants in a way it is intelligible to others.
 - There should be provision for impartial mass media and supply of news. People should be properly informed to give judgement on the government's performance.
5. **Economic theory of liberty:** It includes those rights that are enjoyed by man concerning his livelihood. Economic liberty implies absence of unemployment, exploitation, unfair wage, sub-standard living, insecurity, etc. Thus, when the State ensures employment to all citizens, makes them free from the tyranny of unemployment, one can say that the citizens enjoy economic liberty. The significance of economic liberty cannot be underestimated. Political liberty or civil liberty becomes meaningless in the absence of economic liberty. Economic liberty means security of one's daily bread and reasonable opportunity for earning the same. The individual should be made free from the constant fear of unemployment and insufficiency and must be safeguarded against the wants of tomorrow. Economic liberty consists in the individual's right to work and to a minimum wage, the right to leisure by the regulation of hours of work in fields, factories and mines, the right to form unions and the right to provision against old age, sickness, unemployment, accidents and also maternity benefits. It may be stated here that political democracy is meaningless without economic democracy.
6. **National theory of liberty:** National liberty means the right of people to rule over themselves. It means the absence of imperialism, foreign control and colonialism. National liberty envisages that every nation must be free from foreign domination. It should be a sovereign State possessing both internal and external sovereignty.

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National liberty exists where the State is a national State, that is, where the community is independent and sovereign. Civil, political and economic liberty are restricted, if there is no national liberty. India attained national liberty only in 1947. National liberty is more important than all other types of liberty. It is the foundation of civil, political and economic liberty.

7. **International theory of liberty:** The concept of international liberty covers the world as a whole. It implies renunciation of war, limitation on the production of armaments giving up of the use of forces, peaceful settlement of disputes, etc. It also puts adequate curbs on the strength of military force so that it may not crush the liberties of the local people or of the people of other country. Thus, international liberty covers the entire humanity. It believes in coexistence of nation-states, international co-operation, and peaceful world order. The classification of liberty has been given in Table 5.1.

Table 5.1 Characteristics of Different Types of Liberty

BASIC CONCEPTS LIBERTY						
Natural Liberty	Moral Liberty	Civil Liberty	Political Liberty	Economic Liberty	National Liberty	International Liberty
Independent of and prior to the State.	1. Right to rational self. 2. Right to dictate of reason. 3. Right to one's conscience. 4. Right to develop personality.	1. Right to speech. 2. Right to movement. 3. Right to own property. 4. Right to life. 5. Right to from association.	1. Right to vote. 2. Right to elected. 3. Right to hold public office. 4. Right to criticise government. 5. Right to petition.	1. Right to work. 2. Right to get adequate wage 3. Right to leisure 4. Right to benefits against sickness, old age, etc. 5. Right against exploitation.	Liberty Complete internal and external independence or people's right to rule over themselves.	1. Renunciation of war. 2. Abandonment of use of force. 3. Pacific settlement of disputes 4. Lamination on the production of armaments.

Safeguards of Liberty

No doubt, law is the safeguard of liberty. However, all laws are not good. Some laws endanger our liberty. Hence we shall briefly discuss certain other safeguards of liberty. If these safeguards exist, liberty becomes real and meaningful.

1. **Democratic form of government:** A democratic form of government is the best safeguard of liberty. Despotism or dictatorial governments are not conducive to the enjoyment of liberty.
2. **Constitutional guarantee of fundamental rights:** Even in the democratic State, liberty may be crushed by the bureaucracy or by the party in power. Hence various checks should be provided. This is why it is customary in these days to have a set of fundamental rights in all democratic constitutions.
3. **Separation of powers:** The 'separation of powers' ensures liberty. It implies the separation of three branches of government, e.g., executive, legislative and judiciary. Such a separation means each branch would check the power of the other from encroaching upon liberty.
4. **Strong public opinion:** A vigilant public opinion and effective opposition can be a safeguard of liberty in a democratic State. Both should be highly critical about the action of the government, when it endangers liberty.

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5. **Eternal vigilance:** Eternal vigilance is the price of liberty. When people want to enjoy liberty, they themselves must be conscious and defend their liberty against any encroachment. According to Judge Learned Hand, 'Liberty lies in the hearts of men and women, when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it.'

6. **Rule of Law:** The rule of law which provides equality before law to all its citizens is sure guarantee of liberty. In England, there is the rule of law which is regarded as the key to the British liberty. In Britain, power is not exercised arbitrarily, but according to law of the land. A.V. Dicey observes: 'There is in the English Constitution an absence of these declarations or definitions of rights so dear to foreign constitutions. In England the right to individual liberty is a part of the constitution because it is secured by the courts.' The rule of law means that all governmental power must be derived of his liberty except under the authority derived from law. It also means that the law of the State should not discriminate between one class of persons and another.

7. **Independence of judiciary:** It follows from above that there should exist an independent and impartial judiciary to act as the sentinel of liberty. In every democratic society, the judiciary has been empowered to determine whether a law is constitutional or not, whether an action of executive violates a right of the citizen. Hence the judiciary should be independent of both the executive and the legislature.

8. **Responsible government:** It is held that a government formed by the representatives of the people and responsible to them, is a safeguard of liberty. Besides, there should exist and function a healthy party system with opposition in the popular legislature. The opposition by criticizing the government keeps the government on the right path and acts as the watchdog of people's liberty. Hence a healthy party system is necessary for the preservation of liberty. A bi-party system with a strong and responsible opposition provides the best democratic form of government, where liberty is well safeguarded.

5.3.1 Relation between Liberty and Law

The nature of relationship between liberty and law is a controversial issue. Some people consider law as the very opposite of liberty. The more the number of laws, the less would be liberty. Enactment of laws means curtailment of liberty. Such a view was held by the Sophist in ancient Greece. The 'Laissez Faire theory' advocated, in the 18th and 19th centuries, also held similar opinion. Some people like the anarchists go to the extent of abolishing the State in order to ensure complete liberty for all individuals. On the contrary, law is regarded as a condition of liberty. Liberty is not licence. By obeying the law of the State, we enjoy our liberty. But there is a limitation to it. Excessive or oppressive law affects or restricts liberty.

Then what is the proper relationship between liberty and law? The true answer to this question lies in a reconciliation of these two opposite views. A law that is supported by the public opinion is undoubtedly a condition of liberty. In this sense law becomes an upholder of individual liberty. When labour laws are passed providing for better wages, fixed working hours and pensionary benefits for the workers, such laws guarantee the liberty of the workers against encroachment by the selfish employers.

But all laws are not good. When a law is made in complete disregard of public opinion, such a law stands on the way of our liberty. We are justified in disobeying such a bad law imposed upon us by a dictator or an alien ruler.

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To conclude we observe that all good laws or the laws supported by public opinion are the condition of liberty from the normative perspectives. Even good laws may restrain individuals from doing harm to others. Thus, law and liberty are complementary to each other and a careful reconciliation between the two is necessary.

5.4 EQUALITY

The term 'equality' ordinarily means that all men are equal and all should be entitled to equal opportunity and treatment. It implies a levelling process in which chances are given to all for development of their potentialities. It also means that special preference of all kinds should be abolished. No discrimination should be made on the ground of birth, wealth, sex, caste, creed or colour. Like liberty it is not only a negative concept, it also has a positive connotation. In this sense it implies provision of adequate opportunities to all. No one should be debarred from the realization of his ambition in life, if he possesses the requisite merit. That is why the state should provide adequate opportunities to all for developing their abilities to their full stature. This equality is required for social justice.

The demand for equality arose as a protest against prevailing inequality in society. It is mostly a modern concept. The American Declaration of Independence (1776) proclaims that 'all men are created equal'. The French Declaration of Rights of Man (1789) also emphasizes on the principle of equality.

This declaration says: 'Men are born and always continue to be free and equal in respect to their rights.' These two events have helped to a considerable extent to develop the concept of equality in modern world. Thus, equality is a concept which has a very broad meaning. It has no definite implication. Perfect equality is an impossible task. When nature has created differences among men, it is difficult to have perfect equality in society. Even democracy has been defined as 'a system which gives everyone equal opportunity to become unequal'. However, what equality emphasizes is grant of equal opportunities, all should be equal at the beginning of race. Perfect equality is no possible at time in any society.

5.4.1 Definitions of Equality

Equality is a levelling process. 'The ideal of equality has insisted that men are politically equal, that all citizens are equally entitled to take part in political life, the exercise their franchise to run for and hold office. It has insisted that individuals should be equal before the law, that when the general law confers rights or imposes duties, the rights and duties shall extend to all or conversely that they shall not confer special privileges on particular individuals or groups'. Undoubtedly, it implies fundamentally a levelling process. According to Laski, 'It means that no man shall be placed in society that he can over-reach his neighbour to the extent which constitutes denial of the latter's citizenship.' Locke opines that equality is a state or condition 'wherein all the power and jurisdiction is reciprocal, no one having more than others.' Further, according to Lipson, 'Equality implies the absence of any discrimination in the use of opportunities for self-development. The absence of any discrimination in the avenues of advancement is called equality.' Barker writes: 'It is derived from the supreme value of the development of personality – in each alike and equally, but each along its own different line and of its own separate motion.' He further writes: 'We are thus arranged as it were, in a level line at the starting point of the race that lies ahead; and we start from that level line, so far as the State is concerned, with equal conditions guaranteed to each for making the best of

Check Your Progress

3. Mention the etymological derivation of the word 'liberty'.
4. Name the philosophers related to natural theory of liberty.

himself – however much we may eventually differ in what we actually make of ourselves.'

Negative and Positive Aspects of Equality

Equality is a multi-dimensional concept. It has two aspects, namely, negative and positive. Laski has given both the negative and positive dimensions of equality. In a negative sense, equality means the absence of special privileges based on birth, caste, class, colour, wealth, race, sex, etc. In political sphere, it opposes the concentration of power in a few persons and advocates the idea that everyone should have and equal access to the corridor of power.

In a positive sense, equality means the provision of adequate opportunities for all. The adequate opportunities do not mean equal opportunities. It implies equality of chances for the development of the faculties of individual. The provision of adequate opportunities means that the state should provide suitable opportunities for all citizens, irrespective distinction. Laski has rightly said that 'equality is most largely a problem of proportions. The urgent claims of all must be met before we can meet the particular claims of some'. Barker observes: 'There must, indeed, be equality of opportunity before all capacity can be free to develop.'

Thus, the following are the essential features of equality:

- It means absence of special privileges.
- It is a democratic concept.
- It implies provision for adequate opportunities of development.
- It provides for minimum standard of living for every individual.
- It is the basis of all right.
- Equality and the idea of the rule of law go together.

Kinds of Equality

The following are the different kinds of equality as found in different political systems.

1. **Natural equality:** Natural equality implies that all men are born equal and are endowed with equal gifts and talents. It also means that the state should try to reduce inequality, rather than perpetuating it. The State should provide those social and economic opportunities that offer equal chances. Natural equality is rather an ideal and not an immediate reality. This ideal should be attained in a society as far as possible.
2. **Civil equality:** It is also known as legal equality. There is civil equality in the State when persons are subject to the same law in enjoyment of the various rights and liberties. There can be no civil equality when law makes distinction between on individual and the other. Civil equality as a concept has accepted in a democratic form of government. It implies that all citizens should be treated alike in the matters of possession of their rights without any discrimination on the grounds of religion, belief, caste or creed.
3. **Political equality:** Political equality implies that all citizens should have political rights and should have equal access to all offices of authority. It means universal adult suffrage. It also implies rights to form political parties and contest in election. These rights are necessary in a democratic society.

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4. **Social equality:** It means that all citizens are equally eligible to enjoy various opportunities in society. It also implies absence of other privileges. Social equality is a difficult idea to attain. It cannot be enforced entirely by law. The Constitution of India has accepted equality as a goal in its preamble. It has abolished untouchability by law. Though untouchability still exists in some part of the country in spite of legal prohibition, efforts are being made to ensure social equality.
5. **Economic Equality:** Economic equality, according to Lord Bryce, is 'the attempt to expunge all differences in wealth, allotting to every man and woman an equal share in worldly goods.' It means that wealth should be enjoyed equally by all. It also implies abolition of poverty. The primary needs of an individual are not fulfilled, there cannot be real democracy. Political equality is said to be meaningless unless it is accompanied by economic equality. In the communist countries emphasis has been given on economic equality. In modern democracy emphasis is also given on reasonable economic equality among the citizens. Accumulation of wealth has been considered to be a vice in recent times. Poverty amelioration programmes have been launched in India to bring the poor above poverty line.
6. **International equality:** In the modern state there is talk of international equality. International equality implies equality among the nation states as sovereign bodies. All the nations of the world should be equality treated without any discrimination. It prevents interference in the internal affairs of one nation by other nation. The nations whether small or big, should be treated with identical terms. It also means that the international disputes should be settled through peaceful methods. In economic sphere, it demands that the benefits of science should be shared by all countries. Table 5.2 summarizes the various types of equality.

Table 5.2 New Rudiments of Political Science Equality

Natural	Social	Political	Economic	Civil	International
All are equal by birth, hence no discrimination of any kind whatsoever should be made.	Equality of rights and opportunities, hence possibilities of discrimination on legitimate grounds should not be there.	Equal participation of all in the management of public affairs: 1. Universal adult suffrage 2. Open recruitment to public services 3. Free and fair periodic elections. 4. Free mass media agencies. 5. End of traditional privileges.	Non-concentration of national wealth in few hands, hence equality of proportions: 1. Guarantee of a civic minimum 2. Special arrangements for the protection of the interests of the weaker sections. 3. Private sector under the rules of general benefit.	Equal enforcement of the fundamental rights and duties on all: 1. Equality before law. 2. Equal Protection of law for all. 3. Equality at equal levels. 4. Availability of justice at low cost. 5. Justice without undue delay.	End of discrimination between states on the basis of geography, population, military power etc. 1. Equal treatment for all nations 2. Distribution of scientific and technological achievement among all nations. 3. Eradication of great evils like slavery and illiteracy from the world. 4. Abandonment of the use of force. 5. Pacific settlement of international disputes.

Equality is an abstract concept. It has evoked tremendous response from the political philosophers and revolutionaries. Liberty and equality are related to each other. It is undoubtedly a very difficult concept to achieve. The champions of democracy support the idea that equality is necessary but at the same time, they consider it as an ideal only. Equality of status and opportunity which the Preamble of the Indian Constitution proclaims, is an ideal to which mankind is moving nearer. The obstacles on the path of equality are gradually removed. It is more realised today than it was realised in earlier times.

5.4.2 The Marxist View of Equality

The Marxists have not developed a systematic theory of equality as such. Nowhere Karl Marx and Frederic Engels have adequately explained the theory of equality. Thus their views on 'equality' are the outcome of the overall philosophy of Marxism—a philosophy which aims to absence of exploitation and the establishment of a 'classless' and 'stateless' society.

The Marxists maintain that 'inequalities' in society emerged with the emergence of the concept of private property which, in turn, creates the concept of class—the 'haves' and 'have nots', or the 'exploiters' and the 'exploited' or the bourgeois and the proletariat. Further, the present capitalist state is a class state. Its law and institution protect the interest of the propertied classes only and perpetuate inequalities in society. In other words, the existence of classes is *since pro quid* for the existence of inequalities. In other words, the existence of classes is the demand for the abolition of classes'. and hence Marxism advocates the abolition of classes. Engels observes that 'the real content of the proletarian demand for equality is the demand for the abolition of classes'. Lenin also says that 'there can be no real, actual equality until all possibility of the exploitation of one class by another has been totally destroyed'. Only in a classless society, the egalitarian principle 'from each according to his ability, to each according to his needs', can be put into practice. Marxism maintains the view that economic equality is the most fundamental of all the other equalities. It does not agree that the state can create equality in a class divided society. But with the abolition of classes and the establishment of a fully communist society, the concept of equality will be redundant.

Relationship between Liberty and Equality

At first sight, liberty and equality may appear to be contradictory. If one enjoys liberty, one may intervene in the liberty of other. It is contended that liberty and equality are opposed to each other. The elitist theory believes that political equality is an impossibility and without elites, neither democracy nor liberty can exist.

Let us first discuss how liberty and equality are opposed to each other. Scholars like Lord Acton, Tocqueville, Bagehot, Hayek, Friedman, etc., argued that liberty and equality are opposed to each other. Particularly Lord Acton and De Tocqueville hold that liberty and equality are antagonistic and cannot co-exist. Lord Acton says: 'The passion for equality made vain hope for freedom.' His main argument is that both liberty and equality exist in inverse ratio. It means more of liberty and equality exist in inverse ratio. It means more of liberty less of equality, and vice-versa. It is argued by these scholars that liberty refers to unrestrained freedom for every individual to satisfy his appetite for wealth and power. This freedom results into the degeneration of the social order. Hence the desire to have equality destroyed the possibility of having liberty. It can be said that these groups of thinkers defended the cause of liberty for the privileged section of the society which is not popular now.

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The concept that liberty and equality are antithetical is also supported by the elitist theory. It pleads that without an elite, democracy will change into mobocracy and liberty will have no place in such a system. But presence of an elite means inequality and hence equality and liberty are against each other. But in actual practice, liberty is enjoyed under limitations. Unrestrained liberty is a licence. Liberty is not actually inimical to equality. Liberty should be enjoyed equally by all citizens in the State. That is why R.H. Tawney has rightly said that 'a large measure of equality, so far from being inimical to liberty, is essential to it'.

Liberty and equality are claimed as fundamental rights in the most of the democratic countries of the world. Without equality, liberty appears to be a mockery. Liberty cannot be ensured unless all are made equal in the eyes of law. Both liberty and equality have a common aim. Both are necessary for the development of the individual personality. Liberty is best realized in an atmosphere of equality. Between the two, liberty is considered to be more essential. It is basically required for the full development of the individual personality. Liberty is best realised in an atmosphere of equality. Between the two, liberty is considered to be more essential. It is basically required for the development of individual personality. Equality seeks to serve the requirements of liberty. Individuals first desire liberty but cannot exist without equality. Both are complementary to each other.

Thus, you can conclude that liberty and equality are not antithetical. Rather they are complementary to each other. Unless equal opportunity is provided to all, there can be liberty only for a few. Without freedom, equality has no meaning for equality is a condition of liberty.

Relationship between Law and Equality

Law and equality are interrelated. Equality is a levelling process. It means absence of special privileges and discriminations. Law is a product of the levelling process. It aims at elimination of social privileges and discriminations. Law codifies rights and gives real shape to liberty. Rule of law is the basis of every society. It is rule of law that enforces equality. Operation of a law requires equality of treatment to all those who are similarly placed. If law is not equally applied, it gives rise to discrimination. Law requires a base to operate and equality provides the base. Equality will be meaningless unless backed by law. Law creates as well as protects equality. On the other hand, equality makes law strong and sound. That law is defective which contains unreasonable and discriminatory provision. Such a law will not last long. Equality is the first principle of a just law. Hence law and equality are inter-related and both supplement each other.

Equality vs Inequality

Social inequalities have existed in society since time immemorial. Political philosophers have discussed the causes of inequalities and their very nature with great interest even in the distant past. Aristotle, in his book, *Politics*, refers to three distinct social classes and noting down the main difference between *citizens* and *slaves*, *men* and *women* on the basis of rational and civic capacities.

A similar classification existed in our Hindu Society as stated in the scriptures of the past. The society was divided into four classes called *varnas* — Brahmin, Kshatriya, Vaishya and Shudra. While the Brahmins formed the superior class, the Shudras were looked down upon and made to do all the menial work. The Kshatriyas were basically warriors and the Vaishyas were the merchants.

Struggle for Equality

It is not just inequality that has existed for ages, voices being raised against inequality based upon privileges and birth is also a very old phenomenon. The doctrine of equality is as old as that of inequality in the history of western politics. The most prominent star in Greek philosophy was said to be Zeno who was the founder of the Stoic School and promoted equality among men. As per Stoicism, all human beings possess the ability to reason, a quality that differentiates them from animal. All men are the same, that is, they are equal as men. The Stoics promoted the concept of universal brotherhood and raised their voice against slavery.

Liberty and Inequality as Opposed to Each Other

Early liberalism was based on the fact that liberty was the opposite of equality. With classical liberalism giving too much importance to liberty, equality became subservient to it. It was believed that liberty and equality were natural. By nature, liberty and equality are opposed to each other. Locke, Adam Smith, Bentham, James Mill, Tocqueville and other early liberal thinkers were of the opinion that the liberty of the individual should have minimum restrictions. For example, some thinkers, did not think equality was a natural right. Similarly, some others felt that equality and liberty were antithetical. Their argument was that the desire for equality has done away with the chances of achieving liberty. During this period, liberalism was based upon the free market concept and open competition among the egoistic rational individuals. It is believed that although economic competition leads to unequal outcomes, it is quite progressive.

Equality and Liberty as Complimentary to Each Other

The early liberal argument that equality and liberty are mutually exclusive was based on the assumption that the conflict between personal interests and social requirements is inevitable. However, this dichotomy of individual versus society was proved wrong historically. Equality became the main requirement of liberty in the 19th century as a result of the demand made by the positive liberals and socialists, for economic and social equality. Positive liberals believed that liberty and equality were complementary to each other and the state was assigned the task of using legislation and regulation to rectify the social and economic imbalances. This viewpoint was supported by Rousseau, Maitland, T.H. Green, Hobhouse, Lindsay, R.H. Tawney, Barker, Laski, Macpherson, and so on.

Positive liberalism considered the individual as a social being with personal desires that could be satisfied in the context of a cooperative social relationship within a social environment. According to it, liberty was as good as 'equality of opportunity', that is, that opportunity should be given to each individual to realize what his personality implies. This can only be possible by placing deliberate social restraints upon individual freedom. According to Tawney, the liberty of the weak depended on the restraint of the strong while the liberty of the poor depended on the restraint of the rich. Each individual is entitled to this liberty as much as others to do to others what he would have them do to him. That none should be at others' mercy, is a demand of liberty. Liberty makes equality a reality by providing opportunities for all to be their best. In the absence of liberty, equality becomes dull uniformity.

Equality and Justice

Equality and justice share a controversial relationship like liberty. The society is replete with inequalities based on sex, age, ability, social status, wealth, opportunity, etc. Inequalities

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of wealth and social status give rise to inequalities of power and result in many becoming subordinates of a chosen few. History has not only justified but also perpetuated such inequalities. The Greeks divided their society on the basis of caste, status and birth. Although early liberalism championed the cause of equality in terms of law and politics, no attempt was made to sort out the economic and social inequalities that were a result of freedom of contract, competition and private property.

John Rawls, author of *A Theory of Justice*, attempted to outline a social theory of justice hoping to reconcile the theories of rights and liberties of liberalism with economic and social equality. He believed that a just society would require maximization of equal basic liberties where one individual's liberty would not clash with another individual's.

He also proposed a set of guidelines to establish a sense of justice with respect to social and economic inequalities. These inequalities, should be arranged in a manner that would contribute to the maximum benefit of the least advantaged in the society, and the offices and positions should be equally accessible and open to everyone under conditions of equality of opportunity. According to his general concept of justice all essential social goods should be equally divided among all, unless an unequal distribution would in some way favour the members of the society. Simply put, the inequality above the income median is required for the society from the point of view of justice only when it assists reduction of the existing inequalities. Equality is required because the principle of justice on the basis of equality is increasingly advantageous to all members of the society, especially the ones who are least favoured. However, Rawls does not rule out inequalities altogether in the cases where they serve as incentives, creating a greater stock of goods for distribution to the least advantaged.

At a more abstract and basic level, the relationship between equality and justice can be understood in the sense of not equal distribution but treatment of people as equals. At least at the theoretical level, justice requires the government to treat its citizens with equal consideration. Each citizen has a right to equal concern and respect. According to Kymlicka, this more basic notion of equality can be seen not only in Nozick's libertarianism but in Marx's communism as well. According to libertarianism equality implies equal rights over one's labour and property. The Marxists consider it as equality of income and wealth. Any theory claiming that some people are not entitled to equal consideration from government, or if it is claimed that specific types of people are not worth considering as much as others, then most the theory would be rejected by most people in the modern world. In this context, it is apt to say that the crux of all contemporary theories of justice is the fact that every individual matters and is entitled to being treated equally.

Recent Debate on Equality: Affirmative Action from the Normative Viewpoint

Affirmative action implies policies that take factors such as religion, colour, race, gender and national origin into consideration so as to benefit to an individual or group that is underprivileged or under-represented. Such policies focus on employment, education, public contracting as well as health programmes. The term 'affirmative action' was born in the US, and was first mentioned in President John F. Kennedy Executive Order 10925. It was used to refer to measures for achieving non-discrimination. In 1965, President Lyndon Johnson issued Executive Order 11246 requiring federal contractors to take 'affirmative action' for hiring irrespective of religion, race and national origin. In 1968, this anti-discrimination list found an addition, 'gender'. In India this is referred to as 'reservation', whereas in UK 'discrimination' and in Canada, 'equality'.

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Affirmative action refers to the promotion of equal opportunity. It is often instituted in government and educational settings to ensure that minority groups within a society are included in all programmes. Compensating for discrimination or exploitation in the past by the superior /ruling classes of a particular culture can justify 'affirmative action'.

Quota-Based Affirmative Action Programme in India

In India, the affirmative action programme based on quota, is referred to as the 'reservation system'. It comprises two components — SC/ST and OBC. They should be examined separately. 22.5 percent of all government jobs, seats in educational institutions that have complete or partial government funding and electoral constituencies at all levels of government are reserved for SC and ST persons. This quota is roughly proportional to their share in the population. While this was enshrined in the Indian constitution, adopted in 1950, via Article 15 (4) (reserve places for the under privileged in state run educational institutions) and Article 16 (4) (reservation of government jobs), this program has a history that precedes independence. In some areas, such as parts of present day Kerala and Karnataka, the British introduced quotas almost a hundred years ago. Dr. B.R. Ambedkar, an outstanding theoretician and one of the most important leaders of the Dalit movement drafted the constitution of independent India. Making affirmative action for SCs and STs a part of the constitution, a move largely due to Ambedkar, ensured that it is mandatory and cannot be questioned in theory. However, in practice, due to the upper caste predominance in all these institutions, its implementation is indifferent and not free from legal battles and quotas often remain incompletely fulfilled.

To sum up, in India, affirmative action policies have a much longer history than the US, are constitutionally guaranteed (for SC-ST), and take the form of quotas in government jobs, educational institutions, and electoral seats at each level of government.

5.5 SUMMARY

- A sound political nation mainly depends on certain political values and their appropriate knowledge and access.
- In Locke's view, it is not a state of constant warfare. He points out that it is a state of 'peace, goodwill, mutual assistance and preservation'.
- The conception of natural rights and theory of property is one of the important themes in Locke's political philosophy. According to Locke, natural right forms in the root of morality implanted in human conscience.
- Natural rights can be defined as the rights which are 'natural', i.e., they are 'not artificial, or man-made'. They are the rights which are derived from deontic logic, from human nature, or from the edicts of a god.
- A claim right can be defined as a right which necessitates that another person has a duty to the right-holder. Somebody else must do or refrain from doing something to or for the claim holder, such as perform a service or supply a product for him or her.
- A right can also be referred to as a permission to do something or an entitlement to a specific service or treatment. Such rights are called positive rights.
- Rights are often included in the foundational questions which are dealt by governments and politics. Often the development of these socio-political institutions has formed a dialectical relationship with rights.

Check Your Progress

5. What do you understand by the term 'equality'?
6. Who has written the book *Politics*?

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- Liberty has been a magic word in the history of mankind which has inspired many revolutionary struggles against tyranny and despotism.
- Liberty as a positive concept refers to a condition or an atmosphere created by the state. The individual, in the condition or atmosphere so created, finds it easy to develop into his best.
- The nature of relationship between liberty and law is a controversial issue. Some people consider law as the very opposite of liberty. The more the number of laws, the less would be liberty.
- The term 'equality' ordinarily means that all men are equal and all should be entitled to equal opportunity and treatment. It implies a levelling process in which chances are given to all for development of their potentialities.
- The Marxists maintain that 'inequalities' in society emerged with the emergence of the concept of private property which, in turn, creates the concept of class—the 'haves' and 'have nots', or the 'exploiters' and the 'exploited' or the bourgeois and the proletariat.
- At first sight, liberty and equality may appear to be contradictory. If one enjoys liberty, one may intervene in the liberty of other. It is contended that liberty and equality are opposed to each other.
- Liberty and equality are claimed as fundamental rights in the most of the democratic countries of the world. Without equality, liberty appears to be a mockery. Liberty cannot be ensured unless all are made equal in the eyes of law.
- Law and equality are interrelated. Equality is a levelling process. It means absence of special privileges and discriminations. Law is a product of the levelling process. It aims at elimination of social privileges and discriminations.
- Affirmative action refers to the promotion of equal opportunity. It is often instituted in government and educational settings to ensure that minority groups within a society are included in all programmes.

5.6 KEY TERMS

- **Omnipotent:** Omnipotent derives from the Latin term 'Omni Potens', meaning 'All-Powerful' and refers to something or someone having great power and influence.
- **Dichotomy:** Dichotomy refers to the division into two mutually exclusive, opposed, or contradictory groups.
- **Libertarianism:** Libertarianism is a collection of political philosophies that uphold liberty as a core principle.

5.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. A sound political nation mainly depends on certain political values and their appropriate knowledge and access.
2. A claim right can be defined as a right which necessitates that another person has a duty to the right-holder.

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3. The word 'liberty' owes its origin to Latin word 'Liber' which means freedom
4. Hobbes, Locke and Rousseau were the philosophers related to natural theory of liberty.
5. The term 'equality' ordinarily means that all men are equal and all should be entitled to equal opportunity and treatment.
6. *Politics* is written by Aristotle.

5.8 QUESTIONS AND EXERCISES

Short Answer Questions

1. Write a short note on state on nature and natural rights.
2. What is the relationship between rights and politics?
3. Write any five definitions of liberty.
4. What are the essential features of equality?

Long Answer Questions

1. Compare and contrast different rights that are available to people of a nation.
2. What are the two aspects of liberty? Discuss in detail.
3. How is liberty classified? Discuss.
4. What do you understand by equality? Mention the different kinds of equality.

5.9 FURTHER READING

- Baylis John and Steve Smith (eds). 2005. *The Globalization of World Politics- An Introduction to International Relations*. New Delhi: Oxford University Press.
- Bottomore Tom (ed.). 2000. *A Dictionary of Marxist Thought*, New Delhi: Blackwell Publishers Ltd.
- Lenin V.I. 1973. *Imperialism, The Highest Stage of Capitalism*, Peking: Foreign Languages Press.

UNIT 6 CONCEPTS: LIBERALISM AND MARXISM

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Structure

- 6.0 Introduction
- 6.1 Unit Objectives
- 6.2 Liberalism
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 - 6.2.2 Communitarianism
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- 6.7 Questions and Exercises
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6.0 INTRODUCTION

In this unit, you will learn about the ideology of Karl Marx, a German philosopher, economist, sociologist, historian, journalist and revolutionary socialist. Some of his major works are *The Holy Family* (1844), *The Communist Manifesto* (1848), *Poverty of Philosophy* (1847), *Critique of Political Economy* (1859) and *Das Capital*, the first volume of which appeared in 1867. You will also learn about the ideology of Liberalism.

6.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Understand the concept of liberalism
- Discuss the meaning of communitarianism
- Explain the concept of Marxism
- Describe the political thoughts

6.2 LIBERALISM

Laski was an English economist and political theorist whose ideas are well known in intellectual circles. He was a man of many talents, and his importance lies in the fact that he always tried to put his political philosophy in practice to make it applicable to real-life situations. John Rawls was a liberal democrat and a prolific writer who wrote on various topics of international relations. Rawls was distressed about the prevailing situation in the capitalist world. He wanted to bring about tangible changes in a society plagued with distressing situations at a time when the world was divided between the rich and the poor. He had a vision of a community in which everybody could play a due role according to his/her capacity. Nozick criticized Rawls's approach and adopted a

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realistic approach, taking into account different modes of acquisition of goods and entitlement of different individuals.

Liberals promote ideas like constitutionalism, liberal democracy, human rights, capitalism, free and fair elections and freedom of religion. These ideas are extensively accepted, even by those political parties which do not frankly admit a liberal ideological course. Liberalism includes classical liberalism, which became well-admired in the eighteenth century; and social liberalism, which became famous in the twentieth century. For the first time, liberalism emerged as a powerful force in the Age of Enlightenment. It rejected several initial postulations that governed many earlier theories of government, such as absolute monarchy, nobility, established religion and the divine right of kings. First liberal thinker, John Locke, who is frequently credited for the conception of liberalism as a distinctive philosophical tradition, employed the idea of natural rights and the social contract to dispute that:

- The rule of law should swap absolutism in government.
- Rulers were subject to the assent of the governed.
- Private individuals had a basic right to life, liberty and property.

The rebels in the American Revolution and the French Revolution freely used liberal philosophy to give good reason for the armed defeat of dictatorial rule. The 19th century saw the setting up of liberal governments in many nations in Europe, Latin America and North America. Liberal concepts spread even further in the 20th century, when in two World Wars, liberal democracies were victorious, surviving major ideological confrontations from fascism and communism. In today's modern world, liberalism, in its different forms, continues to be a political force of diverging degrees of power and impact on almost all countries.

6.2.1 Growth of Liberal Trend: Laski

Laski traced the historical evolution of the theory and practice of liberalism and interpreted this evolution in economic terms. He concluded that the changes in the political theory and practice of liberalism were conditioned by the economic exigencies of the different phases of capitalism. In this way, he substantiated his thesis about the class character of the modern liberal state by examining its historical background. Finally, he concluded that the philosophy of liberalism had entered a phase of decline on account of the developing crisis and contradictions of the capitalist system. The only philosophy which could take its place, he felt, was the philosophy of socialism.

In the realm of constitutional theory, Laski has bequeathed upon us two monumental works *Parliamentary Government in England*, which is a critical commentary of the British constitution, and *The American Democracy*, probably the most comprehensive survey of the American democracy in action ever undertaken by any single writer. In his analysis of the parliamentary system in England, he arrived at certain remarkable conclusions. First, he declared that the existence of a monarchy even in the present form is inconsistent with the true spirit of democratic equality. Moreover, the influence of the monarch in any constitutional crisis or emergency is bound to be exerted on the side of reaction as typified by the resignation of the MacDonald government in 1931 and an immediate formation of a reactionary national coalition in its place. Similarly, Laski proposed the abolition of the House of Lords as he considered a hereditary second chamber inconsistent with a genuinely democratic system.

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Laski visualized the creation of a strong cabinet. He did it to effectively control the House of Commons and bring about a socialist transformation of British society through legislative decrees and immediate administrative action. These changes could only be done by removing reactionary checks like the discretion of the monarch in forcing untimely plebiscites and the power of a second chamber to delay legislation. Criticizing this proposal, George Catlin remarks that this constitutional thesis is only superficially non-monarchical and democratic. In fact, it implies a belief in the government of a veiled socialistic dictatorship, which does not recognize any checks upon its power, whether by the constitution, judiciary, a second chamber or an electoral referendum.

Laski has made similar observations about the working of the American constitution. In *The American Presidency*, he analysed the nature of the working of the Presidential government in the USA and concluded that the system of checks and balances was not conducive to real efficiency in the government. The fathers of the American constitution, he thought, had designed it to suit the needs of a social structure based upon the ideals of laissez faire. Those ideals had now become quite irrelevant in the context of the worldwide vogue of positive government.

In *The American Democracy*, Laski examined other political institutions through which democracy in the USA operates and discussed the impact of the social, economic and cultural environment upon its functioning. He declared that the spectacle of the separation of powers was really a spectacle of confusion of powers. The pattern of division of powers between the federal and state governments had become obsolete in the context of modern developments. The difficulties, which President Roosevelt faced in the realization of his New Deal Programme, showed clearly how the American political system was designed to serve the interests of reaction. He regarded the Supreme Court's veto over legislation as undemocratic and pleaded for strengthening of the presidential office and proposed devices for a closer cooperation between the legislative and executive wings of Government.

Laski also criticized the party system in the USA as corrupt and antiquated. He lamented the fact that a socialist party had not yet developed in the US. He foresaw two alternative lines of development for capitalist democracy in USA—it must either renounce its capitalist character and become a socialist democracy or choose the second alternative of dissolving democracy internally and seek the solution of its economic crisis in aggressive imperialism abroad.

Political Liberalism

On the question of stability, Rawls' later work contented that whether it was possible that a society that was ordered by the two principles of justice endured? His answer to this question is traced in a collection of lectures titled *Political Liberalism*. In this, he introduced the idea of an overlapping consensus – or agreement – on justice as fairness between citizens who hold different religious and philosophical views or conceptions of the good. Further, 'Political Liberalism' also introduced the idea of public reason – the common rationale of all citizens. This is, in a sense, a right understanding for the betterment of society for all practical purposes.

Rawls addressed the most pressing criticism fabricated in 'A Theory of Justice' – the criticism that the principles of justice were simply an alternative systematic conception of justice that was understandably not better to utilitarianism or for that matter any other

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comprehensive theory. From the point of view of critics, 'justice as fairness' is merely a different comprehensive and rational doctrine that happens to be compatible with other rational doctrines. For them, it did not distinguish between a moral and a comprehensive theory that catered to the problem of justice and a political conception of justice that people with conflicting yet logical, religious or metaphysical views would accept to regulate the intrinsic unit of society. The distinction of Rawls' accounts and the earlier ones of liberalism is that it requires reaching a point of consensus without appealing to any one metaphysical source.

The idea of 'political liberalism' goes against the views of social contractualists like John Locke or John Stuart Mill, who promote a more robust cultural and metaphysical liberal consensus regardless of the 'deep' religious or metaphysical values that the parties appreciate. This outcome is underlined as an 'overlapping consensus' due to often conflicting and different accounts of nature, morality, etc. These tend to 'overlap' with each other regarding the issue of better rules applicable to humanity. Rawls further brought changes in the principles of justice, which are as follows:

- Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with a similar scheme for all.
- Social and economic inequalities satisfy two conditions: first they must be attached to offices and positions open to all under conditions of fair and equal opportunity and second, they must be to the greatest benefit of the least advantaged members of society.

These principles are subtly modified from those in *A Theory of Justice*. The first principle now reads 'equal claim' in place of 'equal right', and also replaces the phrase 'system of basic liberties' with a fully adequate scheme of equal basic rights and liberties.

Contemporary Liberalism

In this section, you will be acquainted with John Rawls' and Robert Nozick's versions of the contemporary liberalism.

1. John Rawls

Contemporary liberalism owes much to the classical as well as modern liberalist thinkers such as Locke, Kant and Mill. However, if one has to single out one important political philosopher of the twentieth century whose influence has been the most profound in liberal thinking it is John Rawls. Before going into the details of the Rawls' philosophy let us have a brief look into his life profile.

John Rawls was born in 1921 in Maryland, United States. Rawls attended school in Baltimore for a short time before transferring to Kent School, an Episcopalian preparatory school in Connecticut. Rawls studied graduation at Princeton University. After his completion of graduation in 1943, he joined the Army and participated in World War - II. After the war, he returned to Princeton to pursue a doctorate in moral philosophy. Rawls married Margaret Fox, a graduate, in 1949. He finished his Ph.D. from Princeton in 1950 and thereafter he taught there until 1952, when he received a Fulbright Fellowship to Oxford University, where he was influenced by the liberal political theorist and historian Isaiah Berlin and the legal theorist H.L.A. Hart. After returning to the United States, he served first as an assistant and then associate professor at Cornell University. In 1962, he became a full professor of philosophy at Cornell, and soon achieved a tenured position at MIT. That same year, he moved to Harvard University, where he taught for almost

forty years, and where he trained some of the contemporary figures in moral and political philosophy, including Martha Nussbaum, Thomas Nagel, Onora O'Neill, Christine Korsgaard, Susan Neiman and Thomas Pogge. Rawls is noted for his contributions to liberal political philosophy.

John Rawls was Professor Emeritus of Philosophy at Harvard University. He is the author of the well-known and path breaking *A Theory of Justice* and the more recent work *Political Liberalism*. His book *A Theory of Justice* provides a skeletal account of Rawls' project of using social contract theory to generate principles of justice for assigning basic rights and duties and determining the division of social benefits in a society. This book is regarded as the most important work of political philosophy written in English since the Second World War. It has influenced modern liberals and social democrats alike.

Rawls proposed a theory of 'justice as fairness' that is based on the belief that social inequality can be justified only if it is of benefit to the least advantaged. This presumption in favour of equality is rooted in Rawls' belief that most people deprived of knowledge about their own talents and abilities would choose to live in an egalitarian society, rather than an inegalitarian one. As for most people, the fear of being poor will outweigh the desire to be rich, redistribution and welfare can be defended on grounds of fairness. The universalist presumptions of his early work were modified to a certain degree in his another famous work *Political Liberalism*. Two monumental treaties written by Rawls—*A Theory of Justice* (1971) and *Political Liberalism* (1993) have laid the contemporary terms of debate and discussions on liberalism and its values.

Rawls revived the social contract tradition of Locke, Rousseau, and Kant. Both of these philosophers redeployed and depend Mill's vindication of liberty in a free society, and argued against conventional judgements, especially those of utilitarianism that treated individuals as means towards attending the collective good. A liberal state, according to Rawls, must not only guarantee that all its citizens have an equality of fundamental liberty rights, such as voting, and freedom of speech, religion and association; it must also ensure that those who are least well-off are assured as good a life as possible. He asserts that freedom should never be sacrificed on the grounds of an increase in material well-being. This is why he gives priority to the equal enjoyment of liberty (the liberty principle) over the principle that requires the welfare of the least well-off to be taken care of (the difference principle). Overall Rawls holds out an account of egalitarian liberalism that is hospitable to redistributive experiments of the liberal state.

John Rawls in his celebrated work *A Theory of Justice* has pointed out that a good society is characterized by a number of virtue. Justice is the first virtue of a good society. In other words, justice is a necessary but not a sufficient condition of a good society. A well-ordered society, according to Rawls, is effectively regulated by a public conception of justice. It is a society which everyone accepts and knows that the others accept, the same principles of justice and the basic institutions satisfy these principles. For Rawls, what is directly relevant for social ethics and justice is the individuals' means to pursue their own ends and to live whatever 'good life' they choose for themselves. These means are 'basic liberties', on the one hand, and 'primary goods', on the other.

Rawls weaves an intricate and elaborate pattern of enquiry and provides a coherent, systematic and powerful defence of a new kind of egalitarianism that preserves and extends individual liberty. He outlines the features of his conception in an article that appeared in 1957, entitled *Justice as Fairness* culminating in *A Theory of Justice*. The

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elaboration and clarification of theory continues through a series of book and two more books *Political Liberalism* and *The Law of People's*.

According to Rawls, the problem of justice consist in ensuring a just distribution of 'primary goods', which include rights and liberties, powers and opportunities, income and wealth, means of self-respect and so on. He has described his theory as the theory of pure procedural justice. It means that once certain principles of justice are unanimously accepted, the distribution resulting from their application will be necessarily just. Rawls has severely criticized those theory of allocation which ignore moral worth of the individual for the attainment of any pre-determined goal. He has attacked utilitarianism because in calculating the 'greatest happiness of the greatest number' it does not care if it leads to extreme hardship to any particular individual. He has brilliantly argued that you cannot compensate for the sufferings of the distressed by enhancing the joys of the prosperous. Rawls has evolved a unique methodology for arriving at a unanimous procedure of justice.

Rawls observes that the political constitution and the principal economic and social arrangements, such as the legal protection of freedom of thought and liberty of conscience, competitive markets, private property in the means of production and the monogamous family, must be accepted as given.

Unfortunately, this system breeds deep inequalities that cannot possibly be justified by an appeal to the notions of merit or desert. It is these inequalities, presumably inevitable in the basic structure of any society, to which the principles of social justice must in the first instance apply. The justice of a social scheme depends essentially on how fundamental the rights and duties are assigned and on the economic opportunities and social conditions in the various sectors of society. In this way, Rawls is interested in developing a conception of justice that can provide a standard by which the distributive arrangements of a given society can be assessed but which need not concern itself with the fundamental question of ownership of the means of production. His aim is to present a conception of justice, which generalizes and carries to a higher plane the familiar theory of the social contract. The guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement.

Rawls has evolved a unique methodology for arriving at a unanimous procedure of justice. Following the tradition of the 'social contract', Rawls has envisaged an 'original position' by abstracting the individuals from their particular social and economic circumstances. In Rawls own words 'In Justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice. These individuals are symbolically placed behind a 'veil of ignorance' where they are supposed to be deliberating as rational agents. They are totally unaware of their wants, interests, skills and abilities as well as of the condition which lead to discrimination and conflict in the society. But they have an elementary knowledge of the economics and psychology, and are also endowed with a 'sense of justice'. Each individual wants to maximize his or her well-being, without being envious. They are self-interested but not egoists. They are not prepared to take a risk or resort to gambling.

According to Rawls, in such a state of uncertainty the national negotiators will choose the least dangerous path. In other words, each individual will hypothetically place himself or herself in 'the least advantage positions' while recommending the criteria

of allocation of the primary goods. Hence, each of them will demand greatest benefit for the least advantaged. R.P. Wolf observes Rawls revives a version of the theory of the social contract as a way of discovering a via media between utilitarianism and intuitionism. Morally, he is more comfortable with the intuitionists but methodologically his heart is with the utilitarians and with the new-classical economists.

Rawls's basic concern might be put this way—What is the most reasonable conception of justice for a society of free and equal persons? What principles should our society meet, if it is to be fair to persons conceived of as free and equal: both conceived in liberty and dedicated to the proposition that all men are created equal? In particular, should it be utilitarian, libertarian, a less liberal egalitarian society a less egalitarian liberal society? Theory offers a three-part answer to this question:

- Rawls presents two principles of justice, and offers an argument for those principles according to which the members of society would choose them in an 'original position' behind a 'veil of ignorance', which hides all information about their social position and natural endowments.
- He presents a sketch of a society that operates on these principles, to show that they are realistic.
- He argues, finally, that a just society—just by the lights of justice as fairness—would be stable in part because living in a just society and having a sense of justice guided by his principles is good for those who live in the society.

As a result of the hypothetical negotiations under such conditions, three principles of justice will be accepted by all, according to Rawls, in this order:

- Principal of equal liberty (for example, equal right to most extensive liberty compatible with similar liberty of others) which postulates that nobody's liberty will be sacrificed for the sake of any other benefit (liberty in this sense implies equal right to political participation, freedom of expression, religious liberty, equality before the law etc.). The principle also implies that each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty of all.
- Second principle comprises of two parts:
 - Principle of fair equality of opportunity, particularly for acquiring offices and positions; and
 - Difference principle, which implies that any departure from equal distribution of the primary goods can be justified only when it could be proved to bring greatest benefit to the least advantaged. In other words, a special reward for extraordinary ability and effort to any individual can be treated as just only if it results in the greatest benefit to the least privileged.
- When these conditions have been fulfilled, the criteria of efficiency can be justly applied in a competitive economy. In other words, the rule of allocation 'to each according to his ability' can be applied only if higher efficiency of the concerned individuals results in ameliorating the condition of the least privileged.

Rawls introduced the ideas of the 'chain connection', which implied that in order to strengthen a chain you should start with strengthening its weakest link, and then repeat the process by identifying the weakest link on each occasion. The justifiability of any special concessions, subsidies or protection depends on the empirical facts whether or not such benefits filter down ultimately to help the neediest.

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The protections of the basic liberties are especially stringent. Rawls's equal basic liberty principle has priority over the second principle. So, Rawls may seem to be endorsing a libertarian view. But his first principle is about specific liberties, not liberty or choices as such. In particular, the market liberties that were the concern of the *Lochner* Court are not covered by his first principle of justice. So, those liberties can be regulated to achieve the aims of the second principle of justice. So, what does the 'priority of liberty' mean? It means that justifications for limiting a basic liberty must show how the proposed limit improves the protection of the basic liberties overall. For example, to protect the religious liberty of religious minorities, you might restrict the scope of majority rule by adopting a constitutional right to liberty of conscience that ensures the free exercise of religion. This plausibly counts as a restriction of political liberty, as much as it limits the scope of that liberty. So, one basic liberty (political liberty) is restricted to ensure another basic liberty (religious liberty). But this is the force of the priority of liberty—it is not similarly permissible to restrict political liberty in order to improve the economic conditions of the least advantaged: for example, to restrict the voting rights of the better off in order to improve the economic circumstances of the less well-off.

The difference principle says that inequalities are permissible only if they maximally benefit the least advantaged. To appreciate the moral idea behind the principle, let us assume that a society guarantees equal basic liberties and fair equality of opportunity. Still, it may show considerable inequalities. In particular, suppose some people have highly marketable skills based on relatively scarce natural talents, and that others lack similarly high-end marketable skills. Assume people in both groups get up, work hard and contribute. Nevertheless, they receive substantially different rewards in the labour market and those differences in turn have a large impact on what they aspire to, and on the extent to which they can achieve their aspirations. How, in a society dedicated to the proposition that you all are created equal, can such inequalities, founded as they are on the contingencies of natural talent, be acceptable?

The answer provided by the difference principle is that you need to mitigate these inequalities owing to differences in natural talent. More positively stated, when the difference principle is in effect, everyone and in particular the least advantaged group shares in the benefits that flow from the diversity of talents in the population.

The difference principle treats the distribution of talents as a common asset in that it seeks to ensure that the variety in our talents works to the benefit of all, and in particular benefit the least well-off. It does not mandate a socially beneficial use of one's talents but does say that people can legitimately expect greater economic rewards from the use of their talents and abilities only if the use benefits the least well-off. The point of the difference principle is not to rail against the differences of natural endowments, or to eliminate them. The question of political morality is what to do with such differences, given their potentially large consequences for the fate of morally equal persons. The difference principle proposes an answer. In advancing the difference principle, Rawls urges, in effect, that you reject the idea that a market economy should be a kind of talent contest, designed to discover and reward the gifted. Instead, it should work as one part of a fair scheme of cooperation, and ensure a reasonable life for all members, understood as free and equal persons. 'In justice as fairness', Rawls says, 'men agree to share one another's fate. In designing institutions, they undertake to avail themselves of the accidents of nature and social circumstance only when doing so is for the common benefit'.

Third, the large ambition of justice as fairness is to effect a 'reconciliation of liberty and equality'—to bring elements of both liberal and egalitarian political thought

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together into a single coherent political philosophy. To see, consider how the two principles work in combination. Assume first that what matters to people is not only to have legally protected liberties, but for those liberties be valuable: for them to be worth something. Assume, second, that the value of a person's liberty is importantly determined by the resources available to that person for using the liberty. In particular, assume that the worth or value of my liberties to me is an increasing function of the resources over which I exercise control: as my command of resources increases, I can do more with my liberties.

Now put the two principles together: the first ensures equal basic liberties; the second guarantees that the minimum level of resources is maximized. If the worth of a person's liberty—its value to the person—is an increasing function of the level of his/her resources, then by maximizing the minimum level of resources, you also maximize the minimum worth of liberty. Thus, the two principles together require that society 'maximize the worth to the least advantaged of the complete scheme of equal liberty shared by all'. Maximizing the minimum worth of liberty 'defines', Rawls says, 'the end of social justice'.

It may be argued that Rawls' theory does meet the criteria for a theory of economic justice since it does propose to regulate distributive arrangements in society by an ethical principle. This argument cannot be sustained because Rawls places a severe limit to the amount of redistribution of income allowed by his ethical norm. This limit is dictated by the market economy. His ethical principle of distributive justice prescribes that transfers of income from the rich to the poor should not reach a point at which 'greater taxes interfere so much with economic efficiency that the prospects of the least advantaged in the present generation are no longer improved but begin to decline'.

2. Robert Nozick

Robert Nozick (November 16, 1938–January 23, 2002) was an American political philosopher, most prominent in the 1970s and 1980s. He was a professor at Harvard University. Robert Nozick was one of the principal advocates of libertarianism, which is one of the contemporary version of liberalism. Nozick was born in Brooklyn, the son of a Jewish entrepreneur from the Russian shtetl whose name was Cohen. Nozick was married to the poet Gjertrud Schnackenberg. He died in 2002 after a prolonged struggle with cancer. He was educated at Columbia where he studied with Sidney Morgenbesser, did his Ph.D. at Princeton and studied at Oxford as a Fulbright Scholar.

Robert Nozick's major works included: *Anarchy, State, and Utopia* (1974), *Philosophical Explanations* (1981), *The Examined Life* (1989), *The Nature of Rationality* (1993/1995), *Socratic Puzzles* (1997), *Invariances: The Structure of the Objective World*. His other works involved decision theory and epistemology. He is best known for his book *Anarchy, State, and Utopia* (1974), a libertarian answer to John Rawls's *A Theory of Justice* (1971). It is widely seen as one of the most important contemporary works of political philosophy, and it has had a profound influence upon New Right theories and beliefs.

Nozick's *Anarchy, State, and Utopia* (1974), which received a National Book Award, argues among other things that a distribution of goods is just if brought about by free exchange among consenting adults and from a just starting position, even if large inequalities subsequently emerge from the process.

Nozick appealed to the Kantian idea that people should be treated as ends (what he termed 'separateness of persons'), not merely as a means to some other end. Nozick here challenges the partial conclusion of John Rawls's Second Principle of Justice of his

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A *Theory of Justice* that 'social and economic inequalities are to be arranged so that they are to be of greatest benefit to the least-advantaged members of society'.

Anarchy, State and Utopia claims a heritage from John Locke's *Second Treatise on Government* and tries to base itself upon a natural law doctrine. Locke only relied on natural law as God-given to counteract the King of England's claim to divine right and thus claim to all the property of England. Nozick suggested, again as a critique of utilitarianism, that the sacrosanctity of life made property rights non-negotiable. This principle has served as a foundation for many libertarian pitches into modern politics. Most controversially, Nozick argued that a consistent upholding of the libertarian non-aggression principle would allow and regard as valid consensual/non-coercive enslavement contracts between adults. He rejected the notion of inalienable rights advanced by most other libertarian academics, writing in *Anarchy, State and Utopia* that the typical notion of a 'free system' would allow adults to voluntarily enter into non-coercive slave contracts.

Nozick various books, *The Examined Life* (1989), pitched to a broader public, explores love, death, faith, reality and meaning of life. *The Nature of Rationality* (1993), presents a theory of practical reason that attempts to embellish notoriously spartan classical decision theory. *Socratic Puzzles* (1997) is a collection of papers that range in topic from Ayn Rand and Austrian economics to animal rights, while his last production, *Invariances* (2001), applies insights from physics and biology to questions of objectivity in such areas as the nature of necessity and moral value.

He developed a form of libertarianism that was close to Locke's and clearly influenced by nineteenth-century US individualists such as Spooner and Tucker. He argued that property rights should be strictly upheld, provided that wealth has been justly acquired in the first place or has been justly transferred from one person to this position it means support for minimal government and minimal taxation and it undermines the case for welfare and redistribution. Nozick's rights-based theory of justice was developed in response to the ideas of John Rawls.

Libertarianism treats liberty of the individual as its central concern. But it focuses on formal liberty and insists on minimal role of the state in economic activities of individuals. It regards the right to property as an important ingredient of individual liberty. It is largely opposed to the idea of welfare state. This perspective is chiefly represented by Nozick's theory of justice. Libertarianism differs from other right-wing theories in its claim that redistributive taxation is inherently wrong, a violation of peoples' rights. People have right to dispose freely of their goods and services, and they have this right whether or not it is the best way to ensure productivity. Put another way, government has no right to interfere in the market, even in order to increase efficiency. As Robert Nozick puts it, 'Individuals have rights, and there are things which no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do'. As people have a right to dispose of their holdings as they see fit, government interference is equivalent to forced labour—a violation, not of efficiency, but of our basic moral rights.

A libertarian is critical of liberal idea of justice—utilitarian and contractual and bases his conception of justice on the ideal of liberty. Nozick's entitlement theory of justice provides a powerful philosophical defence of the libertarian position of the minimal state. The entitlement theory is proposed as a critique and an alternate model to Rawls's theory. It is purely a procedural theory of distributive justice, which defends whatever arises from a just situation by just steps is itself just.

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In his book *Anarchy State and Utopia*, Nozick sought to advance an alternative to Rawls, theory of justice. While Rawls sought to moderate his libertarianism by a modicum of egalitarianism and communitarianism, Nozick stuck to libertarianism in its pure form. Rawls may be termed as left liberal or egalitarian liberal advocating a substantially redistributive welfare state. But Nozick can be termed as right liberal or libertarian who is the ardent advocate of a laissez-faire 'night watchman' state. Nozick wrote, 'our main conclusions about the state are that a minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts and so on, is justified: that any more extensive state will violate a person's rights not to be forced to do certain things, and is unjustified; and that the minimal state is inspiring as well as right'.

Robert Nozick's version of libertarian theory of justice has three aspects: principle of justice in original justification or acquisition, in transfer and of rectification of unjust holdings. The first principle sets the conditions for creation of property. The second of its passage from one owner to another and the third for remedies in case any of the other two are violated. Various aspects of Robert Nozick's theory need more elaboration, which is as follows:

- **Modes of acquisition:** Nozick has criticized John Rawls, approach, which seeks to determine the principle of distribution of certain goods as if they have come to us as a gift from heaven. Nozick has adopted a realistic approach, which stood account for the different modes of acquisition of goods and entitlement of different individuals to own those goods. According to Nozick, there are three sources through which an individual acquires various goods. These sources are as follows:
 - **By themselves:** Nozick points out that individuals have absolute right over them. An individual is free to use his limbs and brain to do whatever he likes.
 - **By the natural world:** Individuals may acquire bits of the natural world through several methods and may become entitled to their use as they like. This is precisely the area where principles of entitlement are required to be determined according to logic.
 - **By applying themselves to the natural world:** An individual's entitlement to the products achieved by natural world may not be questioned. Voluntary transfer of these goods will establish others entitlement to them.
- **Principle of entitlement:** Nozick's entitlement theory regards social distribution of goods as just it is generated by processes that are just, succinctly summed up as 'from each as they chose, to each as they are chosen'. People's entitlement to self-ownership of their body and mind—their physical and mental faculty is obvious, which needs no further justification. Their entitlement to bits of the natural world and the products of their labour should be based on the principles of justice. More precisely, there are three main principles of Nozick's 'entitlement theory':
 - **A principle of just initial acquisition:** It is an account of how people come to own the things initially, which can be transferred.
 - **A principle of transfer:** Whatever is justly acquired can be freely transferred.
 - **A principle of rectification of injustice:** How to deal with holdings if they were unjustly acquired or transferred.
- **Initial acquisition:** Those who come to settle in an uninhabited continent may legitimately acquire its land and natural resources on the first come first served

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basis, as long as no body is made worse off by their doing so. This means that this mode of acquisition should not result in creating scarcity for others—a condition, which may scarcely be satisfied. This is similar to the condition spelled out in John Locke's *Second Treaties of Government* (1690) in the case of similar acquisitions, viz. as long as enough and as good is left for others. The historical answer is often that natural resources came to be someone's property by force. According to Nozick, the use of force makes acquisition illegitimate, so current title is illegitimate.

Hence, those who currently possess scarce resources have no right to deprive others of access to them—e.g. capitalists are not entitled to deprive workers of access to the products or profits of the existing means of production.

- **Voluntary transfer:** This principle applies to all property whether acquired through initial acquisition or by mixing one's labour with the natural world, i.e., by means of one's talents, efforts, enterprise etc. in a market situation. In other words, if I use others' labour and pay them as per market rates. I become owner of the product of their labour. This must be based on voluntary contract, without force or fraud. In all such transactions, an individual shall be treated as 'end-in-itself', and not as a means to others' ends. This is similar to the moral principle enunciated by Emanuel Kant, a German philosopher. Hence, a contract through which an individual sells himself or any other individual to slavery will be void.

- **Rectification:** This principle is related to the idea where the state or the international community will be justified to intervene in order to restore justice. Nozick concedes that the history of the world abounds with voluntary transfers as well as unjust acquisitions of natural resources. As long as economic disparities result from voluntary transfers, Nozick is not bothered. But if some country has gained control over rare natural resources depriving others of their legitimate share, Nozick would step in to register his protest. If the inventor of the cure of a dreaded disease like cancer demand exorbitant charges from his patients, there is nothing wrong in this deal for Nozick, because he does not make any body worse off by treating his patients. But if there is a single source of water which is needed by all human beings, nobody has the right to take it in his control.

The conclusion of Nozick's entitlement theory is that a minimal state, which is limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified. A more extensive state will violate persons' rights and will forced them to do certain things, and is unjustified. Hence, there will be no public education, no public health care transportation, roads, or parks. All of these will involve the coercive taxation of some people against their will, violating the principle 'from each as they choose, to each as they were chosen.'

Rawls and Nozick differ on the question of which rights are most important in treating people as ends in themselves. To oversimplify, you can say that for Rawls, one of the most important rights is to have a right to a certain share of society's resources. For Nozick, on the other hand, the most important rights are rights over oneself—the rights which constitute 'self-ownership'. In his book *Anarchy, State and Utopia*, Nozick wrote in the first sentence that individuals have rights, and there are things which no individual or group can do to them (without violating these rights), which can be termed as the heart of his theory. He further said that say society must respect these rights because they 'reflect the underlying Kantian principle that individuals are ends and not merely means. They may not be sacrificed or used for achieving other ends without their consent.'

6.2.2 Communitarianism

The term community stands for a form of society whose members are informed by the 'community spirit' or 'a sense of community'. It denotes a 'network of relationships' which are characterized by intimacy and durability. It may be distinguished from 'association', which is based on impersonal and contractual relations. Liberal theory equates society with 'association', whereas communitarian theory equates society with 'community' to determine the nature and extent of social obligation. Communitarians argue that an individual cannot assure full development of his personality unless he is committed to the spirit of community toward his fellow-beings.

Communitarianism is the belief that the self or person is constituted through the community, in the sense that individuals are shaped by the communities to which they belong and thus owe them a debt of respect and consideration; there are no 'unencumbered selves'. Although it is clearly at odds with liberal individualism, communitarianism has a variety of political forms. Left-wing communitarianism holds that community demands unrestricted freedom and social equality (the view of anarchism). Centrist communitarianism holds that community is grounded in an acknowledgement of reciprocal rights and responsibilities (the perspective of Tory paternalism and social democracy). Right-wing communitarianism holds that community requires respect for authority and established values (the view of the New Right). Communitarianism is a contemporary philosophy. It marks a departure from the philosophy of liberalism because it places the relation between an individual and society in a new perspective. The communitarianism repudiates the picture of the self-implied in the liberal theory. Liberal theory implied an unencumbered detached from pre-existing social form, as exemplified by the concept of possessive individualism. It postulates that an individual is the sole proprietor of his own person or capacities for he owes nothing to society. Such a view denies his commitment to other individuals, traditions, practices and conception of the good. It holds that self is prior to its ends. It is fully competent to choose its ends as well as its roles and dispositions. In contrast to this 'atomistic' view of individual, communitarianism advances the concept of situated self, as constituted by social role, practices and situations, in other words, communitarianism holds that an agent's identity is constituted by specific commitments to his social situations.

While liberalism insists on 'liberty' of individual, his interest and rights, communitarianism focuses on his social identity and upholds acceptance of 'authority' because it expresses our common will or reflects our common identity, our shared values and believes. It is significant to note that liberalism had one liberty of the individual but atomistic view of society held by liberalism let to the erosion of the sense of responsibility and the moral standards attached thereto. Communitarianism seeks to restore that sense of responsibility and reconstruct moral standards on that basis.

A major critique of contemporary Anglo-American liberalism—certainly the critique that resonates most in East Asia—has been termed 'communitarianism'. The basic themes of the communitarian critique have a long history, but modern day communitarianism began in the upper reaches of Anglo-American academia in the form of a critical reaction to John Rawls' landmark 1971 book *A Theory of Justice*. Drawing primarily upon the insights of Aristotle and Hegel, political philosophers such as Alasdair MacIntyre, Michael Sandel, Charles Taylor and Michael Walzer disputed Rawls' assumption that the principal task of government is to secure and distribute fairly the liberties and economic resources that individuals need to lead freely chosen lives. These critics of liberal theory never identified themselves with the 'communitarian movement'

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(the 'communitarian' label was pinned on them by others, usually critics), much less offer a grand communitarian theory as a systematic alternative to liberalism. Nonetheless, certain core arguments meant to contrast with liberalism's devaluation of community recur in the works of the four theorists named above, and for purposes of clarity one can distinguish between claims of three sorts: 'ontological' or 'metaphysical' claims about the social nature of the self, methodological claims about the importance of tradition and social context for moral and political reasoning and normative claims about the value of community. Each strand of the debate has largely evolved from fairly abstract philosophical disputes to more concrete political concerns that may have motivated much of the communitarian critique in the first place.

Communitarian accounts of the ontology of the self were rejected by early liberal critics as internally contradictory, but they are now widely accepted as essential to most forms of liberalism. Retrospectively, this communitarian-liberal 'merger' makes sense, because close textual analysis shows that every argument made by the major communitarian philosophers was, in fact, political—not metaphysical. To wit, all of the communitarians' arguments led to the conclusion that communitarianism would provide a firmer political grounding for the liberal ideal of equal individual freedom than was offered by the individualist ontologies. *The Politics of Communitarianism and the Emptiness of Liberalism* traces this political mode of philosophizing to the British New Left that shaped Alasdair MacIntyre and Charles Taylor; and to the threat to Rawlsian liberalism represented by Robert Nozick, against whom both Michael Sandel (Taylor's student) and Michael Walzer were arguing.

Communitarianism points to the shortcomings of liberalism and attempts to redefine the relation between an individual and the community. Liberalism promotes individualism to focus on individual freedom, which undermines an individual's affinity with the community. Liberals base their theories on notions of individual rights and personal freedom, but neglect the extent to which individual freedom and wellbeing are only possible within community. Once, you recognize the dependence of human beings on society, then your obligations to sustain the common good of society are as weighty as your rights to individual liberty. Hence, communitarians argue, the liberal 'politics of rights' should be abandoned or at least supplemented by, a 'politics of the common good'.

When every individual turns to seek his own good, no one is emotionally attached to anyone. An individual would manage to have many means of comfort at the expense of his emotional security. In other words, if an individual devotes himself to the pursuit of self-interest, he cannot secure good life in the fullest sense of the term. Communitarians hold that only community is capable of realizing the common good.

6.3 MARXISM

Karl Heinrich Marx was born on 5 March 1818 in the predominantly Catholic city of Trier in the Rhineland province of Prussia in a Jewish family. His father was a moderately well-to-do lawyer. His parents were descendants of a long line of Jewish rabbis. His father was a rabbi in Trier who became protestant Christian when Marx was six years old and his children were also baptized in that faith. This was a nominal conversion for his parents but for Marx it became ultimately a deep intellectual and emotional rebirth. Marx not only ceased to be a Jew but he also became bitterly anti-semitic and charged Judaism with many of the inequities cited against by the Jew-baiting Nazis of

Check Your Progress

1. What are the ideas liberals usually promote?
2. Who has written *The American Presidency*?
3. State the definition of communitarianism.

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the Third Reich. Indeed, one of the sore trials of Marx's life was the fact that the cast of his countenance was so characteristically Hebraic that he could never be mistaken for anything but a Jew. According to M. Rubel in his book, *Karl Marx*, *Encyclopedia of Social Sciences*, it was the consciousness of Marx's Jewish background that heightened his awareness about 'his sense of marginality, his ambivalence toward society, and eventually of his conflicting qualities – thinker and prophet, scientists and moralist'.

When Marx was seventeen years of age in 1835, he began studying law at the University of Bonn. However, he soon abandoned the study of law in favour of philosophy, the study of which he pursued at the University of Berlin and Jena in 1836. He changed his course to philosophy under the influence of the young Hegelians. He became an active member of 'young Hegelian' while he was a student but soon shifted his interest to humanism and ultimately to scientific socialism. He was also influenced by some of the major movements of his times.

During his formative years, the idea of evolution was very much in the air in one form or the other. One of the versions of it was articulated by Hegel (*Evolution of Absolute Idea or Spirit*) while another version was propounded by Charles Darwin in his famous book *Origin of Species*. Though Marx, accepted some of the themes propounded by these writers, he also rejected many. He offered an alternative theory of historical evolution which is called the theory of dialectical materialism. He also had polemical arguments with many of his contemporaries, which include Proudhon and Bakunin, and various socialist groups.

He completed his doctorate in philosophy in 1841. The accession of Wilhelm IV in 1840 sealed Marx's prospects of an academic career. Marx fell in love with his childhood sweetheart, Jenny, daughter of Baron Ludwig von Westphalen, his spiritual guide since his adolescence. He married her in 1843 after a seven year period of courtship. Following this, he was unable to secure a University appointment as a teacher. So he joined the staff of the *Rheinische Zeitung*, a democratic newspaper in Cologne. The following year, the paper was suppressed by the Prussian Government, and Marx went to Paris.

In Paris, he met Proudhon, the leading French socialist thinker, Bakunin, the Russian anarchist, and Friedrich Engels, who soon became his lifelong companion and close collaborator. According to W. Ebenstein in this book, *Great Political Thinkers— Plato to the Present*, Engels was the first to draw the attention of Marx to England as a laboratory in which industrial capitalism could be accurately observed.

In 1844, while Marx was in Paris, he became interested in the working class movement and political economy. During that period, Marx and Engels began working on the *German Ideology* (1847). Marx was expelled from France in 1845 by the intervention of the Prussian Government, following which he went to Brussels. It was there that Marx with the aid of Engels composed the most influential of all his writings *The Communist Manifesto*. In the revolutions of 1848, in France and Germany, he actively participated, and as early as 1849, he was expelled again by the Prussian Government.

In the late summer of 1849, he went to London where he became a permanent resident for the rest of his life. In 1848, Marx and Engels helped in the founding of the Communist League, which existed till 1950. Marx worked and studied in the museum from 1850–1860. In September 1864, Marx was an active member in the formation of the International Working Men's Association in London. The organization has since been called the first international and it continued in existence with annual

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meetings until about 1862, when its headquarters were transferred from London to New York where it soon died. Then Marx devoted himself exclusively to research and writing.

Shortly after, he moved to London, where he began contributing articles on the German situation to the New York *Herald Tribune*. According to P. Johnson, in his book, *Intellectuals*, Marx was helped financially by Engels. He lived a life of poverty. Three of his six children died of want and his own health did not remain well. Jenny died in 1881. She helped him a lot by editing many of Marx's scripts and preparing them for publication. Karl Marx died on March 14, 1883.

6.3.1 Theory of Alienation

The theory of alienation is one of the most original contributions of Marx to political philosophy. It is the work of young Marx which remained unpublished during his lifetime. It was discovered from the archives of German Social Democrats (1927) and later published as *Economic and Philosophic Manuscripts* (1844). It can be distinguished from Marx's later works which are characterized by scientific rigour. According to O.P. Gauba in his book, *An Introduction to Political Theory*, Marx's early works contain his humanist thought of communism, and focus on the concepts of alienation and freedom. They also expose the dehumanizing effect of capitalism.

Marx's theory of alienation was derived directly from German philosopher G.W.H. Hegel, though its roots can be traced back to much earlier times. Alienation, for Hegel, consisted in man's failure to realize that the world was not external to spirit. When man saw this, they would become free and this freedom has been realized in history. Marx's main criticism of Hegel was that man's alienation would not end with the hypothetical abolition of the external world. The external world was, in fact, part of man's nature and only the establishment of the right relationship between man and his environment could put an end to the condition of alienation.

Marx thus rejected the idealist notion of spirit and substituted its supposed antithesis to the external world by the real antithesis between man engaged in alienated labour and his social self, eager to achieve fulfilment through creative work under conditions of freedom.

In his early writings, Marx discussed several forms of alienation, ranging from religious alienation to philosophical, political and economic categories of alienation. As labour was man's most significant activity, economic aspects of alienation were regarded by Marx as more important than its ideological and political aspects. In the religious forms of alienation, gods have usurped man's position. Religion serves the dual purpose of a compensation for suffering and a projection of man's hopes and desires. Marx believed that the abolition of religion as the elusory happiness is the demand for their true happiness.

Philosophy too could constitute a form of alienation. Speculative philosophy reduced history and man to a mental process, and replacing God by the Absolute was no better than secularized theology. Marx analysed the form of political alienation in a similar manner. The state, he said, contained a true description of human nature, but at the same time, it deprived man of the opportunity of achieving it. In *Economic and Philosophic Manuscripts*, Marx analysed the economic aspects of alienation.

The members of the proletariat were obviously the most alienated section of capitalist society. Marx, however, applied the concept of alienation to all social cases including capitalists.

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Marx defined human freedom as the absence of man's alienated condition. For him, alienation and freedom were historical negations. Man expresses his humanity through productive labour which can be of economic, social, artistic, literary or scientific nature. Man as a subject transforms the material objects around him to express his creative capacities. In capitalist society, man's productive activity is deformed in such a way as to cause his alienation and estrangement. In *Economic and Philosophic Manuscripts*, Marx mentioned four aspects of estrangement: alienation from the product of work, from the work itself, from one's fellow-beings and from human species – life. Estrangement or alienation is a radical loss of freedom because it is the negation of free genuinely human creative activity.

This concept can be divided as follows:

- First, according to Marx, the worker in the capitalist mode of production does not own or control the products of his own labour. The proletarian does not use the life wealth which he creates. Thus, he is alienated from his own product. The life which he has given to the object sets itself against him as an alien force. The labourer himself becomes a commodity whose value is equal to the bare means of his subsistence. The capitalist, on the other hand, who purchases the labour power of the proletarian is the real owner of the wealth which he creates.
- Second, Marx affirms that the alien relationship of the worker to the products of his labour is only a manifestation of the alienated nature of the productive activity itself. The labourer who sells his labour-power for a wage, produces commodities under orders from the capitalist. His work is, therefore, neither free nor voluntary because he does not satisfy any creative urge of his own by working in a factory owned and managed by his bourgeois employer. The bourgeois institutions of private property reduce him to the status of a wage-slave. Human beings lost the ability to see their own products for what they were, and were willing to be enslaved by them. This was what Marx meant by commodity fetishism.
- Third, alienated labour results in the estrangement of the proletarian from his fellow-being. It results in the hostility between the employed and unemployed workers who look upon each other as alien force. The workers similarly see in the manager and the proprietor alien forces profiting from his alienated work. The basis of genuine social relation is thus totally destroyed in capitalism.
- Fourth, the three given aspects of man's alienation show his engagement with others of his species. The egoistic, self-centred existence of the estranged proletarian alienates him from man's entire cultural heritage.

As Marx pointed out, the oppressed members of the working class are scarcely aware of the artistic, scientific, literary and other achievements of the human race. They lack the capacity to understand and enjoy these beautiful and valuable gifts of human creativity. Man is, thus, cut off from the history of his own species. By dehumanizing his existence, man becomes a slave to his own alienated activity. What is true of the worker is equally applicable to those who live parasitically on appropriations of the product of estranged labour. The capitalist, who rides on the backs of the proletariat, also leads an alienated life because he is also not personally engaged in any creative work and is a victim of the fetishization of the commodities.

Thus, it is the division of labour with all its effects, private ownership of the means of production and the products of labour, fetishism of commodities, the power of money, state, church and other institutions confronting the individual as alien forces, which produce

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- Individual spirit which desired happiness and provided energy.
- World spirit which strived for higher freedom that came with the knowledge of the self.

However, though Marx agreed with Hegel that there was a constant movement in the dialectical process, he believed that 'matter' and not the 'idea' was the essence of the universe; and the social institutions were the manifestation of changing material conditions. Matter undergoes the dialectical process because of its inherent tensions, until perfect material conditions, exemplified by a 'rational mode of production', come into existence. Marx emphasized the real rather than the ideal, the social rather than the intellectual, matter rather than mind. For Marx, the key idea was not the history of the philosophy, but the history of economic production and the social relation that accompanied it.

Marx acknowledged Hegel's great contributions, which was to recognize world history as a process, as constant motion, change, transformation and development, and to understand the internal connection between the movement and its development. From Hegel, he also learned that various angles of the developmental process could not be studied in isolation, but in their relations with one another and with the process as a whole. Hegel applied dialectics to the realm of ideas. However, Marx as a materialist believed that consciousness was determined by life, and not the other way round.

Unlike the latent conservatism and idealism of Hegelian philosophy, Marxism rejected the status quo—capitalism—as intolerable. Social circumstances socially changed, with no social system lasting forever. Capitalism arose under certain historical circumstances, which would disappear in due course of time. Thus, Marx, like Hegel, continued to believe that dialectics was a powerful tool. It offered a law of social development, and in that sense, Marx's social philosophy was a philosophy of history like Hegel's.

Engels, in his book, *Anti-Duhring* (1878), postulated three laws of material dialectics or dialectical materialism, which are as follows:

- Transformation of quantity into quality and vice versa.
- Interpretation of opposites.
- Negation of negations.

These principles signify the process of resolving contradictions of material conditions of human life which pave the way for social progress. Class conflict is also a manifestation of this process.

Karl Marx does not systematically explain his theory of dialectical materialism anywhere in his works. However, he makes it clear that his materialism is dialectical and not mechanical. In mechanical materialism, evolution is the path taken by material things under the pressure of their environment. In dialectical materialism, evolution is the development of matter from within, environment helping or hindering, but neither originating the evolutionary process, nor capable of preventing it from reaching its inevitable goal. Motion, to the dialectical materialism, is the mode of existence of matter. The ultimate reality in matter is motion.

Moreover, this is a dialectical process, the reconciliation of opposing movements in an endless effort to achieve a more perfect harmony. Matter to the dialectical materialist is active, not passive, and moves by an inner necessity of its nature. It contains within itself the energy necessary to transform it. Matter is self-moving or self-determining.

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The universe is self-sufficient, self-creating and self-perpetuating. Hegel explained the dialectical process as the activity of God in the world, Marx borrows the 'energy' from Hegel's immanent God in the world, dissociates it from God and locates it in matter itself.

The dialectical materialism is more interested in motion than in matter, in a vital energy within matter invariably deriving it towards perfect society, just as Hegel's demi-urge drove forward to the perfect realization of spirit. According to Sukhbir Singh in his book, *History of Political Thought: Bentham to Present Day*, Engel said, 'The dialectical method grasps things and their images, ideas, essentially in their sequence, their movement, their birth and death'.

Historical Materialism

According to O.P. Gauba in *An Introduction to Political Theory*, while dialectical materialism represents the philosophical bases of Marxism, historical materialism represents its scientific basis. It implies that in any given epoch, the economic relations of society—the means whereby men and women undertake production, distribution and exchange of material goods for the satisfaction of their needs—play an important role, in shaping their social, political, intellectual and ethical relationships. Marx applied dialectics to the material or social world consisting of economic production and exchange. A study of the productive process explained all other historical phenomena.

Marx noted that each generation inherited a mass of productive forces, an accumulation of capital and a set of social relations which reflected these productive forces. The new generation modified these forces, but at the same time, these forces prescribed certain forms of life, and shaped human character and thought in distinct ways. The mode of production and exchange was the final cause of all social changes and political revolutions. Marx considered matter as being active, capable of changing from within. It was not passive, needing an external stimulus for change, a conception found in Hobbes.

The Marxian interpretation of human history is economic. Marx saw evolutionary changes in the ethical, religious, social, economic and political ideas, and institutions of mankind. According to him, institutions and ideas, and therefore, actions are subject to endless change. The chief motive force which brings about this change in human beings is not the Hegelian idea but the material conditions of life. Human history, therefore, has a material basis.

The Marxist perspective postulates that the structure of society may be understood in terms of its base (the foundation) and superstructure (the external build-up). The base consists of the mode of production while the superstructure is represented by its legal and political structure, religion, morals, social practices, literature, art and culture, etc. The mode of production has two components—forces of production and relations of production. Forces of production cannot remain static; they have an inherent tendency of development in the direction of achieving the perfect society.

Forces of production have two components—means of production (tools and equipment) and labour power (human knowledge and skills). Men and women constantly endeavour to devise better ways of production. Improvement in the means of production is manifested in the development of technology. This is matched by development of human knowledge and skills as required to operate the new technology. Hence, there is the corresponding development of labour power. On the other hand, relations of production

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in any given epoch are given by the pattern of ownership of means of social production. This gives rise to two containing classes – haves and have-nots.

According Gauba's *An Introduction to Political Theory*, Marx talked of four stages of human history—ancient times, medieval times, modern times and future society based on communism. In earlier stages of historical development, development of the forces of production fails to make any dent in the pattern of ownership. In other words, changes in the mode of production bring about changes in the nature of contending classes but they do not bring about an end of the class conflict. Change in the nature of contending classes is itself brought about by a social revolution. When material productive forces of society come in conflict with the existing relations of production, these relations turn into their fetters.

The new social class which comes to own new means of production, feels constrained by these fetters and overthrows the old dominant class in a revolution. As a result of social revolution, an old social formation is replaced by a new social formation. In this process, world contending classes are replaced by new contending classes but class conflict continues on a new plan. This has been the case till the rise of capitalism, which will be overthrown by a socialist revolution leading to the eventual emergence of classless society.

Marx, in his analysis of history, mentioned the important role of ideology in perpetuating false consciousness among people, and demarcated the stages which were necessary for reaching the goal of communism. In that sense, both the bourgeoisie and the proletariat were performing their historically destined roles. In spite of the deterministic interpretation of history, the individual had to play a very important role within the historical limits of his time, and actively hasten the process.

Marx had a very powerful moral content in his analysis, and asserted that the progress was not merely inevitable, but would usher in a perfect society free of alienation, exploitation and deprivation. His materialistic conception of history emphasizes the practical side of human activity, rather than speculative thought as the moving force of history.

The State of Revolution

Marx critically dissected the Hegelian theory of the modern state and its institutions in his *Critique of Hegel's Philosophy of Right* (1843). According to Marx, Hegel's separation of civil society and the state was only relevant in his perception of a particular historical context. The state was not eternal. It would eventually disappear. Marx contended that the state was not 'a march of God on Earth' as Hegel described, but an instrument of the dominant economic class exploiting and oppressing the other sections of society. Marx rejected the dichotomy between civil society and the state in Hegelian philosophy, and concluded that the state and bureaucracy did not represent universal interests.

Marxism advocated the class perspective of the state. It is different from the mechanistic theory as well as from the organic theory of the state. It treats the state neither as a 'natural institution' nor as an 'ethical institution' as the organic theory has held. It, of course, treats the state as an artificial device, but unlike the mechanistic theory, it treats the state neither as a manifestation of the will of the people, nor as an instrument of reconciliation of conflicting interests. According to the class theory, the state comes into existence when society is divided into two antagonistic classes, one owning the means of social production and the other being constrained to live on its labour.

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In other words, it is the emergence of 'private property' that divides society into two conflicting classes. Gauba, in his book *An Introduction to Political Theory*, says that those owning the means of production acquire the power to dominate the other class not only in the economic sphere but in all spheres of life.

In an antagonistic class society, the state is a political instrument, 'a machine for maintaining the rule of one class over another'. The economically dominant class that possessed the means of production, acquires a powerful instrument for the subjection of the oppressed and exploited in the state. The state has a clearly defined class character. According to Sakhbir singh's *History of Political Thought: Bentham to Present Day*, being the principal component of the superstructure founded on the economic basis of society, the state takes every measure to strengthen and protect this basis.

With the emergence of 'private property', society is divided into 'dominant' and 'dependent' classes. The dominant class, in order to maintain its stronghold on economic power, invents a new form of power – political power. The state is the embodiment of political power. It is, therefore, essentially subservient to economic power. Thus, according to the class theory, the state neither originates in the will of the people, nor does it stand for the benefit of all society, but is an instrument devised by a dominant class for its own benefit. It is imposed on society from above to serve the interest of a particular class.

The state has not existed from eternity. It came into existence at a particular stage of historical development. It is a product of the conscious effort of the dominant class which first acquires the means of production and thereafter political power. The state is therefore, by no means, a natural institution as the organic theory has maintained.

In his book, *An Introduction to Political Theory*, Gauba further says that Marx also observes that at a later stage, the means of production are somewhat developed, that is, when the hunting, fishing and food-gathering economy is replaced by an economy based on animal husbandry, domestic agriculture and small industry. There is 'surplus production' which is cornered by a class owning the means of production. As a result, 'dominant' and 'dependent' classes come into existence. The structure of society is always determined by the prevalent form of production. The hand-mill gives you society with the feudal lord; the steam-mill gives you society with the industrial capitalist. The attitudes and outlook of society – the legal, political and intellectual relations as well as the religious and social systems are also determined by the material conditions of life. This means that whatever the form of the state, it is invariably an instrument of the dominant class.

Bourgeois ideologists had pictured the state as some kind of supernatural force given to man by providence since time immemorial. Such a theory of the state solved to justify the privileges of the bourgeois and the existence of exploitation and capitalism. In contrast to bourgeois ideologists, Marx has demonstrated that the state is not something introduced into society from outside, but is a product of society's internal development. The succession of one mode of production by another causes a change in the state system.

According to Marx, the state has not always existed. Primitive society which had no private property and no classes had no state either. Naturally, there were certain social functions, but they were performed by men chosen by the entire society which had the right to dismiss these people at any time and to appoint others. However, the further times, relations between people were regulated by public opinion. Private development of productive force led to the disintegration of primitive society. It became property appeared, accompanied by classes – slaves and slave-owners. It became

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necessary to protect private property, the role and security of its owners, and this brought the state into being. The birth of the state and its further development were accompanied by a fierce class struggle.

It is, thus, evident that the state is a product of class society. It arose with the appearance of classes and it will vanish with the disappearance of classes. But this will happen only under communism. The alternative that Marx envisaged was a classless, stateless society of true democracy and full of communism, in which the political state disappeared.

The dominant class uses the machinery of the state to serve its own interests which involve the exploitation of the dependent class. The state is, therefore, an instrument of oppression and exploitation, an embodiment of injustice. It does not rest on moral foundations as the organic theory believes. It is not even an instrument of harmonizing the interest of various individuals or groups as the mechanistic theory claims. Instead of being a means of conflict-resolution, the state, according to the class theory, is a device for the suppression of class conflict. It maintains order in society not because it is able to secure the willing obedience of its subjects, but because it uses its coercive power to secure compliance from the 'consent' of the governed as also to offer moral justification for its existence.

The pioneers of the class theory of the state – Marx, Engels and Lenin – have made it amply clear that the state is an instrument of class rule and exploitation. Marx and Engels, in their famous *Communist Manifesto* (1848), observed: 'Political power, properly called is, merely the organized power of one class for oppressing other'. Engels, in his *Socialism – Utopian and Scientific* (1880), confirmed: 'The state is an organization of the particular class which was *pro-tempore* the exploiting class'. Again, in his *The Origin of the Family Private Property and the State* (1884), Engels illustrated: 'The state of antiquity was above all the state of the slave-owners for the purpose of holding down the slaves as the feudal state was the organ of the nobility for holding down the peasant serfs and bondsmen, and the modern representative state is an instrument of exploitation of wage labour by capital'.

In *The State and Revolution*, Lenin elaborated that according to Marx, the state is an organ of class rule and an organ for the oppression of one class by another; it is the creation of 'order', which legalizes and perpetuates this oppression by moderating the conflict between the classes.

According to the Marxist view, the main feature of the state is the existence of public authority. It represents the interest of the class which dominates economically and not of the entire population. This authority rests on the armed forces – the army and the police. In a society divided into hostile classes, the armed forces are in the hands of the ruling class and are used to suppress the exploiters.

According to Marx, the state, regardless of the forms of government, is an evil, because it was a product of a society saddled with irreconcilable class struggles. It belonged to the realm of the superstructure, as it was conditioned and determined by its economic base. In the course of history, each mode of production would give rise to its specific political organization, which would further the interest of the economically dominant class. In *Communist Manifesto*, Marx defined the state in a capitalist society, as the 'executive committee of the bourgeoisie'.

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As you already know, for Marx and Engel, the state expressed human alienation. It was an instrument of class exploitation and class oppression, for the economically dominating class exploited and oppressed the economically weaker class. The state apparatus served the ruling class, but acquired independence and became autonomous when the adversary classes were in a state of temporary equilibrium. This phenomenon was described as Bonapartism. In such a situation, the dictator with the support of the state apparatus became its guardian.

In his book *Eighteenth Brumaire of Louis Bonaparte* (1852), Marx denounced the bureaucratic and all-powerful state advising the proletariat to destroy it. His views on the state were determined largely by his perception and analyses of the French state, the Revolution of 1848 and the coup d'état of Napoleon III. As a result, Marx advocated a violent revolutionary seizure of power and the establishment of the dictatorship of the proletariat. However, in countries with democratic institutions, the transition from capitalism to socialism could be peaceful.

Marx and Engels provided a blue print for a future state which would be based on communism. They elaborate that communist society would eliminate all forms of alienation for the human individual from nature, from society and from humanity. It does not merely mean consumer satisfaction, but the abolition of all forms of estrangement, the liberation of human forces and enhancement of personal creativity. The institution of private property and division of labour identifies that the source of alienation, would be destroyed as a prerequisite for the new and truly human phase in history. They viewed proletariat as an agent and not as a tool in history, and with the liberation of the proletariat comes the liberation of society.

The transitional phase, the phase between the destruction of the bourgeois state and the inauguration of a communist state or society, symbolized by the dictatorship of the proletariat, generated a great deal of controversy in Marxist political theory. Interestingly, one of the well-known utopias was the least delineated. According to S. Avineri, in his book *The Social and Political Thought of Karl Marx*, Marx's cautious productions were imposed by his own epistemological premises. The concept of the dictatorship of the proletariat held the key to the understanding of Marx's theory on the nature of communist society and the role of proletarian state.

Marx and Engels spoke about the political rule of the proletariat, advising the workers to capture the state, destroy all privileges of the old class and prepare for the eventual disappearance of the state. Marx and Engels were convinced that the existing states, whether as instruments of class domination and oppression, or ruled by bureaucratic parasites on the whole of society, would grow inherently strong and remain minority states, representing the interests of the small, dominant and powerful possessing class. It was only when the proletarian majority ceased the state's structure that the state became truly democratic and majoritarian.

In the later part of his life, Marx was convinced of the imperative need to destroy the state and establish the dictatorship of the proletariat. In the initial stage, bearing in mind the example of the French Revolution of 1789, he anticipated a seizure of the existing state machine by the revolutionary proletariat, for he believed that political centralization would assist the revolutionary process. According to Hal Draper, in his *Karl Marx's Theory of Revolution: State and Bureaucracy*, Marx observed that the destruction of the state had only one implication for the communists, namely the cessation of an organized power of one class for the suppression of another class.

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Social Revolution

On the basis of scientific analysis of the system of capitalism, Marx had declared that a social revolution was inevitable. Revolution was certain to come, because the forces of discontent would eventually accumulate and break through all obstacles. Marx had no doubt about it but the questions remained as to how it would come and what would follow. For these questions, Marx had definite answers. The proletariat must organize for political action and make revolution. *Communist Manifesto* declared that all the presiding classes that got the upper hand sought to fortify their already acquired status by subjecting society at large to their conditions of appropriation.

The proletarians cannot become masters of the productive forces of society, except by abolishing their previous mode of appropriation. They have nothing of their own to secure and fortify. All previous historical movements were movements of minorities or in the interest of minorities. The proletarian movement is the self-conscious, independent movement of the immense majority. Therefore, the first step in the revolution by the working class is to raise the proletariat to the position of ruling class, to win the battle of democracy.

According to Marx, social progress would have to come about through a violent struggle between classes. By progress, Marx meant the expansion of the productive capacity of both society and individual human beings. This would ultimately lead to greater freedom and equalities and to the realization of man's capacity. Marx observed the dramatic conflict of classes intensified during a period of social upheaval reached its climax in a political revolution. The fundamental cause of any revolution was the desire and endeavour of a subject class to capture the state power from the ruling class by force; and to reorganize the state apparatus to suit its own specific needs.

A successful revolution would remove those social, economic and political institutions which obstruct the development of the class for whose benefit the revolution has been carried out. Marx has developed this general prognosis of class conflict and general and specific causes of revolution in such works as *The German Ideology*, *The Communist Manifesto* and *A Contribution to the Critique of Political Economy*. When Marx discussed the revolution, he enriched his general theory with a wealth of empirical facts. In his *Eighteenth Brumaire of Louis Bonaparte*, Marx produced a masterpiece of contemporary French revolutionary history, taking account the complexities of the revolutionary events, wherein a multitude of classes interacted changing continuously their alignments. Moreover, Marx clearly recognized the crucial role played by individuals in promoting or thwarting the course of revolution.

The Marxist Theory of Revolution is the consequence and the concentrated expression of Marx's view of historical development, that is, to say of the sequence of social formation in history. He saw the driving force of social development in the historical tendency towards establishing property relations which corresponded to the level of development and character of the technique used for production during a particular period. Marx found the key to understand the sequence of the various modes of production in the law of motion, which was activated by social classes whose interest coincided with the developing tendency. For Marx, social revolution is an ongoing process in which causes and effects are dialectically related.

According to E. Fischer, in *Marx in his Own Words*, Marx said, 'in the social production of their life, men enter into definite relation that are indispensable and independent of their will, relations of production which correspond to a definite stage of

development of their material productive forces. At a certain stage of their development the material productive forces of society come into conflict with the existing relations of production, or what is but a legal expression for the same thing – with the property relation within which they have been at work hitherto. From forms of development of the productive forces relations turn into their fetters. Then begins an epoch of social revolution'.

D. Molellan, in his book, *Karl Marx-Early Text*, quotes Marx who observed, 'what is the basis of a partial, purely political revolution? It is that a part of civil society emancipates itself and attains universal domination, that a particular class undertake the general emancipation of the society from its particular situations. This class frees the whole of society but only under the pre-supposition that the whole of society is in the same situation as this class, that it possesses, or can equally acquire for example, money and education'.

Contradictions between the principles of the state and the real economic life of the citizens were characterized by Marx as a merely political revolution. All previous historical movements were movements of minorities, or in the interest of minorities. The proletarian movements were the self-conscious, independent movements in the interests of the immense majority. Thus, the radicalism of the revolution depended on the class that was instrumental in causing it. The proletariat alone could represent the interests of the society as a whole, a society in which the class struggle was so intensified and polarized as to promise its abolition through a social revolution. For Marx, the Paris Commune was the 'political form of human emancipation'.

It is necessary to remember that Marx emphasized the human causes of revolution, Marx, in his book *Progress of Philosophy*, said, 'Of all the instruments of production, the greatest productive force is the revolutionary class itself. The organization of the revolutionary elements as a class presupposes the existence of all the productive forces that could be endangered in the womb of old society'. But the proletariat had to undergo a massive transformation through its own education in the school of class struggle before it could become a fit agent of revolution. In the revolution, the proletariat will acquire the capacity of undertaking the task of socialist reconstruction.

The name that Marx gives to this activity is 'revolutionary praxis'. It embodies through a dialectical unity of theory and practice, the subjective and objective causes of revolution. He sums this up in his book *The German Ideology* in the following words, 'In revolutionary activity the changing of oneself coincides with the changing of circumstances'. It implied that the proletariat must become a class 'for itself' by developing class consciousness, which is a necessary cause and precondition of a successful revolution.

Marx did not believe in revolutionary prophecy. He did not go into detail concerning the exact nature strategy and tactics of the socialist revolution which he thought to be imminent. Concerning the possibility of a successful revolution, Marx adopted his view according to the historical situation in which he found himself. According to D. McLellan in *The Thought of Karl Marx*, Marx was very optimistic during the European revolution in 1848 but his hopes faded gradually thereafter except for a brief revival during the Paris Commune of 1871.

By 1851, Marx was convinced of the primacy of economic factors in determining the possibilities of revolution. His considered view about revolution now was that only a severe economic crisis caused by a falling rate of capitalist profits in a slump could

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precipitate it. The effective cause of revolution has to be located in economic situation and nowhere else, and new revolution is possible only as a consequence of a worsening trade cycle leading to increasing misery of the proletariat. It is just as certain as this crisis. Marx became so convinced of economic determinism of the revolutionary process at this stage that he was prepared to dissolve to *Communist League* when it appeared to be falling under the control of leaders who believed in attempting a revolution irrespective of the economic situation. During the next decade, he expected the capitalist crisis to breakout that would provoke a socialist revolution.

Marx's materialist view of history would indicate that it was most likely to breakout in the most advanced industrial countries like Britain, France or the United States. In D. McLellan's *The Thought of Karl Marx*, we see that in a letter to Engels in 1859, Marx mentioned that 'Revolution is imminent on the continent and will immediately assume a socialist character. Can it avoid being crushed in the small corner, because the moment of bourgeois society is in the ascendant over much larger areas of the earth?'. However, Marx also believed that in some underdeveloped countries such as Germany, a bourgeois revolution could spark a subsequent socialist revolution.

Later in his life, he came to believe that backward Russia might prove the starting point of a new European revolution, initially bourgeois but ultimately proletarian in character. Lenin implemented this Marx's theory of two-stage revolution in his own way in the Russian revolution in 1917 and Mao did the same in his own characteristic way in bringing about the Chinese revolution. While Marx generally regarded force as the midwife of the revolution, he conceded that socialism could come about as a culmination of a peaceful mass movement in some of the capitalist democracies.

Marx was opposed to the use of revolutionary terror as it weakened the cause of revolution. He strongly criticized the use of terror by the Jacobins in the French revolution. Physical force, however, as opposed to terror, was to Marx a perfectly acceptable revolutionary weapon provided the economic, social and political conditions were such as to make its use successful. It was also Marx's view that a successful revolution in one country could not be stabilized if it remained confined to the borders of a single country.

6.4 SUMMARY

- Laski was an English economist and political theorist whose ideas are well known in intellectual circles. John Rawls was a liberal democrat and a prolific writer who wrote on various topics of international relations.
- Liberals promote ideas like constitutionalism, liberal democracy, human rights, capitalism, free and fair elections and freedom of religion.
- The rebels in the American Revolution and the French Revolution freely used liberal philosophy to give good reason for the armed defeat of dictatorial rule.
- Laski traced the historical evolution of the theory and practice of liberalism and interpreted this evolution in economic terms.
- The idea of 'political liberalism' goes against the views of social contractalists like John Locke or John Stuart Mill, who promote a more robust cultural and metaphysical liberal consensus regardless of the 'deep' religious or metaphysical values that the parties appreciate.

Check Your Progress

4. Name the philosopher from which Marx borrowed his dialectical method.
5. Who has written *Anti-Duhring*?

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- Contemporary liberalism owes much to the classical as well as modern liberalist thinkers such as Locke, Kant and Mill.
- Libertarianism treats liberty of the individual as its central concern. But it focuses on formal liberty and insists on minimal role of the state in economic activities of individuals.
- A libertarian is critical of liberal idea of justice—utilitarian and contractual and bases his conception of justice on the ideal of liberty.
- The term community stands for a form of society whose members are informed by the 'community spirit' or 'a sense of community'. It denotes a 'network of relationships' which are characterized by intimacy and durability.
- Communitarianism is the belief that the self or person is constituted through the community, in the sense that individuals are shaped by the communities to which they belong and thus owe them a debt of respect and consideration; there are no 'unencumbered selves'.
- The theory of alienation is one of the most original contributions of Marx to political philosophy. It is the work of young Marx which remained unpublished during his lifetime.
- In the *Theses on Feuerbach* (first published as an appendix to the 1888 edition of Engels' *Ludwig Feuerbach*), Marx led the foundation for what he called dialectical materialism.
- Karl Marx does not systematically explain his theory of dialectical materialism anywhere in his works. However, he makes it clear that his materialism is dialectical and not mechanical.
- In mechanical materialism, evolution is the path taken by material things under the pressure of their environment.
- In dialectical materialism, evolution is the development of matter from within, environment helping or hindering, but neither originating the evolutionary process, nor capable of preventing it from reaching its inevitable goal.
- With the emergence of 'private property', society is divided into 'dominant' and 'dependent' classes. The dominant class, in order to maintain its stronghold on economic power, invents a new form of power – political power.
- According to the Marxist view, the main feature of the state is the existence of public authority representing the interest of the class which dominates economically and not of the entire population.
- Marx believed that a successful revolution in one country could not be stabilized if it remained confined to the borders of a single country.
- The Marxist Theory of Revolution is the consequence and the concentrated expression of Marx's view of historical development, that is, to say of the sequence of social formation in history.
- Marx did not believe in revolutionary prophecy. He did not go into detail concerning the exact nature strategy and tactics of the socialist revolution which he thought to be imminent.
- Marx was opposed to the use of revolutionary terror as it weakened the cause of revolution. He strongly criticized the use of terror by the Jacobins in the French revolution.

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6.5 KEY TERMS

- **Constitutionalism:** Constitutionalism is a complex of ideas, attitudes, and patterns of behaviour elaborating the principle that the authority of government derives from and is limited by a body of fundamental law.
- **Capitalist:** Capitalist refers to a person who uses their wealth to invest in trade and industry for profit in accordance with the principles of capitalism.
- **Envisage:** Contemplate or conceive of as a possibility or a desirable future event.
- **Libertarian:** A person who advocates civil liberty.
- **Epistemology:** The theory of knowledge with regard to its methods, validity and scope.

6.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Liberals promote ideas like constitutionalism, liberal democracy, human rights, capitalism, free and fair elections and freedom of religion.
2. Laski has written *The American Presidency*.
3. Communitarianism is the belief that the self or person is constituted through the community, in the sense that individuals are shaped by the communities to which they belong and thus owe them a debt of respect and consideration; there are no 'unencumbered selves'.
4. Marx borrowed his dialectical method from Hegel.
5. Engels has written *Anti-Duhring*.

6.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What do you understand by political liberalism?
2. Write a short note on rectification.
3. What is theory of alienation?
4. What are the two directions in which contemporary Marxist thought developed? Discuss.

Long-Answer Questions

1. Describe the thoughts that Harold Laski talks about in terms of growth of liberal trend.
2. Write a detailed note on the concept of political liberalism.
3. Discuss the concept of contemporary liberalism in your own words.
4. Explain the points highlighted by John Rawls in his book *A Theory of Justice*.
5. Who is a libertarian? Explain.
6. Assess how communitarianism is relevant in today's world.

6.8 FURTHER READING

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UNIT 7 SOVEREIGNTY

Structure

- 7.0 Introduction
- 7.1 Unit Objectives
- 7.2 Monistic Sovereignty
 - 7.2.1 Austin's Legal Analysis of the State
 - 7.2.2 Criticism of Austin's Theory of Sovereignty
- 7.3 Pluralistic Sovereignty
 - 7.3.1 Evaluation
- 7.4 Summary
- 7.5 Key Terms
- 7.6 Answers to 'Check Your Progress'
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7.0 INTRODUCTION

For the survival of any state, unity among these elements is important, i.e., the population of the state must obey the commands of one and only one authority. The authority to whom people owe their allegiance must not be divided. Sovereignty represents this unity and indivisibility of authority. This authority is expected to be supreme both in internal and external matters. This is known as popular sovereignty. It may be exercised directly, as in a popular assembly, or, more commonly, indirectly through the election of representatives to government. The pluralist theory of sovereignty is of recent origin. It is the result of the social developments in the 19th century, such as democracy and the growth of complex economic and social organizations as a result of industrialization.

Prior to its development, the democratic concept of 'popular sovereignty' or the belief in the 'indeterminate people as the ultimate source of power' had undermined the influence of the 'monistic theory of sovereignty'. Although purely legal, this theory was nevertheless accepted as a clear, factual and logical exposition of the concept of sovereignty. Therefore, until the end of the 19th century, there was no single, clear-cut, lucid, apprehensive and accepted theory of sovereignty of the state and the situation was quite confounding.

7.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Discuss the concept of sovereignty
- Examine the suitability of Austin's theory of sovereignty in contemporary times
- Assess the various propositions of Austin's theory of sovereignty
- Evaluate the criticism against Austin's theory of sovereignty

7.2 MONISTIC SOVEREIGNTY

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The term 'sovereignty' is derived from the Latin word *Superanus* which means 'supreme' or 'paramount'. The exercise of the supreme power by the state is commonly called 'sovereignty' and states are, therefore, described as 'sovereign'. The modern state, is the outcome of the anarchy of the wars of religion in the 16th century and it is from those crises that the state derived its present attributes—the most important of which is sovereignty. The state inherited the supreme power of the Church which expressed itself in the form of the doctrine of State Sovereignty. It is, in the words of a French writer of the 16th century, a body which gives orders to all and receives orders from none. Harold J. Laski, author of *A Grammar of Politics*, further observes: 'It issues orders to all men and all associations within that area, it receives orders from above of them. Its will is subject to no legal limitation of any kind. What it 'proposes is right by mere announcement of intention.'

Thus, 'sovereignty'—a juristic concept as used in connection with the state—indicates the supreme, final and ultimate power of the state in internal and external spheres. In other words, the sovereignty of the state is unlimited internally as well as externally. It is an original and absolute power and it cannot be divided. Division of sovereignty implies its destruction. Sovereignty, accordingly, represents the unity of the state and a sovereign state is one which is externally free and internally supreme. The authority exercised by the state, i.e., the government, is delegated Professor Gettell has aptly said:

'If sovereignty is not absolute, no State exists; if sovereignty is divided more than one State exists. There can be no legal power at the back of the sovereignty of the State and no legal check on its scope.'

John Austin, the famous English Jurist, stated his theory of sovereignty in his book *Lectures on Jurisprudence*, published in 1832. His exposition of the concept of sovereignty has left an indelible imprint on the scheme of our subject and even today no aspect of sovereignty can be studied in its proper perspective without a reference to his teachings. Austin was greatly influenced by Thomas Hobbes and Jeremy Bentham. His views are largely based on the teachings of Hobbes. However, his purpose was similar to that of Bentham, like him, Austin wanted to distinguish between law and morality, as well as between a positive law as recognized, followed and enforced by law courts on the one side and customs, conventions, traditions and usages having the sanction of many centuries on the other. His primary object, therefore, was to establish an exact juristic terminology and to present a clear outline of the organization of a government's legal powers. His theory was conditioned mainly by his views of the nature of law. He defined law as a 'Command given by a superior to an inferior.'

7.2.1 Austin's Legal Analysis of the State

The concept of Austin's theory of sovereignty can be better understood if we first follow the legal analysis of the state presented by him. He believed that it was very essential to discover in a given society the definite superior to whom the people render habitual obedience. Further, the sovereign should not obey any higher authority. When we are able to recognize that authority which gives commands that are habitually obeyed and the authority not receiving them, we have found the sovereign power in the state.

In an independent political community, that sovereign is determinate and absolute. The will of the sovereign is illimitable because, if it could be constrained to act, it would

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cease to be supreme. Its will is indivisible and also inalienable for the obvious reason that if the sovereign authority parts with its sovereignty, it cannot of its own resume it. Law, therefore, is simply the will of the sovereign. It is a command obliging the subject to do, or to refrain from doing certain acts; failure to obey is visited by a penalty. The sovereign itself is limited by a positive law because it is its creator. Law and morals are merely his will. Within the sphere of law, therefore, as Hobbes forcefully stated, there is no such thing as an unjust command, the sovereign being unlimited, has the legal right to will whatever he may happen to desire.

Propositions of Austin's Theory of Sovereignty

Austin speaks of vesting sovereignty in a determinate human superior. His famous statement of the doctrine of sovereignty is contained in a passage in his book *Province of Jurisprudence Determined*. He states: 'If a determinate human superior, not in the habit of obedience to a like superior, receives habitual obedience from the bulk of a given society, that determinate superior is the sovereign in that society and the society (including the superior) is a society political and independent.'

Austin further states: 'Every positive law, or every law, simply and strictly so called, is set by a sovereign person or a sovereign body of persons to a member or members of the independent political society wherein that person or body of persons is sovereign or supreme.'

Major propositions

Austin's view of sovereignty is purely legal or juristic. It may be reduced to the following propositions.

1. That there is in every independent political community some persons or body of persons who exercise sovereign powers. There can be no state without sovereignty. It is immaterial whether this sovereign power is exercised by one person or a group of persons. A state with the monarchical form of government is as sovereign as a state where people are sovereign and are represented in a duly elected Parliament. Sovereign power is as essential in an independent political community as the centre of gravity in a mass of matter.
2. That the sovereign is a determinate person or a body of persons. 'He is not necessarily a single person: in the modern Western World he is very rarely so; but he must have so much of the attributes of a single person as to be determinate.' The state for Austin is a legal order in which there is determinate authority acting as the ultimate source of power. Sovereignty, therefore, neither resides in the general will as Rousseau conceived, nor in the mass of the people, nor in the electorate, as none of them is a determinate body. 'This superior cannot be,' as Garner puts it, 'the general will' as Rousseau taught, nor some abstraction like a public opinion, moral sentiment, the common reason, the will of God, and the like, but it must have some determinate person or authority. 'In Britain, this determinate sovereign can be found in the Parliament, which is a supreme law making and law-enforcing authority of the state.'
3. That such a determinate human superior must not himself obey any other higher authority. It issues orders to all men and associations within its territory but receives orders from none of them. Nor is it under the control of another state. If it does obey any internal or external authority, it no longer remains sovereign. The determinate human superior may act unwisely, or dishonestly, or, in an ethical

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sense, unjustly, but for the purpose of the legal theory the character of his action is unimportant. So long as laws emanate from the legal sovereign, they are commands which must be obeyed. It is here that we find a similarity between the views of Austin and Hobbes.

4. That the sovereign must receive habitual obedience from the bulk of the community. That is to say, obedience must be a matter of habit and not mere occasional and forced one. Obedience rendered to an authority for a short time does not make it a sovereign. Austin's thesis is that obedience to the sovereign authority must be continual, regular, undisturbed and uninterrupted. Moreover, obedience rendered to the sovereign must not necessarily be from the whole of the society. It is enough for the purposes of the sovereign power that it comes from the bulk of the society. Where habitual obedience from the bulk of the society is not forthcoming, there is no sovereign power. Thus, sovereignty involves not only the submission of the many but also its performance.
5. That command is the essence of law. You must do certain things; you must not do certain things. Failure to obey law, as commanded, is visited by penalty. Thus, the sovereign determines the rates of property, of good and evil and of lawful and unlawful action. To quote Austin; 'Law is the aggregate of rules set by man as politically superior, or sovereign, to men as politically subject.'
6. That the sovereign power is indivisible. There must be as many states as there are sovereigns. To divide sovereignty is to destroy it. It is a unity and incapable of division. G. Jellinck is of the view that the notion of 'a divided, fragmented, diminished, limited, relative sovereignty' is a contradiction in terms.

Thus, Austin's analysis clearly points out the existence of the supreme power which is determinate, absolute, illimitable, inalienable, indivisible, all-comprehensive and permanent. It is object to no limitation or command by some other superior. However, Austin's theory is from a lawyer's perspective of sovereignty and it has been subjected to scathing criticism.

7.2.2 Criticism of Austin's Theory of Sovereignty

Austin's theory of sovereignty has been criticized by several writers. The prominent among them are historical jurists, advocates of democracy, supporters of internationalism, and the pluralists. The main points of their criticism are as follows:

1. **Sovereignty does not reside in a determinate human superior:** Sir Henry Maine, 'together with other historical jurists, points out that sovereignty does not reside in a determinate human superior. In his book *Early History of Institutions* he explains that in history sovereignty has never been determinate and absolute. 'A despot with a disturbed brain', he says, 'is the sole conceivable example of such sovereignty.' He emphasizes the existence of 'vastness of influences, which we may call, for shortness, a moral, that perpetually shapes, limits or forbids the actual direction of the forces by this sovereign.' The rules which regulated the life of his subjects were derived from their immemorial usages, and these rules were administered by domestic tribunals, in families or in village community. He himself was subject to the customary laws of the community, and never issued a command in the Austinian sense of the term. Also, it is not only in regard to the 'oriental society' that Henry Maine finds Austin's analysis inadequate. Maine states sovereign, however despotic, could disregard 'the entire history of the community, the mass of its historic antecedents, which in each community determines how

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the sovereign shall exercise or forbear from exercising, his irresistible coercive power.'

From this, it is clear that a sovereign in the Austinian sense is not indispensable to the state existence. It is absurd to say that wherever there is no Austinian sovereign, there is either a dormant anarchy or else a state of nature. The real rulers of a society, says John Chipman Gray, are undiscoverable.

2. **Austin's definition of law is defective:** Austin's definition of law, which forms the basis of his theory of sovereignty, is defective and cannot be accepted on its face value. M.J. Laski says that to think of law as simply a command is even for the jurist, 'to strain the definition to the verge of decency. For, there is a character of uniformity in law in which the element of command is, practically speaking, pushed out of sight. The notion of law as a 'Command' has been criticised on the ground that it ignores the great body of customary law which has grown up through usage and interpretation, and which never had its source in the will of a determinate superior. It errs in treating all law as being merely a 'Command' and exaggerates the single element of force to the neglect of the obvious historical facts with which Austin could not have been unacquainted. No sovereign can ignore the existence of customary law which has grown through usage in every country. Austin himself was fully conscious of the force behind customs and he met this position by asserting that 'whatever the sovereign permits, he commands'. However, it is not convincing. The English Common Law, for example, is not made by Parliament. It exists in customs which are explained, modified or expanded when the courts apply them. They are laws all the same, the courts taking cognizance of them as much as they do of Parliamentary statutes. The King-in-Parliament, as a legal sovereign, could indeed alter the common law, or could make it a statute law, thus making it a definite command of the legal sovereign. But much of the common law it could not alter without endangering the state, for to try to upset tradition and custom might lead to revolution.
3. **Inconsistent with ideas of the 'popular' and 'political' sovereignty:** Austin's theory is also criticised on the ground that it is inconsistent with the idea of popular and political sovereignty. In fact, it is an antithesis of Rousseau's doctrine that the General Will is sovereign—a doctrine which forms the basis of a modern democratic state. Again, it ignores the power of public opinion—exerted through the legislature, political parties, press, etc.—and takes no account of what we know from the term 'political sovereignty.' Thus, says Henry Maine, 'it is a historical fact that sovereignty has repeatedly been for a time in the hands of a number of persons not determinate.' He concludes: 'It is asserted by some writers that this is true of the abiding place of sovereignty in the Republic of the United States.'
4. **Absolute sovereignty is an illusion:** Another serious objection against Austinian theory is the absolutism which he attributes to sovereignty. Like Hobbes, Austin held that the source of law could not be limited by any higher law and hence sovereignty involved legal despotism. He frankly admitted that there is no escape from the conclusion that sovereignty is legally unrestrainable. Hence the sovereign is, legally speaking; a despot, however benevolent he may be in fact. Critics assert that the unlimited authority and infinite right of the sovereign power are mere abstractions of jurisprudence. J.K. Bluntschli states: 'The state as a whole is not almighty, for it is limited externally by the rights of other states and internally by its own nature and by the rights of its individual members.'

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In the external sphere, sovereignty is restricted (though not very strictly in the legal sense) by international law, and in the internal, by constitutional law. Laski, who is in favour of the limitation of sovereignty in the interests of other associations, strongly criticises the absolute sovereignty of Austin. He says that such unlimited sovereignty is not only harmful to the existence and functioning of other associations in the internal sphere, but also detrimental to world peace, as it promotes competition and rivalry among sovereign (independent) states.

5. **Too much emphasis on force:** Austin also lays too much emphasis on force. He believes that disobedience of law is visited by penalty and, therefore, it is the fear of punishment which compels the people to obey them. However, this is not a correct view. We obey laws, not because of the fear of punishment, but because we have the spirit of law abidingness. Laski states, 'The notion of command in law is contingent and indirect and the idea of penalty is, again, save in the most circuitous way, notably absent. Leon Duguit opines that we obey laws because they promote social solidarity. He goes to the extent of saying that laws are not created by the state, but it is the laws that create the state.'
6. **Difficulty of discovering the sovereign in modern states:** The sovereign in the Austinian sense cannot be easily discovered in the modern state. In England since sovereignty is located in Parliament, it may be taken as a determinate superior. However, the Parliament cannot do anything it likes and cannot afford to antagonise the people who form the political sovereign. If it does so, it cannot last long. Hence, it cannot answer to the description of Austin's sovereign. The Cabinet in England cannot be sovereign in the Austinian sense as it has to be responsible to Parliament. The king also cannot be the sovereign, as he has no real power. Similarly, it is very difficult to locate sovereignty in federal states like the USA, US and India. Sovereignty is indivisible and the sovereign body which has the power to amend the constitution cannot be described as a determinate body.
7. **The theory undermines the importance and the role of other associations within the state:** A further line of attack on the absolute and indivisible powers of the sovereign comes from the standpoint of pluralists. The traditional or monistic theory of sovereignty, says the pluralists, errs in holding that the various non-political associations created by the state, are dependent for they continue to exist upon the will of the state, and exercise only such powers as are conceded to them by the state. It is argued on the contrary, that associations grow naturally. They have a will of their own and possess personality. The pluralist contention is that the state is but one association among several associations and, therefore, cannot be invested with the unique sovereign power of the community. We are members of a university, a church, a trade union, an employers' association and so forth. All these are sovereign. The state maintains law and order as a university gives us education. Both should be independent in their spheres. As a pluralist, Laski wants sovereignty to be limited in the interest of other associations within the state. In some way, he claims, the power of other associations is as original and complete as that of the state itself. Those associations, Laski observes, are, in their sphere, not less sovereign than the state itself. Therefore, the conception that authority, ought to be limited, is fundamental to political philosophy.
8. **The theory is a hindrance to the growth of internationalism:** The sovereign of Austin is not limited by international law. However, the modern concept of internationalism has made it incompatible. In international law there is no

determinate human superior. All states are equal as well as sovereign. Where all are equal, there can be no sovereign. Thus, Austin's concept of sovereignty becomes a 'glorious myth'. If states follow the strict definition of external sovereignty given by Austin, there will be no possibility of solving world problems at the international level.

Therefore, Austin's concept of sovereignty is now regarded not only a legal fiction but a 'harmful and dangerous dogma', which should be expunged from the literature of international law. Laski has also opined that the idea of sovereign independent states, competing with one another, is inimical to world peace and world unity and may in fact prove fatal to the well-being of humanity at large.

To conclude, under the present circumstances, it is impossible to make the legal theory of sovereignty valid for political philosophy, as it gives to the sovereign such powers which cannot in fact be exercised. Hsiao King Chuan points out that it narrows down, 'the meaning of vital terms to a content which, if maintained, would be fatal to the existence of society, Austin's chief error was in unduly emphasising the purely legal aspect of sovereignty and in ignoring the forces and influences which lie at the back of formal law. Hsiao King Chuan said that law is an important factor in the life of the state and it cannot be accepted purely from the legal point of view. It must be built upon a general and social environment and to divorce it from these forces and influences is to defeat the very purpose of law. However, it must be admitted that as a conception of strict legal nature of sovereignty, Austin's theory is clear, factual, logical and free from imprecision and ambiguity.

7.3 PLURALISTIC SOVEREIGNTY

The germ of the pluralistic theory is to be found in the work of the German jurist, O. Von Gierke (1844-1921). Emile Durkheim, F.W. Maitland and G.D.H. Cole are the main exponents of pluralistic theory of sovereignty. Durkheim pleads for the freedom of the vocational groups to regulate the State's economy because the State as a general scheme of life is not adequately fitted to undertake the specialized tasks of economic democratic politics, pluralism is a guiding principle which permits the peaceful coexistence of different interests, convictions and lifestyles.

These factors have been chiefly responsible for the attack on the traditional theory. First there was tremendous change in the functions of the State. So long as the State was a politics State, emphasis had to be placed on domination, command and power. However, with the growth of the social welfare idea, social service instead of power became the dominant idea. Stress was placed on the need to emphasize international co-operation rather than isolation due to the progress of science and of technique, and organization of production and marketing. The external sovereignty of the State has to be curbed in the interests of humanity. The facts is that the States of today are not as independent as were the States of the 19th century. Third, there are groups or associations to satisfy numerous needs of individuals. It came to be realized that the various groups are instinctive to man and are legal entities with a life of their own.

Gierke and F.W. Maitland thought that each group possesses a real personality and a will. Gierke states, 'The state should accept the common point of view that permanent association have rights and duties as groups whether or not the state has accepted them as corporation.'

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Check Your Progress

1. What is the etymological derivation of term 'sovereignty'?
2. Who has written *A Grammar of Politics*?

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Figgis also ascribed a real personality to the groups. He states: 'The state did not create the family nor did it create the churches, nor even in any real sense can it be said to have created the club or trade unions, nor in the Middle Ages, the guild or the religious order, hardly even the universities or the colleges with the universities; they have all arisen out of the natural associative instincts of making, and should all be treated by the supreme authority as having a life original and guaranteed, to be controlled and directed like persons but not regarded in their corporate capacity as mere names.'

Human society according to Figgis, is not a 'sand heap of individuals' related only through the State, but an 'ascending hierarchy groups'. He called the traditional theory of sovereignty 'a venerable superstition.'

In this contexts, it has normative connotations absence from its use to denote a theoretical standpoint. Pluralism is, in the general sense, the affirmation and acceptance of diversity. The concept is used, often in different ways, in a wide range of issues. In politics, the affirmation of diversity in the interests and beliefs of the citizenry, and political pluralism is one of the most important features of modern democracy.

The term 'pluralism' is also used to denote a theoretical standpoint on state and power—which to varying degrees suggest that pluralism is an adequate model of how power is distributed in societies.

The external sovereignty of the State has to be curbed in the interests of humanity. The facts is that the States of today are not as independent as were the States of the 19th century. Third, there are the groups or associations to satisfy numerous needs of individuals. It came to be realized that various groups are instinctive to man and are legal entities with a life of their own. Gierke and Maitland thought that each group possesses a real personality and a will. Gierke stated.

'The state should accept the common point of view that permanent association have rights and duties as groups whether or not the state has accepted them as corporation.'

Figgis also ascribed a real personality to the groups. Barker rejects the personality theory of groups, admits that the groups exist before there is any legal act of incorporation of creation. He regards the cause of third homogeneous character; often inspire stronger loyalties than the State. Krabbe holds that, owing to the rise of important economic associations like the labour unions, the State can no longer pretend to be the one all-powerful agency of social life.

Laski has pleaded for a system which would recognize the complete autonomy of groups and deny to the State any claim to be the absolute sovereign. Actually, the state is an association of associations with the special function of coordinating their activities. It is a public-service corporation'. His conclusion is because society is federal, authority must also be federal.'

R.M. MacIver in his work *Modern State* is a consistent pluralist. He regards the State as one association among the many associations within the community. Though exercising functions of a unique character, the State has definite limits, definite powers and responsibilities. MacIver's thinking centres around the idea of group versus State.

There are a number of other thinkers who have assailed the traditional theory of sovereignty and pleaded for the autonomy of the groups. Durkheim pleads for the freedom of the vocational groups to regulate the State's economy because the State as a general scheme of life is not adequately fitted to undertake the specialized tasks of economic control. Ernest Barker, though he rejects the personality theory of groups, admits that

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groups exist 'before there is any legal act of incorporation of creation'. He regards the cause of third homogeneous character, often inspire stronger loyalties than the State.

H. Krabbe holds that, owing to the rise of important economic associations like the labour unions, the State can no longer pretend to be the one all-powerful agency of social life. Harold J. Laski has pleaded for a system which would recognize the complete autonomy of groups and deny to the State any claim to be the absolute sovereign. His general point of view is that the group is real in the same sense as the State. According to him, the theory of 'unlimited and irresponsible state is incompatible with the interests of humanity'. He is of the opinion that the concept of sovereignty of the State will also fade away just as the divine right of kings has. The Doctrine of Absolute Sovereignty is to him a legal faction and a barren concept. He writes,

'The only state to which I owe allegiance is the state in which I discover moral adequacy; and if a given state fails to satisfy that condition, I must, to be consistent with my own moral nature, attempt experiment. Our first duty is to be true to our conscience'.

The modern State, according to him is pluralistic, constitutional, and responsible. It is limited in the force it exercises; it is directive rather than being permanent. Its power is diffused in territorial and functional groups and internally as well as externally its activities and functions are subject to limitations and review. Basically, the State is an association of associations with the special function of co-ordinating their activities. It is a public-service corporation'. His conclusion is 'Because society is federal, authority must also federal.'

MacIver in his work *Modern State* is a consistent pluralist. He regards the State as one association among many associations within the community. Though exercising functions of a unique character, the State has 'definite limits, definite powers and responsibilities'. These other associations are as native to the soil of society as the state itself; the State is not their creator. The business of the State is merely to give 'a form of unity to the whole system of social relationship'. MacIver's thinking centres round the idea of group versus State.

It is thus evident that various political thinkers have attacked the traditional theory of sovereignty from different angles. The common element in all these attacks is the belief that there are many associations in the State which have grown independently, which perform essential social functions and which are better adapted than the State to serve social needs. It is, therefore, wrong for the State to claim undivided and unlimited sovereignty for itself. The central idea of pluralism may be summed up in the words of Gettell: 'The pluralists deny that the state is a unique organisation; they argue that such associations of their purpose are as sovereign as the state is for its purpose. They emphasize the inability of the state to enforce its will in practice against the opposition of certain groups within it. They deny that possession force by the state gives it any superior right. They insist on the equal rights of all groups that command the allegiance of their members and that perform valuable functions in society. Hence sovereignty is possessed by many associations. It is not an indivisible unit; the state is not supreme or unlimited.'

7.3.1 Evaluation

What the pluralists say is true to a large extent. It cannot be denied that the different associations in society perform valuable services, and the state should not arbitrarily coerce them. Man is a member not only of the State, but also of the family, the trade union the church and the club. He owes his allegiance to all these groups which make his

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life worthy and meaningful. That the State in spite of its legal supremacy, should be subject to moral limitations cannot be disputed. Pluralists, such as Gettell remark, 'also make a timely protest against the rigid and dogmatic legalism of the Austinian theory of sovereignty. They emphasize the necessity of studying the actual facts of political life in a rapidly changing social system. They lay emphasis on the growing importance of non-political groups in social life. The danger of over-interference on the part of the State with the functioning of such groups is highlighted by them.'

In her book, *The New State*, M.P. Follett sums up the merits of pluralism as follows:

- The pluralists prize the bubble of the present State's right to supremacy.
- They recognize the value of the group and they see that most of our group life today has a significance which, must be reckoned with in political life.
- They plead for a revivification of local life.
- They believe that the interest of the State is not now always identical with the interests of its parts.
- Pluralism is the beginning of the disappearance of the crowd.
- It has seized upon the problem of identity of association and of federalism.

Despite these merits, pluralism has been subjected to much criticism. Firstly, the critics say that the pluralist theory suffers from an inner contradiction. In theory, the pluralists reduce the power of the State and make it co-equal in powers to other social groups, while in practice they are willing to concede much more power to the State. For instance, Gierke ascribed to the State the sovereign power where general interests are involved. Barker and Laski admit that the State will have to carry on the function of co-ordinating the regulating the activities of associations. The State to Follett, is a unifying and national solidarity. J.N. Figgis likewise regards the State as a community of communities and assigns to it a distinctive function and superior authority as an agency of co-ordination and adjustment. Thus, in spite of their eagerness to establish a position of equality for all associations, the pluralists are compelled by the logic of the situation to give precedence to the State.

Secondly, the pluralists do not make it quite clear what they want. As F.W. Coker points out, the pluralists fail to make clear which of the specific functions assigned to the state by the monistic theory they would deny to it. If the State is to become an association like other associations, will the pluralists still give to the State the power of compulsory taxation?

Thirdly, the logical consequence of pluralism is anarchism. Without the State there can be no order and without sovereignty there can be no State.

Fourthly, the pluralists wrongly assume that the various groups within the community run along parallel lines and that there is no overlapping of functions between them. The facts of social life reveal that the functions of the numerous independent groups are overlapping and their interests are sometimes conflicting.

Lastly, Laski, the doyen of the pluralist world, at a later stage criticizes pluralism on the ground that 'it did not sufficiently realize the nature of the state as an expression of class-relations'. He believes that the need for a sovereign State cannot be obviated unless the means of production are socialized, leading to a classless society. In his opinion, political pluralism must be tempered with the vision of a classless society.

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Thus, pluralism can hardly be accepted as a valid doctrine of sovereignty. The socio-political forces in the contemporary society have 'aggrandized the state and made the twentieth century, a century of monism'. The inauguration of an era of planning and social welfare and the need for mobilization of all human materials have immensely increased State control. It is interesting to note that, in spite of bitter criticism of the monistic theory of sovereignty, many pluralists support the supremacy of the State in one form or the other.

In this connection, it may be pertinent to refer to the view of Ernest Barker who maintains that whatever rights the groups may claim or gain, the State will still remain a necessary adjusting force. And, if the groups are destined to gain new ground, it is possible that the State will also gain, perhaps even more than it loses, because it will be forced to deal with even graver and even weightier problems of adjustment.

7.4 SUMMARY

- The term 'sovereignty' is derived from the Latin word *Superanus* which means 'supreme' or 'paramount'. The exercise of the supreme power by the state is commonly called 'sovereignty' and states are, therefore, described as 'sovereign'.
- John Austin, the famous English Jurist, stated his theory of sovereignty in his book *Lectures on Jurisprudence*, published in 1832.
- The concept of Austin's theory of sovereignty can be better understood if we first follow the legal analysis of the state presented by him. He believed that it was very essential to discover in a given society the definite superior to whom the people render habitual obedience.
- In an independent political community, that sovereign is determinate and absolute. The will of the sovereign is illimitable because, if it could be constrained to act, it would cease to be supreme.
- Sir Henry Maine, together with other historical jurists, points out that sovereignty does not reside in a determinate human superior. In his book *Early History of Institutions* he explains that in history sovereignty has never been determinate and absolute.
- Austin's definition of law, which forms the basis of his theory of sovereignty, is defective and cannot be accepted on its face value. M.J. Laski says that to think of law as simply a command is even for the jurist, 'to strain the definition to the verge of decency'.
- Austin's concept of sovereignty is now regarded not only a legal fiction but a 'harmful and dangerous dogma', which should be expunged from the literature of international law.
- The germ of the pluralistic theory is to be found in the work of the German jurist, O. Von Gierke (1844-1921). Emile Durkheim, Otto Von Gierke, F.W. Maitland and G.D.H. Cole are the main exponents of pluralistic theory of sovereignty.
- Human society according to Figgis, is not a 'sand heap of individuals' related only through the State, but an 'ascending hierarchy groups'. He called the traditional theory of sovereignty 'a venerable superstition.'

Check Your Progress

3. Who are the main exponents of pluralistic theory of sovereignty?
4. Name the author of the book *The New State*.

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- The external sovereignty of the State has to be curbed in the interests of humanity. The fact is that the States of today are not as independent as were the States of the 19th century.
- There are a number of other thinkers who have assailed the traditional theory of sovereignty and pleaded for the autonomy of the groups.
- Man is a member not only of the State, but also of the family, the trade union, the church and the club. He owes his allegiance to all these groups which make his life worthy and meaningful.
- The socio-political forces in the contemporary society have 'aggrandized the state and made the twentieth century, a century of monism'.

7.5 KEY TERMS

- **Sovereignty:** The quality of having supreme, independent authority over a geographic area, such as a territory.
- **Modern state:** An organized territory with definite geographical boundaries that are recognized by other states.
- **Anarchy:** Absence of the state or a political authority is known as anarchy.

7.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The term 'sovereignty' is derived from the Latin word *Superanus* which means 'supreme' or 'paramount'.
2. Harold J. Laski has written *A Grammar of Politics*.
3. Emile Durkheim, Otto Von Gierke, F.W. Maitland and G.D.H. Cole are the main exponents of pluralistic theory of sovereignty.
4. *The New State* is written by M.P. Follett.

7.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Write a short note on sovereignty.
2. Give a critique of Austin's theory of sovereignty.
3. What do you understand by pluralistic sovereignty?
4. Write any two merits of pluralism.

Long-Answer Questions

1. Critically examine the monistic theory of sovereignty.
2. Describe the major features of Austin's legal analysis of the state.
3. Briefly sketch out the propositions of Austin's theory of sovereignty.
4. Discuss the major features of the pluralistic theory of sovereignty.

7.8 FURTHER READING

- Varma, S.P. 2008. *Modern Political Theory*. New Delhi: Vikas Publishing House Pvt. Ltd.
- Miller, David. 1987. *The Blackwell Encyclopaedia of Political Thought*. Oxford: Oxford Blackwell.
- Germino, Dante L. 1976. *Beyond Ideology: The Revival of Political Theory*. Chicago: University of Chicago Press.

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UNIT 8 POWER, AUTHORITY AND LEGITIMACY

Structure

- 8.0 Introduction
- 8.1 Unit Objectives
- 8.2 Power
 - 8.2.1 Empirical Study of Power
- 8.3 Authority
 - 8.3.1 Legitimacy
- 8.4 Summary
- 8.5 Key Terms
- 8.6 Answers to 'Check Your Progress'
- 8.7 Questions and Exercises
- 8.8 Further Reading

8.0 INTRODUCTION

Power is generally understood as the possession of control, authority, or impact over others, a relationship in which a person or a group is in a position to exert influence over the thoughts and actions of others.

Arnold Woofers defines it as the skill to move others or to command them to do what you want them to do and not to do, what you do not want them to do. Authority is very closely related to power. It might take a variety of forms for example political, economic and ideological. One might say that ideas like morality, ethics, religion, customs and traditions may limit someone's power. Politics as 'authoritative allocation of values' is strongly associated with power and authority. Hegemony identifies and explains domination and the maintenance of power and how the (hegemony) leader class 'persuades' the subordinate social classes to accept and adopt the ruling-class values of bourgeois hegemony. The word exploitation is used to refer to economic exploitation; that is, the act of using another person's labour without offering them an adequate compensation.

8.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Define power and describe its various conceptual dimensions
- Review the theories of power
- Explore the ideas of bases of power

8.2 POWER

Both in the national and international arena, the notion of power is pivotal to understand and comprehend politics, political institutions and political movements of the systemic process. It is the centre of political theory. H. D. Lasswell and A. Kaplan stated that,

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'the concept of power is perhaps the most fundamental in the whole of political science: the political process is the shaping, dissolution and exercise of power.' It is the concept of power that political science primarily focuses on. Machiavelli and Hobbes were some of the thinkers who supported the study of power as the main theme of politics. Hobbes wrote: 'There is a general inclination of all mankind, a perpetual and restless desire of power after power that ceased only in death.' A few decades ago, Frederick Watkins suggested, 'The proper scope of political science is not the study of the state or of any other specific institutional complex, but the investigations of all associations insofar as they can be shown to exemplify the problem of power.' Perhaps this view was further reinforced by William A. Robson when he suggested, 'It is with power in society that political science is primarily concerned – its nature, basis, processes, scope and results. The focus of interest of the political scientist is clear and unambiguous; it centres on the struggle to gain or retain power, to exercise power or influence over others, or to resist that exercise.'

A definition in *A Dictionary of Social Sciences* says: 'Power in its most general sense denotes (a) the ability (exercised or not) to produce a certain occurrence or (b) the influence exerted by man or group, through whatever means, over the conduct of others in intended ways.' This definition of power is deeply influenced by Max Weber's famous formulation: 'power signifies any capacity to work one's will within given social relations even against opposition, independent of what that capacity is based on.' During the 1950s and 60s, this juridical conception of power was very popular among the western writers. The western concept of power as the ability to work one's will is demonstrated in the writings of Engels when he said, 'Authority, in the sense in which the word is used here, means the imposition of the will of another upon ours; on the other hand, authority presupposes subordination.'

In the 1930s, politics was seen as a system of relationship with respect to power. Both George Catlin and Charles Merriam were at the forefront of this trend. Later, other political scientists such as Harold Lasswell, M. A. Kaplan, and others followed suit. In his 'Theory of Elites', Lasswell highlighted the 'distribution of values' as the base point of the political process which became the source point of the majority of American students of politics, and political science came to be treated as the science of power. Thus, both Western Political Sociology and Marxist thinking on the growth of political systems have contributed a great deal towards the development of the concept of power.

While studying the concept of power and its various manifestations in the systemic processes, one is reminded of what Joan Woodward said in his pioneering work, *Industrial Organization: Theory and Practice*. He said, 'It seems that the sociologist cannot win in his attempts to establish a rigorous experimental framework for his research.' Thus, it has been indeed a complex process of multi-dimensional character to analyse the operational structures of power, both as an essential theme of social order and also as a factor of motivation of ambitious men, whether one looks at Hitler's Germany or Stalin's Russia.

Before moving on to discuss the several conceptual dimensions of power, it is desirable that the students of politics ought to have some basic understanding of the concept of power. Let us see what Andrew Heywood in his work, *Political Theory: An Introduction*, had to say in his introductory remarks on the concept of power. He stated that 'All politics is about power'. The practice of politics is frequently depicted as little more than the exercise of power and the academic subject is, in essence, the study of power.

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8.2.1 Empirical Study of Power

A pragmatic approach to the study and analysis of the concept of power is not an easy task.

In his pioneering work, *The Nature and Limits of Political Science* (1963), Maurice Owling says that there are real difficulties about access to the centres of power in modern society, even in a democracy. It may be easier to 'discover the truth about contemporary power than to publish it; the difficulties are greatest for those who have been participants'.

There are many difficulties involved in the methodologies to understand what the centre of power is in a political system. Kornhauser attempts to analyse them in the article, 'Power relationships and the Role of the Social Scientists' in his edited book, *Problems of Power in American Democracy* (1957). He says that raising certain questions such as, 'What social scientist are you?', 'What parts of society want what types of knowledge, to be used by whom, towards what end?' etc. can help us arrive at a somewhat definitive answer. Having compatible doctrines and models stating methods and objectives in the study of power is not feasible. The problems that one faces have been put forth in theoretical works of political scientists like Machiavelli, Hobbes, Locke, T. D. Weldon, Oakeshott, Butterfield, E. H. Carr and others.

While talking of power, it should be noted that majority of the work on power by eminent researchers simply reflect the simplified versions of politics outside their time; hence they cannot be seen as representing the real political situations of the present time.

Power is intricately related to honour, deference, respect and dignity. However, it is important to differentiate between the power of the man from the power of his office that assures him authority and legitimacy. One should also be able to distinguish between perceptible and real power.

While analysing the scope of power, Maslow would rather talk about the psycho-pathology of ambition in the context of the mental framework of some men. He says, 'Their jungle philosophy (that of authoritarians) does not change even when they grow up and come out of the jungle. It resists new facts. It is sick because it reacts to an outgrown past, rather than to the real present.' We can view such people as psychologically perverted ones because they are running after an illusion. Maslow concludes that 'Of course for those who actually live in a jungle-like world – and there are plenty who do so today – a jungle philosophy is realistic and reasonable.'

It should be kept in mind that power is multidimensional. Power and influence are often seen as inter-related. Power is viewed as 'intentionalist' and 'structuralist'. According to the intentionalist, power is a quality given to an identifiable object such as political party, social grouping or any interest group while the structuralists view power as a form of social system. Sociologists like Talcott Parsons and neo-Marxists such as Althusser belong to the structuralist school of thought.

Steven Lucas, in his book *Power: A Radical View* (1974) elaborates the three phases or dimensions of power. According to him, power can influence the pattern and the process of decision-making framework. It can also influence political agenda and control people's thoughts. In his major work *Leviathan* (1651), Thomas Hobbes said that power has the capacity to make decisions. Conventional thinking in the area of political science has mostly been based on this. Robert Dahl in his book, *A Critic of the*

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Ruling Elite Model (1958) has supported this concept of power, which according to him could be both objective and quantifiable. This approach was widely adopted by political scientists and sociologists, especially in America during the 1950s and 60s.

While talking about power as the capability to impress the process of decision making few researchers like to emphasize on non-decision making as the 'second phase of power'. In their seminal essay, *The Two Phases of Power* P. Bachrach and Baratz persist that 'to the extent that a person or group—consciously or unconsciously—creates or reinforces barriers to the public airing of policy conflicts, that person or group has power.' As said by Schattschneider, 'some issues are organized into politics while others are organized out.'

The power's third dimension is its ability to sway the thinking process of an individual or a group. The views and the ideas of the individuals or groups are basically manipulated and formed by following factors:

- Family
- Peer groups
- Schools
- Churches
- Mass media
- Political parties
- Overall environment at the work place

Vance Packard, in his study, 'The Hidden Persuaders (1960)' has studied the factors which can influence and manipulate human behaviour in a specific direction. In his book *One Dimensional Man* (1964), Herbert Marcuse, the famous neoleft theorist, describes about the characteristic of power in the advanced industrial societies in which the society's needs could be altered through modern technology. According to him it created a comfortable, smooth and reasonable democratic un-freedom.

Power – Marxist and Western Approach

The idea of power is one of the basic concepts of political theory. The examination of the nature of power in socialist and capitalist societies is necessary for comprehending the nature of politics as well as the state. Lenin said, 'The question of power cannot be evaded or brushed aside, because it is the key question determining everything in a revolution's development, and in its foreign and domestic politics'. While studying the idea of power, what frequently comes to mind is its use in a bigger sense by the Marxist thinkers. Both Marx and Lenin put emphasis on the social relations in a political phenomenon as well as the relationship between man and his environment. The millennium has changed, however, in reality; the nature has remained to be both the subject and the object of power. Initially, nature's control over man provided a different definition of power. However, with increase in the man's control over nature, due to growth in science and technology, the idea of power acquired a new definition and aspect. Power assumed multidimensional forms as a synonym of political and social domination in state structures.

In the Marxist approach and terms, the idea of power is related to the control of state power through revolts. Lenin said, 'The passing of state power from one class to another is the first principal, the basic sign of revolution, both in strictly scientific and in the practical political meaning of the term'. The essential spirit of any revolt is the question of power in the state. He said, 'The class struggle becomes real, consistent and

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developed only when it embraces the sphere of politics. In politics too, it is possible to restrict oneself to minor matters, and it is possible to go deeper, to the very foundations. Marxism recognizes a class struggle as fully developed, nationwide only if it does not merely embrace politics but takes in most significant thing in politics—the organization of state power'.

The Marxist thinkers think that the sphere of politics involves all dimensions of the state; it implies all kinds of relationship among the classes, be it economic, ideological, semi-psychological and other. Lenin said, 'It is the sphere of relationships of all classes' and strata to the state and the government, the sphere of interaction between all classes.'

Development of Power

Much of the recent political debate on 'power' revolves around the issue of the constraining and/or enabling nature of power. Thus, power can be seen as various forms of constraint on human action, but also as that which makes action possible, although in a limited scope. Much of this debate is related to the works of the French philosopher Michel Foucault (1926-1984), who, following the Italian political philosopher Niccolò Machiavelli (1469-1527), sees power as a complex strategic situation in a given society. Being deeply structural, his concept involves both constraint and enablement.

Analysis and Operation of Power

Power manifests itself in a relational manner

Power manifests itself in a relational manner: one cannot meaningfully say that a particular social actor 'has power' without also specifying the role of other parties in the social relationship (for a discussion of this concept see Simmel's work on 'subordination' and 'superordination').

Power operates both relationally and reciprocally

Power operates both relationally and reciprocally, sociologists speak of the balance of power between parties to a relationship: all parties to all relationships have some power: the sociological examination of power concerns itself with discovering and describing the relative strengths: equal or unequal, stable or subject to periodic change. Sociologists usually analyse relationships in which the parties have relatively equal or nearly equal power in terms of constraint rather than of power. Thus 'power' has a connotation of unilateralism. If this were not so, then all relationships could be described in terms of 'power', and its meaning would be lost.

Types of Power

Power may be held through:

- Delegated authority (for example in the democratic process).
- Social class.
- Personal or group charisma.
- Ascribed power (acting on perceived or assumed abilities, whether these bear testing or not).
- Expertise (ability, skills) (the power of medicine to bring about health; another famous example would be in the land of the blind, the one-eyed man is king).
- Persuasion (direct, indirect, or subliminal).

Theories of Power

1. Game theory of power

Game theory, with its foundations in the theory of rational choice, is increasingly used in various disciplines to help analyse power relationships. One rational choice definition of power is given by Keith Dowding in his book *Power*. In rational choice theory, human individuals or groups can be modelled as 'actors' who choose from a 'choice set' of possible actions in order to try and achieve desired outcomes. An actor's 'incentive structure' comprises (its beliefs about) the costs associated with different actions in the choice set, and the likelihoods that different actions will lead to desired outcomes.

2. Modern theory of power

One of the broader modern views of the importance of power in human activity comes from the work of Michel Foucault, who has said, 'Power is everywhere...because it comes from everywhere.' Foucault's analysis of power is founded on his concept 'technologies of power'.

Discipline is a complex bundle of power technologies developed during centuries as Foucault demonstrated in *Discipline and Punish*. For Foucault power is exercised with intention. Instead of analysing the difficult problem of who has which intentions, he focused on what is inter-subjectively accepted knowledge about how to exercise power. For Foucault, power is actions upon others' actions in order to interfere with them. Foucault does not recur to violence, but says that power presupposes freedom in the sense that power is not enforcement, but ways of making people *by themselves* behave in other ways than they else would have done.

3. Elite theory of power

Pareto, Mosca, Michel, Karl Mannheim, Schumpeter, Anthony Down, Raymond Aron, Bottomore, Robert Dahl, C. Wright Mills are the main exponents of elite theory of power. Elitism is the belief or attitude that the people who are considered to be the elite — a selected group of people with outstanding personal abilities, wealth, specialised training or experience. Alternatively, the term elitism could be used to describe a situation in which power is in fact concentrated in the hands of an elite, whether rightly or not. The elite theory of Pareto (1848-1923) is contained in his principal affirmation that 'history is a graveyard of aristocracies'.

4. Pluralist theory of power

The concept became popular in the context of community power debates in 1950s and 1960s and continued till 1970s and 1980s in America and was expressed in the writings of Floyd Hunter, Robert Dahl, and Palsy. According to Pluralists Power is an ability to influence policy outcome. Dahl responded that there are many different elites involved, who have to work both in contention and in compromise with one another.

Five Bases of Power

The five bases of power were proposed by the social psychologists French and Raven, in a now-classic study (1959). They developed a scheme of five categories of power which reflected the different bases or resources that power holders rely upon. Two additional bases (informational and connective) were later added.

1. Coercive power

Coercive power means the application of negative influences onto employees. It might refer to the ability to demote or to withhold other rewards. It's the desire for valued rewards or the fear of having them withheld that ensures the obedience of those under power. Coercive power tends to be the least effective form of power as it builds resentment and resistance within the targets of Coercive power.

2. Legitimate power

Legitimate power refers to power of an individual because of the relative position and duties of the holder of the position within an organization. Legitimate Power is formal authority delegated to the holder of the position.

3. Referent power

Referent power means the power or ability of individuals to persuade and influence others. It's based on the charisma and interpersonal skills of the power holder. Here the person under power desires to identify with these personal qualities, and gains satisfaction from being an accepted follower.

4. Expert power

Expert power is an individual's power deriving from the skills or expertise of the person and the organization's needs for those skills and expertise. Unlike the others, this type of power is usually highly specific and limited to the particular area in which the expert is trained and qualified.

5. Reward power

Reward power depends upon the ability of the power wielder to confer valued material rewards; it refers to the degree to which the individual can give others a reward of some kind such as benefits, time off, desired gifts, promotions or increases in pay or responsibility.

8.3 AUTHORITY

Authority exists as long as it is accepted as legitimate by the ruled. An organization thus can rule or administer only when it has legitimacy. Explaining the authority of different kinds, in various organizations, Weber concluded that all administration means domination.

Weber categorized the persons in organizations as under:

- Those who are accustomed to obey commands.
- Those who are personally interested in seeing the existing domination continue because they derive benefits.
- Those who participate in that domination in the sense that the exercise of functions is divided among them.
- Those who hold themselves in readiness for the exercise of these functions.

Weber's Theory of Authority

Weber's concept of bureaucracy can be found in his ideas on power and authority (domination). Weber defined power as 'the probability that one actor within a social

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Check Your Progress

1. State the definition of power.
2. Mention any two important theories of power.

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relationship will be in a position to carry out his own will despite resistance.' For Weber 'authority' was identical with the 'authoritarian power of command'. Weber identified five essential components of authority;

- Imperative control or authority, on the other hand, 'is the probability that a command with a given specific content will be obeyed by a given group of persons.'
- Power is the more inclusive terms, and extends to all combinations of circumstances in which a person might impose his will in a given social situation.
- Exercise of authority would require that a person successfully issue orders to a group of subordinates who respond because of their belief in the legitimacy of the order.
- The felt obligation of the subordinate is central in authority relationship. Where authority has become institutionalized.
- It is often associated with corporate groups, that is, with groups which use their administrative staff to enforce orders.

Authority exists as long as it is accepted as legitimate by the ruled. An organization thus can rule or administer only when it has legitimacy. Explaining the authority of different kinds, in various organizations, Weber concluded that 'all administration means domination'. One thing that needs to be noted here is that Weber defined administration as domination or exercise of authority while most other administrative scientists have defined it as service or performance of duty.

Types of Authority

Weber classified authority on the basis of its claim to legitimacy, since on this would depend largely the type of obedience, the kind of administrative staff suitable to it, and the way of exercising authority. His three pure types of legitimate authority are based respectively on his three bases of legitimacy.

1. Traditional authority

Traditional authority, to Weber, rests on "an established belief in the sanctity of immemorial traditions and in the legitimacy of the status of those exercising authority under them." The ruler in such a system has authority by virtue of the status that he has inherited and the extent of his authority is fixed by custom. The ruler is obeyed because the traditions so demand. The administrative staff under such an authority system has one of the two patterns, viz., either patrimonial or feudal. Under the patrimonial form, officials are personal retainers, servants and relatives of the ruler and they owe traditional loyalty to the supreme head.

2. Charismatic authority

The power exercised by a leader - may be a prophet, a hero or a demagogue - substantiating the claim by virtue of his magical powers 'or heroism or other extraordinary gift or qualities. Charisma and its acceptance - forms the basis of legitimacy in this system. The persons who receive the commands obey the leader because they believe in his extraordinary abilities rather than the stipulated rules or the dignity of a position. The charismatic leader selects his disciples or followers as his official based purely on their personal devotion to him rather than on their special qualification or status. These 'discipline officials' constitute an organization and their sphere of activity and power of command depends upon the like and dislikes of the leader.

3. Legal-rational authority

For Weber, the rational-legal bureaucracy was a prime example of rationalization and its impact on Western political, social, and economic institutions. Legitimation of legal type of domination is based on the belief in the rightness of law, people obey the laws because they believe that these are enacted by a proper, objective procedure. The typical administrative apparatus corresponding to this kind of domination is bureaucracy. The position of the bureaucrat, his relations with the ruler, the ruled and his colleagues are regulated by impersonal rules.

Weber was the first to describe its characteristic, to attempt to explain its emergence in Western society, and to explore its positive as well as negative consequences on the basis of his extensive historical and comparative study of Western and Eastern civilizations. Weber concluded that a distinguishing traits of Western society was its cultural drive to rationalize social and economic processes; by rationalization, he meant a pervasive effort to understand and to manipulate (control) the social and material words in terms of 'cause-and-effect' relationships that do not rely on religious or mystical explanations. Intellectually, this trend was manifesting the development of 'value-neutral' science and its methods.

8.3.1 Legitimacy

Bureaucracy is also a form of control. It implies a hierarchical organization in which there are superiors and subordinates with clearly defined responsibilities and powers. Some are required to issue orders and some others to carry out those orders. In a large-sized organization, there is also the need for co-ordination of activities of the organization. All these imply control of those in the lower ranks of the hierarchy by those in the higher. Such controls become effective as well as smooth, if there is a minimum of voluntary submission to higher authority.

People voluntarily submit to authority when it is regarded as legitimate. Max Weber identified three forms of legitimacy, which derive from three kinds of social action. Thus, it can derive from traditional meanings. Legitimacy of this kind, which we may call traditional legitimacy, depends on belief in the sanctity of immemorial traditions and the right of those established, of the strength of tradition in positions of authority to exercise it. Similarly, legitimacy can derive from rational meanings. Such legitimacy may be called rational legitimacy, which reflects belief in the legality of patterns of formative rules and the right of those people designated by the rules to exercise authority command. There is another type of legitimacy called charismatic legitimacy (so termed after the Greek word for grace), which depends on the devotion of followers to an individual who according to their perception, is endowed by exceptional sanctity, heroism or other personal qualities. Charismatic legitimacy, therefore, derives from affective or emotional action.

Types of Legitimacy

Legitimacy refers to 'a value whereby something or someone is recognized and accepted as right and proper.' In the context of political science, legitimacy more often than not is taken as the well-known acceptance and recognition, by the people, of the authority of a governing establishment, whereby authority comprises political power via consent and mutual understandings, not compulsion. The three types of political legitimacy are as follows:

- Traditional

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- Charismatic
- Rational-legal

- 1. Traditional legitimacy:** It is taken from societal convention and habit that stress the history of the authority of custom. Traditionalists appreciate this form of governance as previously accepted, thus its continuity, since it is the way society has always been. Thus, the institutions of conventional government commonly are historically regular such as monarchy and tribalism.
- 2. Charismatic legitimacy:** It emerges from the ideas and individual charisma of the leader, a man or woman whose commanding character appeals and psychologically controls the people to accord with the government's rule. A charismatic government commonly features feeble political and administrative organizations, for they obtain authority from the persona of the leader, and generally vanish without him or her in power. However, a government obtained from charismatic legitimacy might go on if the charismatic leader has a descendant.
- 3. Rational legal legitimacy:** It is obtained from a system of institutional process in which government institutions institute and enforce law and order in the interest of the people. Thus, it is through people's trust that the government will put up with the law that awards rational-legal legitimacy.

Forms of Legitimacy

Basically there are two forms of legitimacy—numinous legitimacy and civil legitimacy.

- 1. Numinous legitimacy:** In a theocracy, government legitimacy is obtained from the religious authority of a god or a goddess. For example, in ancient Egypt, the legitimacy of the power of a Pharaoh (god-king) was theologically founded by the doctrine that considered the pharaoh as the Egyptian patron god Horus, son of Osiris.
- 2. Civil legitimacy:** A civil government's political legitimacy is obtained from a bond among the autonomous constituent institutions such as legislative, judicial, executive, joined together for the national common good; legal government office as a public trust, is expressed by the way of general elections.

Max Weber, the German economist and sociologist, recognized three sources of political legitimacy—charismatic, traditional and rational-legal authorities.

Just like the British philosopher Thomas Hobbes, Weber suggested that societies act cyclically in ruling themselves with the various types of governmental legitimacy. That democracy was needless for setting up legitimacy, a circumstance that can be founded with codified laws, customs and cultural rules, not by the ways of well-known suffrage. A society might make a decision to lapse from the legal government of a rational-legal authority to the charismatic rule of a leader; for example, the Nazi Germany of Adolf Hitler.

Prof. Mattei Dogan, the French political scientist's modern interpretation of Weber's traditional, charismatic, legal-rational legitimacies suggests that they are theoretically deficient to comprehend the complex associations that constitute a legitimate political system in the twenty-first century. Moreover, Prof. Dogan suggested that traditional authority and charismatic authority are out of date as forms of modern government; for example, the Islamic Republic of Iran (est. 1979) ruled by means of the

religious Quranic explanations by the Ayatollah Khomeini; that traditional authority does not exist in the Middle East; that the rule-proving exclusions include Islamic Iran and Saudi Arabia. In addition, rational-legal authority survives in so many variations that it has crossed the limits of a type of legitimate authority.

Forms of Legitimate Governments

Philosopher Walter Bryce Gallie (1912–98) suggested that political legitimacy is basically a challenged idea and offered this suggestion to aid the comprehension of the various applications and interpretations of qualitative and evaluative ideas for example 'art', 'social justice', etc., as employed in aesthetics, political philosophy, the philosophy of religion and the philosophy of history. The following are the examples of the forms of legitimate governments:

1. Constitutionalism

The contemporary political idea of constitutionalism sets up the law as supreme over the individual will, by integrating nationalism, democracy and restricted government. The political legitimacy of constitutionalism is obtained from the well-known belief and recognition that government deed is legal for abiding the law codified in the political constitution. Political scientist Carl Joachim Friedrich said that constitutionalism, by dividing power among the organs of government, successfully limits governmental action with codified law.

2. Monarchy

In a monarchy, the ruling legitimacy of the king or the queen is obtained from the popular discernment (tradition and custom) that he or she is the legal ruler, owing to the divine right of kings. In the modern, twenty-first-century world, such political legitimacy is apparent in the absolute monarchy of the House of Saud in Saudi Arabia. Its alternative, the constitutional monarchy, is based upon an amalgamation of traditional authority and legal-rational authority, to uphold nationalist unity (one people) and democratic administration (a political constitution).

3. Democracy

In a democracy, government legitimacy is obtained from the well-known outlook that government abides democratic rules in ruling, and is lawfully answerable to its people.

4. Communism

Communist countries maintained governmental legitimacy for having earned a rebellion or for having won a poll, and, therefore, their actions are legal, authorized by the public. In the beginning of the twentieth century, communist parties based their debates upon the scientific nature of Marxism.

5. Fascism

In the 1920s and 1930s, fascism, which was based upon conventional authority arguments, the German National Socialists and Italian fascism, in that order, claimed political legitimacy by theoretically refuting the political legality of elected liberal democratic governments.

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Check Your Progress

3. What are the three types of legitimate authority?
4. Mention the two forms of legitimacy.

8.4 SUMMARY

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- Both in the national and international arena, the notion of power is pivotal to understand and comprehend politics, political institutions and political movements of the systemic process. It is the centre of political theory.
- A definition in *A Dictionary of Social Sciences* says: 'Power in its most general sense denotes (a) the ability (exercised or not) to produce a certain occurrence or (b) the influence exerted by man or group, through whatever means, over the conduct of others in intended ways.'
- There are many difficulties involved in the methodologies to understand what the centre of power is in a political system.
- Power is intricately related to honour, deference, respect and dignity. However, it is important to differentiate between the power of the man from the power of his office that assures him authority and legitimacy.
- The idea of power is one of the basic concepts of political theory. The examination of the nature of power in socialist and capitalist societies is necessary for comprehending the nature of politics as well as the state.
- In the Marxist approach and terms, the idea of power is related to the control of state power through revolts.
- The five bases of power were proposed by the social psychologists French and Raven, in a now-classic study (1959). They developed a scheme of five categories of power which reflected the different bases or resources that power holders rely upon.
- Authority exists as long as it is accepted as legitimate by the ruled. An organization thus can rule or administer only when it has legitimacy.
- Weber's concept of bureaucracy can be found in his ideas on power and authority (domination). Weber defined power as 'the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance.'
- Weber classified authority on the basis of its claim to legitimacy, since on this would depend largely the type of obedience, the kind of administrative staff suitable to it, and the way of exercising authority.
- Bureaucracy is also a form of control. It implies a hierarchical organization in which there are superiors and subordinates with clearly defined responsibilities and powers.
- Legitimacy refers to 'a value whereby something or someone is recognized and accepted as right and proper.'

8.5 KEY TERMS

- **Legitimacy:** It is the popular acceptance of a governing law or regime as an authority.
- **Authority:** The power to give orders to people is known as authority.
- **Hegemony:** It refers to leadership or dominance, especially by one state or social group over others

8.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Power in its most general sense denotes (a) the ability (exercised or not) to produce a certain occurrence or (b) the influence exerted by man or group, through whatever means, over the conduct of others in intended ways.
2. Two important theories of power are elite theory of power and pluralist theory of power.
3. Three types of legitimate authority are traditional authority, charismatic authority and legal-rational authority.
4. Two forms of legitimacy are numinous legitimacy and civil legitimacy.

8.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What is power? Discuss its relevance
2. Discuss the empirical study of power?
3. Critically discuss the Marxist and western approach to power.
4. Discuss Weber's theory of authority.

Long-Answer Questions

1. Write a detailed note on theories of power.
2. Explain the bases of power. Throw light on analysis and operation of power.
3. What do you understand by authority? Discuss various types of authority.
4. What are different types of legitimacy? Explain different forms of legitimate governments.

8.8 FURTHER READING

- Kretzschmar, A. and Rafal Konopka. 2003. *Oxford Dictionary of Pronunciation for Current English*. USA: Oxford University Press.
- Hall, S. 1996. *The Theory and Method of Articulation in Cultural Studies*. London: Routledge.
- Hall, S. 1996. *Critical Dialogues in Cultural Studies*. London: Routledge.

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UNIT 9 DEMOCRACY

Structure

- 9.0 Introduction
- 9.1 Unit Objectives
- 9.2 Liberal Approach
 - 9.2.1 Meaning of Democracy
- 9.3 Marxist Approach
- 9.4 Summary
- 9.5 Key Terms
- 9.6 Answers to 'Check Your Progress'
- 9.7 Questions and Exercises
- 9.8 Further Reading

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9.0 INTRODUCTION

In this unit, you will read about democracy. Broadly speaking, the term 'democracy' means rule by the people. However, varied meanings have been associated with it over a period of time. Debates about the nature of democracy have tended to focus on three important questions.

First, to what extent should political power be distributed? Second, should the people in effect rule themselves or should the government be left in the hands of elected representatives? Third, is it appropriate to decide collectively through the use of democratic process? In direct democracy, which originated and was practised in ancient Greece, citizens used to make decisions themselves, without representative institutions. This interpretation stresses the value of public discussion, both for the participants and for the quality of decisions. This model of democracy has serious limitations and, therefore, is not a popular form of government in modern times. Democracy is not only a form of government but also an ideal, an aspiration and a standard. The core element of democracy is self-rule. The origin of the term democracy can be traced back to ancient Greece.

9.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Understand the meaning of democracy
- Discuss liberal approach to democracy
- Explain the major points of the Marxist approach to democracy

9.2 LIBERAL APPROACH

In the lexicography of political science, no word is more controversial than 'democracy'. There is no individual who does not like it but he may raise its 'question of suitability and efficacy at particular circumstances'. The suitability of democracy is related to the question of the form of government and not to that of principle. Many scholars object to the application of democracy to particular circumstances but they are not opposed to

democratic principle. Today many people ask whether the circumstances or environment will be moulded to make them suitable for democracy or democracy will be changed to mould the environment for its own development.

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9.2.1 Meaning of Democracy

As to the proper meaning of the word, there is also a controversy. As G. C. Field observes, 'In recent years controversy has arisen about the proper meaning of the word democracy.' In spite of differences of opinion, democracy is regarded as a useful form of government. Where it does not exist, men are fighting for it and where it already exists, men are striving to make it perfect.

Sukarno's Indonesia called itself a guided democracy and Ayub's Pakistan called itself a basic democracy. Even the communist and socialist countries call themselves as pure democracies. Etymologically, democracy is derived from two Greek words 'demos' and 'kratia'. *Demos* means people and *kratia* means power or rule. Therefore, democracy means the power or rule of the people. Here are some more definitions of democracy. C.D. Burns says, 'Few words have been more loosely and variously defined than democracy. It has literally meant all things to all men'.

Laski observes, 'Democracy has a context in every sphere of life; and in each of these spheres it raises its special problems which do not admit of satisfactory or universal generalization.' Prof. Burns also remarks, 'Democracy may be found both in the social, atmosphere and in political organization; and indeed it is possible to speak of democracy in every form of social life, in religion, in industry as well as in politics.' Abraham Lincoln defines democracy as 'the government of the people, by the people and for the people.' Seeley says that 'democracy is a government in which everyone has a share.' MacIver defines democracy as 'Democracy is not a way of governing whether by majority or otherwise, but primarily a way of determining who shall govern and broadly to what ends.'

According to Maxey, 'Democracy is a search for a way of life in which the voluntary free intelligence and activity of man can be harmonized and coordinated with the least possible coercion.' In the words of Sartori, 'Democracy denotes a political system characterized by the absence of personal power and more particularly, a system that hinges on the principle that no one can proclaim himself as ruler, that no one can hold power irrevocably in his own name.' Ivor Brown is right when he says that 'the word has come to mean anything; or rather so much that it means nothing at all.' UNESCO questionnaire speaks of the vagueness of democracy. Robert Dahl says that a responsible democracy can exist only if the following institutional guarantees are present:

- Freedom to form and join associations.
- Freedom of expression.
- Right to vote.
- Right to be elected and hold public offices.
- Right of political leaders to compete for support and vote.
- Alternative sources of information.
- Free and fair election.
- Institutions for making government policies depend on votes and other expression of preferences.

Democratic Government, Democratic State and Democratic Society

Democracy is not merely a form of government. Some claim it to be a form of state and some regard it as a form of society. A democratic government is one which is based on the accountability of the people; a democratic state is one which is based on popular sovereignty. Democracy, in its wider meaning, is a form of society. A democratic government implies a democratic state, although a democratic state may not imply a democratic government.

Example: The United States is a democratic state but does not have daily accountability to the Congress. For a democratic government, there must be a democratic state and democratic society.

Besides, democracy is an order of society and a way of life. It has political, social and economic implications. It has faith in the equality of all men and the recognition of the individuality of human beings. A democratic way of life is characterized by tolerance, mutual respect and fraternity. It implies equitable distribution of wealth. If the majority government suppresses the minority opinion, it is contrary to the democratic ideal.

Direct Democracy and Indirect Democracy

Democracy is of two types, viz., direct democracy and indirect democracy or representative democracy.

1. Direct democracy

Direct democracy prevailed in the city states of ancient Greece. There, the people directly participated in the affairs of the Government. All the citizens used to go to a particular place and decide matters relating to legislation, taxation and policy making. It was possible because of the small size of the city States.

Modern states are quite big in size and population. Hence, direct democracy of the types of Greek city states is not possible in any modern state. But direct democracy can be found in Switzerland in modern states. Modern states direct democracy operations through the instruments of referendum, initiative and recall.

- **Referendum:** It means to refer to the people. It means that no law passed by the Swiss legislature can be effective unless it is referred to the people in a referendum and receives their approval. Similarly, constitutional amendment can be valid when it is approved by a majority of the people and the majority of the Cantons in a referendum. It is a remedy against legislative commission.
- **Initiative:** It is a remedy against legislative omission. If the legislature does not pass an act, people can propose legislation through initiative. That law will come into force when approved by the people in a referendum. It may bring the legislators in touch with the people, but it gives the people a power, which they cannot properly utilize.
- **Landsgemeinde:** In some Cantons of Switzerland, the institution of landsgemeinde or open assembly prevails. There, like the city state people gather at a particular place and decide their own affairs. In this sense, it is similar to the direct democracy, which prevailed in the Greek city states.
- **Recall:** It means withdrawing the representatives from the Assembly or legislature if they do not work for the betterment of the people. Recall is advocated now-a-days in modern democracy to withdraw representatives

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who do not perform their duties properly. Example: Jaya Prakash Narayan suggested recall for India.

These devices are weapons in the hands of the people to check legislation and to enable them take part directly in the Government.

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Merits of direct democracy

The following are the merits of direct democracy:

- It enables the people to get the experience of government and administration.
- It makes the government responsible.
- It creates a sense of responsibility and patriotism among the people.
- It enhances the political consciousness of the people.
- It keeps the voters in touch with the government.

Demerits of direct democracy

Direct democracy has the following demerits:

- It is not suitable for large states.
- It misleads the people because the opportunists take advantage of it.
- All the people are not suitable to give their opinion under this system. They simply say 'yes' or 'no'.
- It cannot take secret decisions on war and emergencies.
- It requires a high sense of responsibility, which the people lack.

2. Indirect Democracy

In almost all countries of the modern world except Switzerland, indirect democracy prevails. Switzerland presents a blend of direct and indirect democracy. Due to the large size of the modern state, it is not possible for all the people to gather at the particular place and take decisions. Hence, people elect their representatives who sit in the parliament and make law for the people. This is called indirect democracy.

Features of indirect democracy

Indirect democracy has the following features:

- It is a representative form of government in which people's representatives take decisions.
- Sovereignty is vested in the people.
- Government works on behalf of the people.
- People do not get a chance of participate in the affairs of the state.

Merits of indirect democracy

Indirect democracy has the following merits:

- It is suitable for big countries only.
- Here, political demagogues play an important role. They can mobilize the voters in their favour.

- The Government runs on behalf of the people.
- Secrecy can be maintained where it is required.

Demerits of indirect democracy

- The voters are ignorant. So it is not possible to vest powers in their hands.
- Direct contact between the voters and representatives cannot be established under this system.
- After their election, the representatives seldom nurse their constituencies.
- It gives rise to corruption. Political parties vitiate the atmosphere of the country.
- It is very expensive. Example: The holding of an election in a country of
- India's size entails heavy expenditure.

Characteristics of Democracy

Democracy has certain characteristics. R. M. MacIver says that democracy is not a way of governing, whether, by majority or otherwise, but primarily, a way of determining who shall govern and broadly to what ends. Democracy is not a one-way traffic. It implies responsibilities both on the part of the ruler and ruled. It is based on the cooperation of both. The main characteristics of democracy are as follows:

- **Popular sovereignty:** Democracy is based on the sovereignty of the people. That is to say people exercise supreme power in a democracy. They have the right to elect the government and the government remains responsible to it. If the government does not fulfil the wishes of the people, people have a right to overthrow it and institute a new government.
- **Political, social and economic equality:** In a democracy, there is political, social and economic equality. So far as political equality is concerned, all, rich or poor, educated or uneducated, high or low, have one vote only. In the social sphere, there shall not be any discrimination against any one on grounds of religion, race, sex, caste or place of birth. In the economic sphere, there shall not be great gulf between the rich and the poor or haves and have nots.
- **Majority rule:** Democracy is rule of the majority. It is the majority that governs in a democracy. No party can govern unless it has acquired majority of seats in the legislature.
- **Respect for the opinion of the minority:** In democracy no doubt, the majority rules, but it cannot ride rough shod over the minority. The opinion of the minority should be given due consideration.
- **Rights:** Democracy provides various kinds of rights to the individuals. Example: The right to freedom of speech and expression, right to form unions or associations, religious freedom, right to free movement and educational and cultural rights are some of the rights that the people enjoy in a democracy. It upholds individual dignity.
- **Government by adjustment and compromise:** Democracy is a government by adjustment and compromise. Different opinions are likely to arise in democracy within the ruling party itself. Therefore, it has to function with adjustment and compromise of a variety of opinions. Therefore, it allows plurality of ideas.

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- **Value system:** It is a form of government in which people can realize their best ideals and highest qualities. Therefore, it is a system of values. Three things are important in a democracy, efficiency, realization of best ideals and qualities and self-rule. If democracy lacks efficiency, it will be the worst form of government.
- **Democracy is a welfare-oriented concept:** America, which is one of the best democracies used, realized during the *great* economic depression and afterwards that democracy should be to promote the needs and welfare of the people. Most of the democratic countries today are welfare countries. They aim at promoting the welfare of the people without destroying individual freedom.
- **Rule of law:** In democracy, there is rule of law. It means the supremacy of law as against that of man. It also stands for equality of law. A. V. Dicey is the exponent of rule of law in Britain.
- **Independence of judiciary:** Democracy is characterized by independent judiciary with the exception of England. The judiciary acts without fear or favour, affection or ill will. It can declare a law as ultravires, if it violates the constitution.
- **It is opposed to coercive methods:** It based on persuasion not coercion.
- **Democracy is a theory of society as well as government:** A.D. Lindsay has explored this concept of democracy. The purpose of every democratic government is to serve the community. For this purpose, it has to remove disharmonies from the society and provide a congenial atmosphere for democratic values and principles to thrive.
- **Leadership:** Democracy provides scope for producing leaders starting from the village level to the national level. Those who have the qualities of leadership can get scope to prove their talents. **Example:** Jawaharlal Nehru was the chairman of the Allahabad Municipality. But he rose to the position of the prime minister. There are many such examples in which leaders have started their career from lower levels and proved to be efficient as national leaders. Therefore, democracy is not only a form of government, but also a way of life.

Political, Social and Economic Democracy

Democracy has political, social and economic dimensions.

- **Political democracy:** In the political sphere, it stands for liberty, freedom of speech and expression, majority rule and tolerance of the views of the minorities.
- **Social democracy:** Operates in the social sphere; it means that there shall be equality and no discrimination against any one on grounds of religion, race, sex and place of birth.
- **Economic democracy:** It means that in the economic sphere, there shall be equitable distribution of wealth. There shall not be a great gulf between the rich and poor.

Merits of Democracy

In democracy, you agree upon certain common principles. You respect one another's point of view. Democracy provides the framework within which the moral life of the individual is possible. A.D. Lindsay in his book *Essentials of Democracy*, says that 'the end of democratic government is to minister to the common life of society and remove

the disharmonies that trouble it.' Thus, democracy is an ideal, a means and a way of life. The merits of democracy are as follows:

- **A rational form government:** It is based upon the premise that no man is infallible. Every man is liable to commit mistakes. As no man is infallible, democracy adopts a process of discussion and criticism in which every man is allowed to take part. The continuous process of discussion and scrutiny acts as a necessary corrective of abuse of power.
- **It provides rights to the individual:** Democracy provides political, social and economic rights to the individuals. The right to vote, the right to life, the right to religion, the right to education, the right of minorities, the right to work, the right to a reasonable way and the right to rest and leisure are some of the rights, which the democracy provides. There has been some movements for rights, such as the American War of Independence 1776, the French Revolution 1789 and the Russian Revolution of 1917. Without these rights, life will be meaningless.
- **Equality:** Democracy not only provides right but also provides equality. All are equal in the political, social and economic spheres. All enjoy equal rights. There is no discrimination on the grounds of religion, race, sex, caste and place of birth.
- **Democracy is an efficient and responsible form of government:** The method of free election at certain intervals and the method of popular control at every stage of administration, either through criticism inside the legislature or outside through public opinion, make it extremely efficient and responsible.
- **Democracy promotes the welfare of the people:** It is clear from its definition that democracy is the government of the people. It also provides security to the individuals. Welfare is the yardstick of the security of the government.
- **It is government by the majority:** In democracy, the majority rules. In other forms of government, it is one man or a few who form the government. Hence, in democracy, majority opinion counts.
- **Tolerance:** Though the majority rules, the opinion of the minority is tolerated. There are different shades of opinion in the society. Every shade of opinion is given due consideration.
- **Checks in democracy:** MacIver justifies democracy because it is less dependent on the psychology of power. There are many checks on democracy. Hence, it cannot create a consciousness of superiority in the governing class.
- **Liberty:** Mills, classic defence of democracy is based on the argument that the rights of the individual are secured in democracy because he is able to stand up for them. Democracy offers every individual the liberty to vindicate his privileges.
- **Character-building:** Democracy has an ennobling influence on the character of the people. It is an active school for character building. Bryce says that the manhood of the individual is dignified by his political enfranchisement and he is raised to a higher level by the sense of duty, which it shows upon him.

Demerits of Democracy

Democracy has the following demerits or weaknesses:

- **Since the time of Plato and Aristotle democracy has been criticized:** Plato criticized democracy because he put his master Socrates to death. Aristotle regarded

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it as a prevented form of government. It is the government of average men and women. The average men in the words of Maxey are sheep-minded, ape-minded and wolf-minded.

- **It is said that democracy is based on number:** It counts the heads but not the contents in the heads. So, it is based on quantity instead of quality.
- **Cult of incompetence:** The French writer Faguet describes democracy as the cult of incompetence. Bryce says that it is government by the incompetent. It is the ignorant and inefficient men who come to power. Such men are unintelligent, uninformed, prejudiced, emotional and resentful of superiority of others. They are the most numerous in society.
- **Tyranny of the majority:** The majority may impose their will on the minority. The minority view is either suppressed or ignored. The majority in the legislature walk like a colossus. Hence, it may ignore the view of the minority.
- **Expensive:** Democracy is very expensive. There are frequent elections in democracy. Besides, much money is spent on propaganda and mobilizing public opinion. There is wastage not only of money, but also time and opportunity. It is the most extravagant and indifferent system.
- **Democracy is an unscientific dogma:** The psychological study of democracy is based on the study of mass psychology. As Graham Wallas says, 'Politics is only in a slight degree the product of unconscious reason.' In a democracy, where masses are supposed to take part in government, the operation of crowd psychology is much in evidence.
- **It is characterized by indecision and instability:** In the words of Maxey, democracy government is 'prone to indecision, feebleness, instability.' Government changes so often that administrative stability is seldom possible. Discussion also results in delay.
- **Corruption:** Corruption is another demerit of democracy. It is said that power corrupts and absolute power, corrupts absolutely. When power remains in the hands of the people, it leads to corruption. Votes are bought and sold.
- **Unsuitable for emergency:** It cannot take quick action. Hence, it is unsuitable for emergencies like flood, famine, cyclone, war etc.
- The present system of democracy, based on geographical representation, is faulty. A representative cannot represent the varied interests of the individuals. So G. D. H. Code advocates functional representations.
- Lord Bryce sums up the weakness of democracy as follows:
 - The power of money to prevent administration and legislation
 - The tendency to make politics a gainful profession
 - Extravagance in administration
 - The abuse of the doctrine of equality and failure to appreciate the value of administrative skill
 - The undue power of party organization
 - The tendency of legislators and political officials to play for votes in the passing of laws and in tolerating breaches of order

- Faguet attacks democracy that it is a biological misfit or a biological monstrosity. Democracy is not in line with the process of evolution. He argues that the higher we descend the scale of evolution, the greater is the tendency towards centralization.

Safeguards of Democracy or Conditions for Successful Working of Democracy

Certain conditions are necessary for democracy to be successful. Aristotle pointed out to the economic basis of politics. Politics cannot succeed unless people are economically sound and there is no great gulf between the rich and the poor. If this is not to their own purposes. Sometimes, it tends towards dictatorship. Hence, it is necessary to discuss at length the safeguards of dictatorship, which are as follows:

- **Faith in democracy:** This is the most important condition for the success of democracy. People must have faith in democracy and should be ready to be governed democratically. Then they can develop qualities like majority rule, tolerance, responsibility, independent voting power etc.
- **Universal education:** Universal education is another condition for the success of democracy. Without education, people cannot distinguish the right from wrong. Therefore, J.S. Mill said that 'Universal education should precede universal franchise.'
- **Removal of poverty:** Removal of poverty is another safeguard of democracy. If half of the population remains below the poverty line, they cannot take any interest in democratic process. Their time will be spent in earning two square meals a day. Instead of exercising their conscience, they will vote for money.
- **Spirit of law-abidingness:** In a democracy, people should develop a spirit of law abidingness. It enhances discipline and builds the national character. It established and maintained political morality. In its absence, there will be anarchy and corruption.
- **Rule of law:** Rule of law is another safeguard of democracy. It means supremacy of law as opposed to supremacy of man. There should be equality before law and equal-protection of law. Then only democracy can be real.
- **Bi-party system:** Bi-party system is the best safeguard of democracy. In England and America, democracy has been successful because of bi-party system. In a bi-party system, one or the other party must secure a majority. The party that does not secure a majority sits in the opposition. In Britain, the opposition is known as his majesty's opposition and the leader of the opposition is the shadow Prime Minister. There is also a shadow cabinet in the Opposition corresponding to every minister in the government.
- **Independent media:** The media, like the press, radio, T.V. etc., should be independent and impartial. They should report news and views independently. They should not indulge in yellow or sensational journalism. If the media is free and impartial the government will function with caution.
- **Strong opposition:** The opposition should be strong. What is necessary in a parliamentary democracy is that the opposition should be equally strong. It should not oppose for sake of the opposition but offer constructive criticism.

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- **Patriotism:** People should have loyalty to their nation. They will be willing to sacrifice for the sake of their country.
- **Agreement on fundamentals:** People should have faith in the basic and fundamental principles of democracy. They should have some common programmes for the development of the country. Whichever party may come to power should strive to implement them. There should be change of government through constitutional means.
- **Wise constitution:** The constitution should ensure social, economic and political justice to the people. It will build a strong foundation for democracy. If the aim of the constitution is to create merely a police state, democracy cannot survive for long. **Example:** Pakistan's constitution led to the overthrow of democracy because of weak constitution.
- **Eternal vigilance:** It is said that eternal vigilance is the price of liberty. It can also be equally applied to democracy. There may be enemies from outside the state. People should be vigilant against them. There may be danger from antisocial elements from within the state. People should keep a watchful eye on them.
- **Decentralization of power:** It is another safeguard of democracy. It gives power to the people of the grassroots. If the above safeguards are observed, democracy can work successfully in a country.

Classical Theory of Democracy

Democracy is a very old form of government and so its theory dates back to the days of the Greeks who identified it with 'people's power' (Pericles), or a system in which 'rulers are accountable to the people for what they do therein'.

Such a view saw its reaffirmation in modern times when Abraham Lincoln in his Gettysburg oration of 1863 called it 'a government of the people, by the people, and for the people'. Great liberals like John Locke and Edmund Burke developed the same theme in the direction of a 'limited government' bound by the laws of the land. Later on, the utilitarians like Bentham and James Stuart Mill justified the case of democratic government in the name of their formula of the 'greatest good of the greatest number' and Mill give the same ton to the force of his moral or ethical argument. This trend continued in the present century and saw its powerful reiteration at the hands of Dica, Bryce and Laski. Apart from this, the idealistic argument of democracy prevailed side by side that had its brilliant manifestation at the hands of Rousseau, Green and Lindsay. All such affirmations constitute, what is now called, the classical theory of democracy.

Characteristics of Classical Theory of Democracy

The classical theory of democracy as espoused by the liberals and the idealists of the modern age has these salient features:

1. Power is vested in the people and its exercise is given to them or to their chosen representatives accountable to them for their acts of commission and omission. All decision must be based on the consent of the people. Thus, it stands on the premise that 'people are always right' (in theory), or the decision of the majority is always correct' (in practice). We may take note of the fact that, though a great idealist, Rousseau also went to the extent of laying down that, for all practical purposes, the general will should be taken as the will of the majority. So James Bryce defined democracy as 'a government in which the will of the majority of

qualified citizens rules, taking the qualified citizen to constitute the great bulk of the inhabitants, say, roughly, at least three-fourth so that the physical force of the citizens coincides (broadly speaking) with their voting power'.

2. The people have certain natural and inalienable rights, which the government cannot abrogate or diminish. The doctrine of 'natural rights', as it came to be known, emerged as the most powerful instrument at the hands of the democrats who struggled for the rights of the people against arbitrary power of the kings. Notably in England in the mid-seventeenth century, the 'independents', the 'levellers' and other protagonists of the commoner's set forth the ground of their resistance to the autocratic claims of the Crown, the established Church, and the entrenched hereditary nobility. Reacting against the arbitrary powers of thinking, John Milton asserted the 'all men are naturally born free' and from this principle he derived 'the liberty and right of freeborn men to be governed as seems them best.' Most powerful was the argument of John Locke coined to justify the Glorious revolution of 1688-89 that 'to understand political power right, we must begin with the recognition of natural and original freedom of all men to order their actions and dispose of their possessions as they think fit, within the bound of the laws of nature, without asking leave or depending upon the will of any other man.'

3. The doctrine of 'natural rights' lost its significance with the growth of the idea of positive liberalism that sought to reinterpret the relationship between individual liberty and state activity. Thus, Bentham offered his principle of utility that sought to give a new interpretation to the justification of democracy. The doctrine of natural rights was rejected rather replaced by the doctrine of the happiness of natural rights was rejected rather replaced by the doctrine of the happiness of man measured in terms of material pleasures. He gave the formula of 'one person, one vote'. It implied that although all persons are not naturally the same in intelligence, energy, thrift, inventiveness and perseverance, yet all normal men – just as they have equal rights to life, freedom and access to the courts of law – have equal rights to a voice in government because they have equal stakes in the justice and efficiency of governmental action'. This argument implies that since political government has no other end than the well-being of the individual men and women that make up society and since each individual's well-being ought to count for as much as that of any other individual, a society is properly organized politically to the extent that its constitution and policy tend to promote the interests, conserve the rights and extend the capacities and opportunities for happiness of the greatest number of individuals in the community. Democratic government satisfies these requirements, since it is least likely to subordinate the welfare of the majority of the community to that of any part. Democracy means government by those who have the greatest concern and the greatest awareness of the interest and rights of the people generally. The natural self-interest of human being is the best security against political action that is oppressive or tolerant of oppression'.
4. If Benthamite utilitarianism displaced the line of 'natural rights', a revisionist of the utilitarian creed like Mill replaced the materialistic content of Bentham by the force of his ethical argument in favour of democracy. The argument of Bentham was based on the self-interest of the individual that ought to be harmonized with the interest of the society in the framework of the great stood of the greatest number'.

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The defenders of Bentham called it enlightened or benevolent hedonism. But Mill defended the case of democracy as the best form of government on moral grounds. As he says, 'The most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves. The first question in respect to any political institution is how far they tend to foster in the member of the community the various qualities—moral, intellectual and active'. Highlighting this point of difference between the views of Bentham and Mill, it is well commented; 'Bentham's principle of utility in a society of wolves would exact wolfishness; in a society of saints it would exalt saintliness. Mill was determined that saint less should be the criterion of utility in any society whatsoever.'

5. The classical theory of democracy has a peculiar dimension when we examine the view of the idealists like Rousseau and Green. To Rousseau democracy alone ensures prevalence of the 'general will'. In every community, there is a section of really selfless and enlightened people who think in terms of public interest and it is the inherent force of their selfless argument that ultimately prevails in any matter under discussion before a body of the people. Through the process of cancellation good would set aside the bad; all contradictions would be resolved and in the end only 'dominant good' would emerge. This good, which would be what was left at the will emerge. This good, which would be what was left at the will of becomes integrated, would be in effect the same as the 'general will'. Influenced by the idealistic interpretations of Rousseau, Green says that 'will, not force, is the basis of the state'. As he observes;

‘The sovereign should be regarded not as any abstraction as the wielder of coercive force, but in connection with the how complex of institutions of political society. It is as their sustained and thus the agent of the general will, that the sovereign power must be presented to the minds of the people. If it is to command habitual obedience and obedience will scarcely be habitual unless it is loyal and forced.’

6. Above all, democracy has no substitutes in terms of excellence from a practical point of view. Every form of government has its merits and demerits. But peculiar is the case of democracy where merits far outweigh its demerits. Hence, it is the substitutes-less form of government. Liberal democrats of the present century contend that although no form of government could revolutionize or perfect human nature and all forms had their characteristic defects. The defects of democracy had been, in recent times, less numerous than those of other 'non-democratic' or anti-democratic forms. But while doing so, the liberals keep in view the case of democracy as developed in the West based on the principle of universal adult franchise, free and fair periodic elections, multi-party system, independence of press and judiciary, basic rights of the people, freedom of dissent, tolerance of opposition and the like. Bryce goes to the last extent of posing a question that if democracy 'has not brought all the blessings that were expected, it has in some countries destroyed, in other materially diminished, many of the cruelties and terrors, injustices and oppressions of former times. However, grave the indictments that may be brought against democracy, its friends can only ask, what better alternative do you offer?'

In fact, the classical or traditional doctrine of democracy has been in part a theory of certain original rights of man – a view that government is made in virtue of those rights and must conform to them. The men have a natural right to participate equally in

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political power, just as they have a natural right to be free from enslavement or to appeal on equal to judicial tribunals for protection of their lives and property against assaults, trespass or encroachment of any kind. What is known as 'democratic method' is that institutional arrangements of arriving at political decisions which realizes the common good by making the people itself decide issues through the election of individuals who are to assemble in order to carry out its will. There exists a common good, the obvious become light of policy, which his always simple to define and which every normal person can be made to see by means of rational argument.... Thus, every member of the community, conscious of that goal, knowing his or her mind, discerning what is good and what is bad, takes part, actively and responsibly, in furthering the former and fighting the latter and all the members taken together control their public affairs.'

Criticism of Classical Theory of Democracy

The classical theory of democracy has been criticized on many counts.

1. First, it is thoroughly normative. It is located with high ideals and bombastic propositions like 'general will', 'people's rule', 'people's power', 'common good', and the like that cannot be subjected to an empirical verification. All these terms are quite elusive.
2. Second, it attaches no importance to the role of numerous interest groups and organization that play their part in the struggle for power, or which compete among themselves and that all constitutes the stuff of a democratic-system in practice. The utilitarians talk about 'greatest happiness of the greatest number' without taking into consideration the powerful role of groups, functions and elites that ever strive to protect and promote their specific interests.
3. Third, the socialists and the Marxists have their own version of democracy that stretches the system of political democracy into social and economic spheres. To the Marxists, it is all like a defence of the discredited bourgeois system.

Merits of Classical theory of Democracy

Merits of Classical theory of Democracy

1. Though the classical doctrine of collective action may not be supported by the results of an empirical analysis, it is powerfully supported by its association with religious beliefs. The very meaning of a term like 'equality' may be doubtful, there is hardly any rational warrant for exalting it into a postulate, so long as we move in the sphere of empirical analysis. Christianity harbours a strong equalitarian element. Any celebrated word like 'equality' or 'freedom' may become a flag, a symbol of all a man holds dear, of everything that he loves about his nation whether rationally contingent to it or not.
2. It is a fact that the forms and phrases of classical democracy are for many nations associated with events and developments in their history, which are enthusiastically approved by large majority is, any opposition to an established regime is likely to use these forms and phrases whatever its meanings and social roots may be. Under these circumstances a democratic revolution has meant the advent of freedom and decency, and the democratic creed meant a gospel of reason and betterment. To be sure, this advantage was bound to be lost and the gulf between the doctrine and the practice of democracy was bound to be discovered. But the glamour of the dawn was slow to fade.

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The defenders of Bentham called it enlightened of benevolent hedonism. But Mill defended the case of democracy as the best form of government on moral grounds. As he says, 'The most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves. The first question in respect to any political institution is how far they tend to foster in the member of the community the various qualities—moral, intellectual and active'. Highlighting this point of difference between the views of Bentham and Mill, it is well commented; 'Bentham's principle of utility in a society of wolves would exact wolfishness; in a society of saints it would exalt saintliness. Mill was determined that saint less should be the criterion of utility in any society whatsoever.'

5. The classical theory of democracy has a peculiar dimension when we examine the view of the idealists like Rousseau and Green. To Rousseau democracy alone ensures prevalence of the 'general will'. In every community, there is a section of really selfless and enlightened people who think in terms of public interest and it is the inherent force of their selfless argument that ultimately prevails in any matter under discussion before a body of the people. Through the process of cancellation good would set aside the bad; all contradictions would be resolved and in the end only 'dominant good' would emerge. This good, which would be what was left at the will emerge. This good, which would be what was left at the will of becomes integrated, would be in effect the same as the 'general will'. Influenced by the idealistic interpretations of Rousseau, Green says that 'will, not force, is the basis of the state'. As he observes;

'The sovereign should be regarded not as any abstraction as the wielder of coercive force, but in connection with the how complex of institutions of political society. It is as their sustained and thus the agent of the general will, that the sovereign power must be presented to the minds of the people. If it is to command habitual obedience and obedience will scarcely be habitual unless it is loyal and forced.'

6. Above all, democracy has no substitutes in terms of excellence from a practical point of view. Every form of government has its merits and demerits. But peculiar is the case of democracy where merits far outweigh its demerits. Hence, it is the substitutes-less form of government. Liberal democrats of the present century contend that although no form of government could revolutionize or perfect human nature and all forms had their characteristic defects. The defects of democracy had been, in recent times, less numerous than those of other 'non-democratic' or anti-democratic forms. But while doing so, the liberals keep in view the case of democracy as developed in the West based on the principle of universal adult franchise, free and fair periodic elections, multi-party system, independence of press and judiciary, basic rights of the people, freedom of dissent, tolerance of opposition and the like Bryce goes to the last extent of posing a question that if democracy 'has not brought all the blessings that were expected, it has in some countries destroyed, in other materially diminished, many of the cruelties and terrors, injustices and oppressions of former times. However, grave the indictments that may be brought against democracy, its friends can answer, 'what better alternative do you offer?'

In fact, the classical or traditional doctrine of democracy has been in part a theory of certain original rights of man – a view that government is made in virtue of those rights and must conform to them. The men have a natural right to participate equally in

political power, just as they have a natural right to be free from enslavement or to appeal on equal to judicial tribunals for protection of their lives and property against assaults, trespass or encroachment of any kind. What is known as 'democratic method' is that institutional arrangements of arriving at political decisions which realizes the common good by making the people itself decide issues through the election of individuals who are to assemble in order to carry out its will. There exists a common good, the obvious are to assemble in order to carry out its will. There exists a common normal person become light of policy, which his always simple to define and which every member of the can be made to see by means of rational argument.... Thus, every member of the community, conscious of that goal, knowing his or her mind, discerning what is good and what is bad, takes part, actively and responsibly, in furthering the former and fighting the latter and all the members taken together control their public affairs.'

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3. Third, the socialists and the Marxists have their own version of democracy that stretches the system of political democracy into social and economic spheres. To the Marxists, it is all like a defence of the discredited bourgeois system.

Merits of Classical theory of Democracy

The classical theory of democracy has its own salient merits, which are thus summed up by Schumpeter:

1. Though the classical doctrine of collective action may not be supported by the results of an empirical analysis, it is powerfully supported by its association with religious beliefs. The very meaning of a term like 'equality' may be doubtful, there is hardly any rational warrant for exalting it into a postulate, so long as we move in the sphere of empirical analysis. Christianity harbours a strong equalitarian element. Any celebrated word like 'equality' or 'freedom' may become a flag, a symbol of all a man holds dear, of everything that he loves about his nation whether rationally contingent to it or not.
2. It is a fact that the forms and phrases of classical democracy are for many nations associated with events and developments in their history, which are enthusiastically approved by large majority is, any opposition to an established regime is likely to use these forms and phrases whatever its meanings and social roots may be. Under these circumstances a democratic revolution has meant the advent of freedom and decency, and the democratic creed meant a gospel of reason and betterment. To be sure, this advantage was bound to be lost and the gulf between the doctrine and the practice of democracy was bound to be discovered. But the glamour of the dawn was slow to fade.

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3. It must not be forgotten that there are patterns in which the classical doctrine will actually fit facts with a sufficient degree of approximation. It provides an effective mechanism for talking and implementing decisions whether it is small and primitive society of Switzerland or a being and industrialized society of the United States. This is the case with many small and primitive societies which, as a matter of fact, served, as a prototype to the authors of that doctrines of classical theory. It may be the case with those societies also that are not primitive, provided they are not too differentiated and do not harbour any serious problems.

4. Of course, the politicians appreciate a phraseology that flatters the masses and offers an excellent opportunity not only for evading responsibility but also for crushing opponents in the name of the people.

The intrinsic merits of the democratic system cannot be defined. At the same time, some other points should be taken into account that have been stressed by the empirical theorists like role of numerous groups, factions, elites, leadership etc., so as to present a theory of democracy approximating the world of reality. However, before passing over to the study of empirical theory of democracy, this point must be stressed with any amount of force that the new interpretation is a revision, not a rejection, of the classical theory of democracy.

The spirit of liberalism informs both. As political scientist, C.B. Macpherson, author of *The Life and Times of Liberal Democracy*, says: 'What the addition of democracy to the liberal state did was simply to provide constitutional channels for popular pressure to which governments would have had to yield in about the same measures anyway, merely to maintain public order and avoid revolution.'

By admitting the mass of people into the competitive party system, the liberal state did not abandon its fundamental nature, it simply opened the competitive political system to all the individuals who had been created by the competitive market society. The liberal state fulfilled its own logic. In so doing, it neither destroyed nor wakened itself; it strengthened both itself and the market society. It liberalized democracy, while democratizing liberalism.'

9.3 MARXIST APPROACH

The Marxist view is basically opposed to liberal democracy in its belief that a capitalistic state which is representative of the dictatorship of the bourgeoisie cannot be democratic by its nature. The Marxists view liberal democracy as an improbable utopia. According to them, in a capitalist state, all 'independent' media and most political parties are controlled by capitalists and large financial resources or the support of the bourgeoisie is needed to win an election. Lenin (1917) believed that in a capitalistic state, the focus of the system is on settling disagreements within the governing bourgeoisie class. Due to this as the interests of the proletariat or labour class is disregarded and they are not represented, the system depends on the good-will of the bourgeoisie.

'Democracy for an insignificant minority, democracy for the rich – that is the democracy of capitalist society. If we look more closely into the machinery of capitalist democracy, we see everywhere, in the 'petty' – supposedly petty – details of the suffrage (residential qualifications, exclusion of women, etc.), in the technique of the representative institutions, in the actual obstacles to the right of assembly (public buildings are not for 'paupers'!), in the purely capitalist organization of the daily press, etc., etc., – we see restriction after restriction upon democracy. These restrictions, exceptions, exclusions,

Check Your Progress

1. Define democracy in terms of Abraham Lincoln.
2. What is the full form of UNESCO?
3. Mention the different types of democracy.

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obstacles for the poor seem slight, especially in the eyes of one who has never known want himself and has never been in close contact with the oppressed classes in their mass life (and nine out of 10, if not 99 out of 100, bourgeois publicists and politicians come under this category); but in their sum total these restrictions exclude and squeeze out the poor from politics, from active participation in democracy.'

Many of these limitations now do not apply in the western world as women too exercise their vote and it is not binding to have property. Nevertheless, it is generally agreed by the Marxists that corporate interests dominate the political landscape due to the extensive practice of lobbying politicians and the associations between corporations and elected officials.

Furthermore, even if representatives of the proletariat class are elected in a capitalist country, Marxists allege they have restricted command over the country's affairs as the economic sphere is largely under the hold of private capital and therefore the representative's power to act is reduced. Basically, minarchists (only a small minority of those supporting liberal democracy) allege that in the model liberal state the functions of the elected government should be reduced to the minimum (i.e. the court system and security). Hence Marxists- Leninists feel that in order to bring power into hands of oppressed classes, it is imperative that a socialist revolution take place.

Lenin strongly advocated that bourgeois democracy, is in reality, a dictatorship of bourgeoisie. On the other hand, dictatorship of proletariat is the highest possible form of democracy and should use violence against opposing classes.

Quotes by some eminent political thinkers:

- Marx: 'Democracy is the road to socialism.'
- Marx: 'When the workers replace the dictatorship of the bourgeoisie by their revolutionary dictatorship to break down the resistance of the bourgeoisie ... the workers invest the state with a revolutionary and transitional form.'
- Engels: 'And the victorious party' (in a revolution) 'must maintain its rule by means of the terror which its arms inspire in the reactionaries. Would the Paris Commune have lasted more than a day if it had not used the authority of the armed people against the bourgeoisie? Cannot we, on the contrary, blame it for having made too little use of that authority?'
- Engels: 'As, therefore, the state is only a transitional institution which is used in the struggle, in the revolution, to hold down one's adversaries by force, it is sheer nonsense to talk of a 'free people's state'; so long as the proletariat still needs the state, it does not need it in the interests of freedom but in order to hold down its adversaries, and as soon as it becomes possible to speak of freedom the state as such ceases to exist.'
- Lenin: 'The revolutionary dictatorship of the proletariat is ruled, won, and maintained by the use of violence by the proletariat against the bourgeoisie, rule that is unrestricted by any laws.'
- Lenin: 'A state of the exploited must fundamentally differ from such a state; it must be a democracy for the exploited, and a means of suppressing the exploiters; and the suppression of a class means inequality for that class, its exclusion from democracy.'

To all intents and purposes, communist states are widely seen as dictatorships by bourgeois critics, since the elections they held tended to be heavily manipulated.

Check Your Progress

4. What was Lenin's views regarding the capitalist state?
5. What is the Marxist approach to democracy?

9.4 SUMMARY

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- In the lexicography of political science, no word is more controversial than 'democracy'. There is no individual who does not like it but he may raise its 'question of suitability and efficacy at particular circumstances'.
- Laski observes, 'Democracy has a context in every sphere of life; and in each of these spheres it raises its special problems which do not admit of satisfactory or universal generalization.'
- Democracy is not merely a form of government. Some claim it to be a form of state and some regard it as a form of society. A democratic government is one which is based on the accountability of the people; a democratic state is one which is based on popular sovereignty.
- Modern states are quite big in size and population. Hence, direct democracy of the types of Greek city states is not possible in any modern state. But direct democracy can be found in Switzerland in modern states.
- In almost all countries of the modern world except Switzerland, indirect democracy prevails. Switzerland presents a blend of direct and indirect democracy.
- Democracy has certain characteristics. R. M. MacIver says that democracy is not a way of governing, whether, by majority or otherwise, but primarily, a way of determining who shall govern and broadly to what ends.
- Certain conditions are necessary for democracy to be successful. Aristotle pointed out to the economic basis of politics. Politics cannot succeed unless people are economically sound and there is no great gulf between the rich and the poor.
- Democracy is a very old form of government and so its theory dates back to the days of the Greeks who identified it with 'people's power' (Pericles), or a system in which 'rulers are accountable to the people for what they do therein'.
- Power is vested in the people and its exercise is given to them or to their chosen representatives accountable to them for their acts of commission and omission. All decision must be based on the consent of the people.
- The classical theory of democracy has been criticized on many counts. First, it is thoroughly normative. It is located with high ideals and bombastic propositions like 'general will', 'people's rule', 'people's power', 'common good', and the like that cannot be subjected to an empirical verification.
- Though the classical doctrine of collective action may not be supported by the results of an empirical analysis, it is powerfully supported by its association with religious beliefs.
- The Marxist view is basically opposed to liberal democracy in its belief that a capitalistic state which is representative of the dictatorship of the bourgeoisie cannot be democratic by its nature.
- Furthermore, even if representatives of the proletariat class are elected in a capitalist country, Marxists allege they have restricted command over the country's affairs as the economic sphere is largely under the hold of private capital and therefore the representative's power to act is reduced.

9.5 KEY TERMS

- **Lexicography:** Lexicography refers to the activity or occupation of compiling dictionaries.
- **Referendum:** A referendum (plural *referendums*, see below) is a direct vote in which an entire electorate is asked to vote on a particular proposal.
- **Landsgemeinde:** The Landsgemeinde or 'Cantonal assembly' is a public, non-secret ballot voting system operating by majority rule, which constitutes one of the oldest forms of direct democracy.

9.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Abraham Lincoln defines democracy as 'the government of the people, by the people and for the people.'
2. The full form of UNESCO is *United Nations Educational, Scientific and Cultural Organization*.
3. Two types of democracy are direct democracy and indirect democracy.
4. Lenin believed that in a capitalistic state, the focus of the system is on settling disagreements within the governing bourgeoisie class. Due to this as the interests of the proletariat or labour class is disregarded and they are not represented, the system depends on the good-will of the bourgeoisie.
5. The Marxist view is basically opposed to liberal democracy in its belief that a capitalistic state which is representative of the dictatorship of the bourgeoisie cannot be democratic by its nature.

9.7 QUESTIONS AND EXERCISES

Short-Answers Questions

1. What are the instruments through which direct democracy can be operated?
2. Mention the demerits of indirect democracy.
3. What are the different dimensions of democracy?
4. What do you understand by classical theory of democracy?

Long-Answer Questions

1. What is the meaning of democracy? Write the merits and demerits of democracy.
2. Discuss the major characteristics of democracy.
3. What are the major conditions for successful working of democracy?
4. Write a detailed note on the merits of classical theory of democracy.

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9.8 FURTHER READING

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- Varma, S.P. 2008. *Modern Political Theory*. New Delhi: Vikas Publishing House Pvt. Ltd.
- Miller, David. 1987. *The Blackwell Encyclopedia of Political Thought*. Oxford: Oxford Blackwell.
- Germino, Dante L. 1976. *Beyond Ideology: The Revival of Political Theory*. Chicago: University of Chicago Press.

UNIT 10 POLITICAL CULTURE AND POLITICAL PARTICIPATION

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Structure

- 10.0 Introduction
- 10.1 Unit Objectives
- 10.2 Political Culture
- 10.3 Political Participation
 - 10.3.1 Political Participation Through Elections in India
 - 10.3.2 Political Participation of Women in India
- 10.4 Summary
- 10.5 Key Terms
- 10.6 Answers to 'Check Your Progress'
- 10.7 Questions and Exercises
- 10.8 Further Reading

10.0 INTRODUCTION

In this unit, you will be studying political culture and political participation as the significant operational elements in laying socio-political foundations in a country.

Political culture does not refer to the formal or informal structures of political interaction, i.e., the study of governments, political parties, pressure groups or cliques. Instead, it refers to the system of beliefs about patterns of political interaction and political institutions. It does not refer so much to what is happening in politics as much as what people believe is happening. Political culture therefore is an important link between political events and people's reactions to those events. Common examples of political culture are national pride, national identity and legitimacy of government.

Genuine and effective political participation must acknowledge the rights of non-participants to stand outside the political process, if the latter chooses to do so. It must be noted that participation does not always and necessarily imply that the political actors accept the political system. Although violent revolutions and direct political action, such as civil disobedience, are modes of political participation, democratic theorists are inclined towards structuring political participation through the constitutional framework.

This unit raises these issues from a general academic level and takes them to a specific Indian context at the operational level.

10.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Describe the evolution of the concept of political culture
- Assess the basic elements of political culture
- Explain the significance of political participation
- Evaluate the level of political participation in India
- Discuss the extent of women's political participation in India

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10.2 POLITICAL CULTURE

The concept of 'political culture' emerged from the wave of democratization studies and the seminal study was *The Civic Culture* (1963) by Gabriel Almond and Sidney Verba. Here, they studied five democratic societies and concluded that a nation's political culture exerted an independent influence on social and political behaviour.

In 1965, a group of area specialists published their comparative study of the political systems of select countries in Africa (Egypt and Ethiopia), America (Mexico), Asia (India, Japan), Europe (England, Germany, Italy) and Eurasia (Soviet Russia and Turkey) in the form of a book *Political Culture and Political Development*. It was edited by Lucian Pye and Sidney Verba and dedicated to Gabriel Almond, who was the guiding force behind the endeavour. This work epitomized the 'political culture' approach. The concept of political culture was based on the observation on Gabriel Almond that 'every political system is embedded in a particular pattern of orientation to political actions'.

The concept of political culture thus suggests that the traditions of a society, the spirit of its public institutions, the passions and the collective reasoning of its citizenry, and the style and operating codes of its leaders are not just random products of historical experience but fit together as a part of a meaningful whole and constitute an intelligible web of relations. For the individual, the political culture provides controlling guidelines for effective political behaviour, and for the collectivity it gives a systematic structure of values and rational considerations which ensures coherence in the performance of institutions and organizations.

Political culture does not refer to the formal or informal structures of political interaction, i.e., the study of governments, political parties, pressure groups or cliques. Instead, it refers to the system of beliefs about patterns of political interaction and political institutions. It does not refer so much to what is happening in politics as much as what people believe is happening. Political culture therefore is an important link between political events and people's reactions to those events. It studies the fundamental political beliefs of the people because these are particularly relevant to understanding social change as well as political stability.

Elements of the political culture—approach of Almond, Verba et al.

- A political culture is the product of the collective history of the political system and the life histories of individuals who make up the system.
- The theories of political culture are bridges between the behavioural approaches of political science and the macroanalysis based on the variables common to political sociology.
- Political culture is a systematic study of political ideology, national ethos and spirit, national political psychology, and the fundamental values of the people.
- Political culture also studies non-political behaviour such as feelings of basic trust in human relations, orientations towards time and the possibility of progress.
- Political culture stems from explicit citizenship training and conscious learning about the workings of the political system, rational understanding and the articulation of concepts.
- Political culture includes an emotional dimension such as loyalty towards community and geography.

- The 'political culture' approach is relevant because it provides structure and meaning to the political sphere. It is the study of the total political system and includes micro and macro analysis.

(Pye and Verba, eds., *Political Culture and Political Development*)

The study of political culture has had a long history before American political scientists began studying different areas of the world. Though it could be even traced back to the Ancient Greeks, scholars such as Gabriel Almond, Sidney Verba et al. derived their inspiration from Montesquieu, Tocqueville and Walter Bagehot. Although the political culture approach provides a subjective orientation to the study of politics, it is but one aspect of the study of the political system.

The concept of political culture helps one to separate the cultural aspects of politics from other forms of culture. It ties the study of political beliefs to the sociological and anthropological works on culture and focuses attention on basic values, cognitions and emotional commitments. The study of political culture also leads to political socialization, because the manner in which political knowledge is learnt or transmitted from one generation to the next determines the political culture of a system.

Besides the work of Gabriel Almond and Sidney Verba on political culture, there are others who have worked on the same theme since the decade the 1960s. The earliest is that of Eckstein, who studied how culture could play a role in political change. This tendency is known as the 'authority-culture' theory. Aaron Wildavsky analysed political culture on the basis of the grid-group approach and developed a typology of cultures. These types were based on social relations and the values they exemplified. The most recent works that update the field are those of Ronald Inglehart and Robert Putnam.

Indian Political Culture

To understand Indian political culture, it is essential to first understand the fundamental features that appear vital in determining the nature of the Indian party system. These are as follows:

- (i) The struggle for freedom and framework of parliamentary government along with politics of national reconstruction, modernization, integration and development has collectively contributed to the evolution of Indian party system.
- (ii) The national heritage of national movement formed the dimensions of national interest, national unity, political integration and national defence.
- (iii) The ideological orientation with coexistence of radical 'left' to traditional 'right' during the national movement laid down a practice of toleration and accommodation of different points of view.
- (iv) Moreover, the continental size of the country, comprising well-defined and distinct socio-cultural regions; with linguistic, ethnic and religious diversities; and specific patterns of castes, communities and tribes provided conditions for the rise of regional parties and groups.
- (v) The task to ensure social equality to remove the inequalities perpetuated by centuries of caste oppression gave birth to political parties and groups who strove to use these castes as perpetual vote-banks.
- (vi) On economic fronts, it was a mixture of feudal but emerging developed agricultural and developing industrial economy. Economic development for raising standards

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of living in an under-developed and poverty-ridden society followed by the problems of Centre-state relations, allocation of resources and resulted imbalances paved the way for the emergence of such parties and groups whose approach was regional instead of national.

- (vii) Lack of politically conscious middle class along with regional, sectarian and personal imbalances played a vital role in the evolution of party system in India.

Evolution of the Party System in India in Post-Independence Era

The evolution of Indian party system has been from 'one-party dominance' to 'multi-party coalition system'. For the purposes of better understanding, it calls for analysis of various stages of growth.

Phase I (1947–1967): The era of one-party dominance

India had a party system characterized by dominance of the Congress and the existence of smaller opposition parties, which could not provide an alternative either at the Central or state level. In other words, opposition parties had little hope of obtaining sizeable majorities in the legislatures, despite the fact that on most occasions, the Congress did not gain a majority of the valid votes cast. The Congress votes varied from 49.17 per cent to 40.7 per cent. The socialists and the communists, during this period, were able to score around 10 per cent votes each. During this period, groups within the Congress in conjunction with opposition parties, assumed the role of opposition often reflecting the ideologies and interests of the other parties.

An important feature of this era was that the Congress occupied not only the broad centre of the political spectrum, but also dominated the 'left' and 'right' tendencies.

Phase II (1967–1971): The period of transition to a multi-party system

The second phase extended from 1967 to the fifth general elections. In the 1967 Assembly elections, Congress lost majority in eight states and was reduced to 54 per cent of Lok Sabha seats. This brought a number of opposition parties to the forefront, which intensified inter-party conflict. Competition and conflict increased as opposition parties formed coalition governments in several states.

The 1967 elections had created a situation in which the dominance OF THE Congress was strikingly reduced. Parties to the 'right' and 'left' of the Congress, the Jana Sangh (now called the Bhartiya Janata Party) and the Communist Party of India (Marxist), popularly known as CPI (M), grew stronger. The possibility that opposition parties might assume power quite substantially made the Centre-state relations an important feature of inter-party competition. The 1967 elections created conditions which led towards serious Centre-state conflicts.

Phase III (1971–1975): The period of consensus vs. inter-party conflict

The fifth Lok Sabha elections marked the beginning of yet another stage in the evolution of Indian party system, and the trend continued till the imposition of the Internal Emergency in 1975. The Congress controlled by Indira Gandhi faced a large united opposition party in the General Elections of 1971. Despite the strong opposition, Congress won with a thumping majority. It won 346 out of 510 seats with 43.5 per cent of the popular vote. A significant aspect of the election was the elimination of Congress (O) and the defeat of other political parties. The mid-term polls, thus, pre-empted the

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development of a multi-party system. It also prevented the politics of coalition building at the national level. It was followed by a strategy to establish hegemony of the Congress at the Centre backed on populist and plebiscitary elections.

The major reason for victory was the de-linking of the Lok Sabha elections from the state assembly elections. The Parliamentary election campaign was de-linked from state-level politics and the state leaders could not exercise the same influence as they had done in the past. Indira Gandhi's campaign injected a powerful element of ideology by raising the slogan of social change and by calling upon the electorate to support her endeavour to initiate new government policies for the benefit of the poor, resulting in a new consensus in political arena. The dominant party model had given way to the differentiated structure of party competition. The process gained momentum as parties aligned to form coalition governments. For its part, the Congress accepted a confrontationist posture, both towards the opposition parties at the national and the opposition-controlled governments at the state level.

Indira Gandhi's conflict with state leadership of the Congress party as well as that of the opposition parties created a style of politics, which laid great stress on centralization in decision making. The new system entailed the abandonment of intra-party democracy. Positions in the Congress organization at all levels were invariably filled by nomination rather than election. Above all, institutional decline accompanied by decline of the state-based leaders and the replacements of regional structure of support by the central leadership adversely affected the federal scheme of Indian politics. After the 1969 split, the Congress followed a broad-based strategy consisting of re-distributive policies, such as nationalization of banks, abolition of privy purses and *Garibi Hatao*, all geared towards widening its support.

Phase IV (1975–1977): The emergency period

The imposition of an authoritarian Emergency in 1975 signalled the erosion of the popular support of the Congress party, the institutional decline and the weakening of the party system by suspending civil liberties, particularly freedom of the press and representative government. Opposition leaders and activists faced imprisonment, while concentration of power in the party, the government and in the office of the Prime Minister was the striking feature of the party system during this phase. Strict discipline was imposed on the Congress party. No criticism of the government was tolerated. Any attack on the Prime Minister's authority was considered to be an attack on the party's as well as the nation's unity.

The 1971–75 period, thus, marked the decline of the party system, making parties rely more on make-shift electoral arrangements, populist symbols and rhetoric for gaining support. Personality, charisma and image have acquired greater salience than party identification and party loyalties. But this trend withered away in the post-1977 period.

Phase V (1977–1980): The Janata phase of coalition politics

The next phase in the evolution of India's party system may be considered from the defeat of the Congress in 1977 elections to the restoration of its rule in 1980. The 1977 elections provided a major step towards party institutionalization and possibilities of the emergence of a two-party system. By and large, independent candidates were rejected and 75.8 per cent votes were cast in favour of only two parties, viz., the Janata party and the Congress.

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The defeat of the Congress and the victory of the Janata Party, made up of a coalition of parties, is a significant change in the Indian politics. The Janata Party government attempted to redirect emphasis away from the industrially-oriented strategy associated with the Congress rule to rural development and small-scale industries. In general, it made attempts to decentralize the state and the economy. The government invested in programmes that created employment and generated income by relying on labour-intensive technology and distribution of productive assets. Though the Janata ideological and programmatic themes of rural development from the Congress' broad-based strategy and made it more pronounced.

However, the Janata Party could not achieve its goals. Rural development did not benefit the rural poor because policy was not specifically directed to this end. Most of the policies benefited the rural rich. Moreover, the Janata Government disintegrated in mid-1979, and many of the constituents that had formed it broke away from the party. Meanwhile, the Congress split for the second time in 1978. The result was an array of fragmented parties. In this context, the Indira Gandhi-led Congress, i.e., Congress (I), appeared to be the only coherent party. This image helped the party to take advantage of the strong popular reaction against frictions and disunity of the Janata government and win 1980 General Elections.

Phase VI (1980–1989): Era of conflict between Congress and the regional parties

The 1980 Lok Sabha election was a verdict on the Janata Party's failure to consolidate the electoral alignments. Thus, in 1980s, the success of Congress (I) was mainly due to the failure of national-level non-Congress parties. The Communist parties and the Jana Sangh retained the support of important groups. They also possessed effective organizations and ideologies. Bhartiya Lok Dal had displayed its presence in the Hindi-speaking states. The 1980 elections reflected these trends. The Congress won 353 seats with almost 43 per cent of the popular vote. Janata Party was the second largest party in nine states. Lok Dal was second largest party in Haryana, UP and Orissa; CPI (M) was the largest party in West Bengal, Tripura and the second largest party in Kerala. Though support for the Congress (I) was still widespread as compared to other parties, class, community and region-wise support was on its decline. The Congress had begun to lose its base in the Hindi heartland, which makes 42 per cent of the Parliamentary seats, and its support in the Muslim-dominated constituencies was also reduced. These trends indicated an erosion of Congress' regional and minority support base.

The assassination of Indira Gandhi in 1984 and the landslide victory of the Congress (I) due to the resultant sympathy wave made opposition in Lok Sabha irrelevant in 1984 elections. During Rajiv Gandhi's regime from 1984 to 1989, there was complete absence of dialectical interaction between the government and the opposition. The new political situation that emerged from 1984 election was the one in which the Congress was dominant at the Centre, but not in most of the states.

Phase VII (1989–2004): Multi-party system and decline of THE Congress party

The 1989 elections transformed the scene at the Centre by establishing a non-Congress coalition government with a true multi-party character. People displayed a greater inclination to their caste-based parties which represented their interests. These elections

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recorded the decline of the Congress vote share, and the rise of BJP and the 'third front' of marginalized social group. The United Front, the Rashtriya Janata Dal (RJD), the BSP and the Samajwadi Party (SP) became key players.

The 1996 elections marked a decline in the position of national parties and growth of regional parties, which started playing significant role in the Central politics. This era marked increasing political awareness of people living in remote areas; assessment of national policies in terms of their local impact; mass preference for local politicians and greater demand for state autonomy within the limits of the existing federal structure. In social terms, the election results suggested a greater and more polarized role of caste in politics. Success of BSP among Dalits, consolidation of other backward classes (OBCs) in Bihar and UP, post-mandalization resulting in politics of reservation on caste basis and mushroom growth of various types of caste associations mostly in North India, indicated a positive co-relation with election outcome.

Phase VIII (2004–2014): Coalition system and revival of the Congress

End of single-party coalition dominance was the message of 2004 elections. The elections rejected all the claims of the ruling NDA coalition and provided an opportunity to all non-NDA political parties led by Congress, named as UPA (United Progressive Alliance), to evolve an alternative political coalition. These elections also reflected significant increase in the weight of Left parties in national politics, with sixty seats in their favour.

Signifying the role of regional political parties, the outcome at the national level, to a great extent, became the sum total of the state-level verdicts. It appeared that any party wishing to win a national mandate has to weave its way through the different states and secure a verdict in each of these. The Congress' key alliances that clicked in the election were with regional parties of Tamil Nadu, Andhra Pradesh, Bihar, Jharkhand and Maharashtra.

This, however, gave yet another message that the Congress party is not dead and if it could successfully lead the country and meticulously manage 'the rainbow coalition' in the coming years, it could well return to power circles. Comprehensive common agendas (Minimum Common Programme in case of UPA and National Agenda in case of NDA) became the guidelines of these alliances. The experiment repeated in 2009.

Phase IX (2014 onwards) Rise of the BJP

The NDA under the leadership of Narendra Modi secured victory in the 2014 elections decimating the Congress, which was reduced to historically its lowest number of seats. The scale of the BJP's victory was unprecedented; it was able to secure a simple majority for itself in the Parliament, a feat that was last achieved by the Congress in 1984 after the death of Indira Gandhi. The Congress' low tally was a result of the party becoming largely discredited in the wake of massive corruption scandals.

10.3 POLITICAL PARTICIPATION

The general level of participation in a society is the extent to which the people as a whole are active in politics—the number of active people multiplied by the amount of their action, to put it arithmetically. However, the question of what it is to take part in politics is massively complex and ultimately ambiguous. It raises the question of what constitutes politics. We would, for example, assume that activity within a political party or an organization which regarded itself as a pressure group should count as political

Check Your Progress

1. What does the concept of political culture suggest?
2. Mention the name of two philosophers who have worked extensively on political culture.

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participation. However, what about activity in other sorts of organization, such as sports associations and traditional women's organizations? Although not overtly political, these organizations set the context of politics, give their active members administrative experience and are capable of overt political action if their interests or principles are threatened. There is an opposite problem about political losers: if people act, but ineffectively, perhaps because they are part of a permanent minority in a political system, can we say they have participated in the making of decisions? One implication of this doubt is that possessing power is a necessary condition or logical equivalent of true political participation. If one is merely consulted by a powerful person who wants one's views for information, or if one is mobilized or re-educated within the control of another, one has not participated in politics in any significant sense.

Political participation is so fundamental to democracy that the latter would not exist without the widespread, regular and active participation of citizens. Liberal political philosophy believes that the rights of an individual are protected by the exercise by citizens of civil and economic rights and other constitutional guarantees. Political participation is necessary because it enables citizens to consciously fashion their conditions of existence within a political community, thus converting citizens into genuinely autonomous agents—the citizens to trust fellow beings by overcoming alienation, deracination, and many other anomalies of modern life. Political participation not only refers to engagement with government and the State but also with civil society by developing social trust and a improving communal values and benefits.

Genuine and effective political participation must also acknowledge the rights of non-participants to stand outside the political process, if the latter chooses to do so. It must be noted that participation does not always and necessarily imply that the political actors accept the political system. Although violent revolutions and direct political action, such as civil disobedience, are modes of political participation, democratic theorists are inclined towards structuring political participation through the constitutional framework. Of course, it is also important to note that it is not the quantity of political participation but the quality that is more important. It hardly makes sense to claim that India is the largest democracy if the democratic process does not efficiently protect the poor, the women and the minorities.

An effective means of political participation is the work that an individual could do within Civil Society because such political activity could range from being against the State, to being part of it, in dialogue with the State, in partnership with the State, in support of the State, or perhaps even beyond the State. In a country where the Civil Society is empowered, political participation may appear in a variety of formal and non-formal modes, where citizens and non-citizens (like refugees) could work towards social change.

The most persuasive argument in favour of political participation of the citizenry is that it complies with the comprehensive function of development. It helps an individual to exercise and develop the capacity to reason.

Milbrath's theory of political participation

Political system functions on the basis of political participation. Lester Milbrath has suggested that members of the society can be divided into four categories, in terms of their degree of political participation. Firstly, the politically apathetic who are literally unaware of the politics around them; secondly, those involved in spectator activities, which include voting and taking part in discussions about politics; thirdly, those involved

intransitional activities, which include attending a political meetings or making financial contributions to a political party; and finally, those who enter the political arena and participate in activities such as standing for and holding public and party offices.

These levels of political participation are not uniformly distributed throughout the population. In general, the higher an individual's position in the class structure, the greater is his degree of participation. Studies have shown that political participation is directly proportional to income level, occupational status and educational qualification. It has also been associated with a variety of other factors. For example, men are likely to have higher levels of participation than women, married people than single people, middle-aged people than either young or old, members of clubs and associations than non-members, long-term residents in a community than short-term residents, etc. However, those with low levels of participation often lack the resources and opportunities to become more directly involved in politics. They lack the experience of higher education, which brings a greater awareness of the political process and knowledge of the mechanics of participation. Secondly, individuals are likely to participate in politics if they are likely to be rewarded for their involvement.

Dahl's theory of political participation

Robert Dahl argues that an individual is unlikely to participate in politics, if he feels that the probability of his influencing the outcome of events is low. Levels of political participation appear to be related to the degree of involvement and integration of an individual in the society. Thus, an individual who is not likely to be involved in local or national politics does not feel a part of either the local community or the wider society. Dahl suggests that individuals are not likely to have high levels of political participation if they believe that the outcome of events will be satisfactory without their involvement.

10.3.1 Political Participation through Elections in India

Basic to democratic polity is the concept of sovereign powers vesting in the 'people'. In modern democracies, the people govern themselves through their elected representatives. In a parliamentary system, the executive comes out of the legislature and remains part of it and responsible to it. The election of members to the houses of legislatures is conducted through an institutionalised electoral process. This electoral process therefore, no matter how it is designed and conducted, forms the foundation of a parliamentary democracy. Elections are critical to the maintenance and development of democratic tradition because at one level, these are influenced by the political culture in which they operate, but at another, they also generate strong influences that can improve or distort this political culture. As a representative parliamentary democracy, India has a well-established system of direct and indirect elections to man its institutions. A general election in India is a gigantic exercise. It is equal to holding polls in Europe, the United States, Canada and Australia all put together. General elections to Lok Sabha and State Legislative Assemblies in India are held under the supervision, direction and control of a constitutional body – the Election Commission of India. Elections to local bodies – Panchayats and Nagarpalikas – are the responsibility of State Election Commissioners.

A general election in India is a gigantic exercise. It has been said that holding general elections in India is equal to holding polls in Europe, the United States, Canada and Australia all put together. Statistically, the number of voters in India is in excess of 600 million (60 crores). The number of polling booths all over the country adds up to about 900,000 (9 lakhs), making an average of 667 voters for each booth. However, the

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population is not so uniformly spread over unequal territorial constituencies and usually a polling booth caters to no more than 1200 voters even in highly populated metropolitan areas. Five persons are needed for each polling booth making a total of 4.5 to 5 million election personnel to be mobilized and administered. These polling personnel are drawn from the Central and State governments and other bodies. In addition to this, about 2 million security personnel need to be used to maintain law and order on polling day. These basic figures give some idea about the enormity of the exercise to elect some 545 members of parliament. Once you take state and local elections into account the figures become truly staggering. India has upwards of about 3.2 million (32 lakhs) directly elected peoples' representatives spread over various tiers of governance.

Our fifty years of experience with successive elections at various levels has highlighted that generally people are able to deliver electoral verdicts in a democratic way. But this general statement hides substantial irregularities at the micro level. In fact, our experience with elections has also brought out to fore many distortions, some very serious, that have crept in either due to loopholes in the electoral laws or due to the incapacity of the system to punish deviant and in many ways unacceptable behaviour. There have been constant references to 3 MPs (money power, muscle power and mafia power) and to 4 Cs (criminalization, communalism, corruption and casteism). Basically, all of this has vitiated the political atmosphere in the country and even compromised the legitimacy of the political process.

Merits of political participation through elections in India

- Indian political system shows a multi-party system. The democratic government is formulated on the basis of majority win in elections.
- Elections help in acquiring democracy in India.
- In India, elections are fought on party lines with different proclamations. But nowadays, the elections have just become the game of coalitions instead of majority of the single party.
- Political parties that participate in different elections all over India and are recognized in four or more states are considered as national parties. Few of the popular national parties in the country are The Congress, Bharatiya Janata Party, Janata Dal and Communist Party of India.
- Political parties that participate in different elections only within one state are referred to as state parties or regional parties. Prominent state parties in the country are as follows:
 - o Shiv Sena in Maharashtra
 - o National Conference in Jammu and Kashmir
 - o Telugu Desam in Andhra Pradesh
 - o Muslim League in Kerala
 - o Akali Dal in Punjab
 - o Samajwadi Party in UP
 - o Bahujan Samaj Party in West Bengal
- There are many independent candidates also who participate in election constituencies independently without the support of any party.

Problems

The main problems that have been generally recognized and debated are as follows:

- Increasingly money-centered elections leading to unethical, illegal and even mafia-funded electoral process. The terribly high cost of elections in turn has led to increased corruption, criminalization and black money generation in various forms.
- With the constituents/electors being the same for all directly elected representatives from the lowest Panchayat level to the Lok Sabha level, there are competing role expectations and conflict of perception, e.g., the constituents expect even members of the Union Parliament to attend to their purely local problems.
- With the electorate having no role in the selection of candidates and with majority of candidates being elected by minority of votes under the first-past-the-post system, the representative character of the representatives itself becomes doubtful or so to say their representational legitimacy is seriously eroded. In many cases, more votes are cast against the winning candidates than for them. One of the significant probable causes may be the mismatch between the majoritarian or first-past-the-post system and the multiplicity of parties and large number of independents.
- The question of defections and the Tenth Schedule.
- Inaccurate and flawed electoral rolls and voter ID leading to rigging and denial of voting right to a large number of citizens.
- Problems in the conduct of elections:
 - o Booth capturing and fraudulent voting by rigging and impersonation.
 - o Flagrant use of raw muscle power in the form of intimidating voters either to vote against their will or not to vote at all, thus taking away the right of free voting from large sections of society and distorting the result thereby.
 - o Involvement of officials and local administration in subverting the electoral process
 - o Engineered mistakes in counting of votes
- Criminalization of the electoral process -- increasing number of contestants with serious criminal antecedents.
- Divisive and disruptive tendencies including the misuse of religion and caste in the process of political mobilization of group identities on non-ideological lines.
- An ineffective and slow process of dealing with election petitions, rendering the whole process meaningless.
- Fake and non-serious candidates who create major practical difficulties and are also used to indirectly subvert the electoral process.
- Incongruities in delimitation of constituencies resulting in poor representation.
- Problems of instability, hung legislative houses and their relation to the electoral laws and processes.
- Last but not the least, loss of systemic legitimacy due to decay in the standards of political morality and decline in the spirit of service and sacrifice in public life.

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Suggested reforms

The suggestions for reform can generally be placed into three broad categories. The first category attempts to tackle the problems within the boundaries of the current electoral system. The second category goes a bit further and takes a stand that the present electoral system itself needs to be modified (*The emphasis is on modification or reform and not on altering the basic framework of the system*). Both of these categories have to be dealt with together because there is considerable overlapping between the two and we have to view reform suggestions as an integrated package and not piecemeal.

There is a third approach which seeks to strike at the root of the problem which is that of the terrible high costs of elections and the question of finding legitimate funds for the purpose. The suggestion is to cut down the costs drastically by following the Gandhian principles of decentralization of power down to the grassroots levels and building multitiars of Government from below in a bottom-up instead of the present topdown approach. It is stated by those advocating this approach that the only way to conduct a meaningful electoral exercise in this country is to have direct elections only at local levels with the upper tiers filled by representatives indirectly elected by an electoral college consisting of the representatives manning the lower tiers.

A true democracy as advocated by Gandhi ensures that local, state and national representatives are accountable to the people for local, State and national matters respectively through effective transparency. Such one-to-one accountability may promote responsible politics and attract patriotic and competent professionals and social workers to politics. Our present system based on diffused accountability breeds corruption and attracts self-seekers to politics. For this breed, interests of national development, welfare of the people and needs of god governance take lower priorities, if any.

The elected representative is too far removed from the people as there are an average of one million voters for each Lok Sabha constituency spread over a large geographical area. To influence the choice of such a large and geographically dispersed number of voters, social action on the part of the candidate is totally inadequate. And, this creates space and scope for using both money and muscle power. It is no surprise therefore that the candidates have to spend huge amounts of money at the time of campaigning to 'purchase' the votes of these distant voters. And this is done mostly through a host of intermediary brokers who become the link in this transaction. These huge election expenses breed huge corruption. This also means that the electors are in no position to hold the candidate accountable nor does the candidate consider himself accountable to these people.

Based on the Indian ethos, Gandhi had advocated a low-expense election system linked with watchdog councils and separate elected chief executives at each local level. He proposed a highly democratic and, what is more important, a highly accountable system. More thought out and more in keeping with the evolution of political culture in our country, many scholars have in recent years adapted these thoughts in their work and advocated a system of direct elections only at the grassroots of the Indian democracy. They propose that without in anyway interfering with the basic structure or features of the Constitution and while fully continuing the parliamentary system, some reforms be brought in the electoral system. Direct elections should be held on the basis of adult franchise at the level of Panchayats and other local bodies. Panchayats and other local bodies could elect the zila parishads and they could together elect the State legislature. These three could elect the Parliament and in the last analysis the four of these could elect the President. The Prime Minister and the Chief Ministers could be elected by the

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Parliament and the State Legislatures concerned. The President, the Prime Minister and the Chief Ministers in order to be elected should each necessarily secure no less than 50%+1 of the votes cast. Once elected, the Prime Minister or a Chief Minister should be removable only by a constructive vote of no-confidence.

The fact that the directly elected representatives are all at the grassroots level where they are in contact with their electors on a daily basis, would mean that their accountability to the people will always be high. Corruption will not get the kind of boost and inducement that it gets presently because of an unaccountable remote representative doing what he pleases.

The representatives elected at the grassroots level will also have to win on a 50%+1 vote principle so that their appeal is more universal than parochial. They would then be truly legitimate representatives of their people. In the alternative, at the lowest tier double-member or multiple member constituencies could be considered. Local elections do not entail heavy costs. The cost to political parties of indirect State and national elections will be low. Since the national and State governments will handle only higher-level infrastructure and coordination, indirect elections backed by party primaries will facilitate emergence of the best leadership. The ills in the present 'first-past-the-post' system will be eliminated because local governments will handle all social issues and State and national governments shall be accountable to local governments as advocated by Gandhi who will have elected them. This will nurture culture, education and values and gradually eliminate social discords. Also, this election process, it is claimed, has the greatest potential to bring public service spirited and sacrifice-oriented people to the fore.

10.3.2 Political Participation of Women in India

The current conditions of the women in India and their status are ironical. On one hand, she has climbed the ladder of corporate success, and, on the other, she unconditionally undergoes the violence that her own family members afflict on her. Looking at the recent past it can be certainly said that the modern Indian women have achieved a lot; however, in reality, still there are so many horizons that remain to be touched. The way to these horizons is full of roadblocks.

Coming out of the secured domain of their homes, women have entered into the battlefield of their lives, where they display the best of their latent talent.

Time and again they have proven themselves in various fields. However, in India they are still to get their dues. There are many issues, which the Indian women have to go through on everyday basis. These issues have become the part of their lives, and some of them have admitted them as their destiny. In addition, others have taken these issues as challenges and adopted certain strategy to fight against this kind of discrimination. In present day, though Indian women are struggling to cope up with the problem of malnutrition, poor health, female feticide, lack of education, dowry, rape, domestic violence, job opportunity and poor sex ratio and marital problem of divorce, they do not deter to overcome these challenges. The Government of India, since its Independence, has been trying its best to fulfill its obligation; however, it could not succeed to overcome these challenges. The women's movement of India has taken up the part, which the government has not been able to accomplish. This moment did not start in the post-liberal society; it was started during the struggle of independence and, latter on, many activists got involved in this movement. Women in India were fortunate enough that they had not to fight for equal constitutional and legal status. However, their struggle for equal social status and equal opportunity in social hierarchal system has become endless.

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A positive development is that women's issues have been taken up by women's organizations as well as by the mainstream political parties and grassroots movements. Accordingly, the more visible forms of gender injustice such as dowry deaths, rape and alcohol-related domestic violence have been given the utmost attention. From the 1970s onwards, through the 1990s, various movements have been launched in this regard. Sometimes these movements have had local nature; sometimes they had a bigger spatial reach. Therefore, the public awareness on these has increased.

Women have also played an important role in the movements of farmers, trade unions and environment and this practice has enabled them to raise women's issues along with these issues.

Example: In the late 1960s and early 1970s, there was a new political ferment in the country, which gave rise to a host of new political trends and movements such as the Naxalite movement, the JP movement, the Chipko movement and the anti-price rise movement. In the anti-price rise movement of 1973-75, which was organized by the Communist and Socialist women in the urban areas of Maharashtra, thousands of housewives joined in public rallies, and those who could not leave their houses, joined by beating thalis (metal plates) with lathas (rolling pins). The movement spread to Gujarat where it was converted into the Nav Nirman movement influenced by Jayaprakash Narayan's 'Total Revolution'.

From 1974, women in Uttarkhand very actively participated in the Chipko movement, which got its name from the actions of women who hugged trees in order to prevent them from being cut down by timber contractors. It became famous as the first major movement for saving the environment.

The Bhopal Gas Peedit Mahila Udyog Sangathan played the leading role in the effort to secure justice for the victims of the chemical gas leak in the Union Carbide factory in Bhopal in 1984.

Another stream of the women's movement took the form of what have been called 'autonomous' women's groups. These mushroomed in the urban centres from around the mid-1970s. Many of these comprised women who had been active in or influenced by the Maoist or Naxalite movement, and its decline in the early 1970s triggered off a process of debate and rethinking in which the issues of gender relations and the place of women in political organizations were prominent. Among the earliest of these were the Progressive Women's Organization in Osmania University in Hyderabad in 1974, the Purogami Stree Sangathan in Pune and the Stree Mukti Sangathan in Bombay in 1975. The 1975 declaration of the UN, in which the year was declared as the International Women's Year, probably contributed to a flurry of activity in Maharashtra in that year. There, the party-based and autonomous organizations celebrated 8th March as the International Women's Day for the first time. In addition, women from all over the state belonging to the Maoist groups, the Socialist and Republican parties, the Communist Party of India (CPM) and Lal Nishan Party attended a women's conference in October 1975 in Pune.

After the Emergency in 1977, another kind of activity began. A women's group in Delhi began the publication of a journal, which turned out to be one of the most enduring institutions of the women's movement. The name of the journal was *Manushi*. It documented and analysed the women's movement, told its history, presented literature of women, and much else, has continued until today under the able leadership of Madhu Kishwar, undoubtedly among the most original, self-reflective and fearless voices in the women's movement.

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The anti-dowry and anti-rape agitations seemed to have spent the energies of the movement for some time, and while there were protests around the Shah Bano case in 1985-86, there was not the same enthusiasm or unity. The issue was also less clear. It was complicated largely by the communal atmosphere in the country that dissolved the issues of Muslim identity with the basic issue of women's rights, and the Hindu communalists' keenness to attain the Muslim women's rights has frequently left women's rights activists confused and vulnerable.

The agitation against Sati (burning of the Hindu widow), which followed what looked like the murder of Roop Kanwar, a young woman in Deorala in Rajasthan, was also based on the same lines. It was entangled with the issues that were muddled by the Hindu communal groups portraying it as an attack on Indian tradition and putting women on to the streets to defend their right to Sati. In Hyderabad, Anveshi was set up as a platform for theoretical studies of women's issues, and in Delhi, the Centre for Women's Development Studies promoted research and documentation, including, in later years, the launching of a journal for gender studies. Many more university-based centres also came up in the 1990s. By that time, sufficient matter related to research and writing on Women's Studies began to appear in the university curricula.

Another factor, which is very important in improving gender justice, is the provision of free primary health facilities at the grassroots level. As in the case of education, if health facilities are not easily accessible or are expensive, women and female children lose out equally. In fact, unequal access to improved facilities as well as improved living standards is the major cause of the sharp decline in the female-male ratio in India from 972 (1901) to 927 (1991). It does not mean that the chances of survival of women have decreased in absolute terms. In recent times, the sex ratio has seen an improvement, rising to 940 in the 2011 census.

Compared with men, women have gained less from the improved access to health facilities and better living standards and, therefore, their proportion has declined. To correct this imbalance, health facilities have to be brought within the reach of women. This has been done in Kerala, where over 90 per cent of women deliver their babies in medical institutions and the results are dramatic within the family. Second, absence of knowledge about contraceptives or lack of family planning facilities can also be a significant source of vulnerability. The lack of family planning facilities, in fact, leads to women's deprivation. Third, there are cultural, or even religious factors, which give a passive position to young women, making them agree to bear and rear children as and when their husband or the parents-in-law wish. These inequities may not even be physically enforced, as women's subservient role and repeated child bearing may appear 'natural', because these practices have been sanctified by a long past that generates their unsuspecting acceptance.

Open and informed public discussion, promotion of women's employment opportunities, female literacy and family planning facilities can improve the voice and decisional role of women in the affairs of their families and bring about fundamental changes in the differentiation of just and unjust practices.

In present day Indian society, there is unanimity at the government and institutional level that women empowerment is essential for the overall development of nation. Nevertheless, the irony of fact is that whenever the issue of women empowerment is brought before our apex law-making intuition of (i.e., the Parliament), the real character of man chauvinism comes at fore. A number of initiatives taken until date to remove gender inequality from sociopolitical sphere are as follows:

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- Fifty per cent of reservation for women in the Panchyati Raj system
- Legislation for 33 per cent reservation for women in the legislative body
- Job reservation for women in many states
- Recruitment of women officers in the field of defence
- Constitution of women commission
- Free education to women child; in this case, many states increased the upper limit up to the graduation level
- Establishment of gender sensitization committee against sexual harassment
- Protection of victimized women from public eye

However, from the above analysis, it can be concluded that gender differences exist in the Indian society. How to overcome them and how to give women equal social and political statuses along with social dignity are the main challenges for gender debate in the Indian context.

The Constitution (Seventy-Third Amendment) Act, 1992 and its provisions

Though the Panchayati Raj Institutions have been in existence for a long time, it has been observed that these institutions have not been able to acquire the status and dignity of viable and responsive people's bodies due to a number of reasons including absence of regular elections, prolonged super sessions, insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and women, inadequate devolution of powers and lack of financial resources.

Article 40 of the Constitution which enshrines one of the Directive Principles of State Policy lays down that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. In the light of the experience in the last forty years and in view of the short-comings which have been observed, it is considered that there is an imperative need to enshrine in the Constitution certain basic and essential features of Panchayati Raj Institutions to impart certainty, continuity and strength to them.

The provision provided to women under the 73rd amendment of the Indian constitution is that not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

Another provision provided to women is that no less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women.

10.4 SUMMARY

In this unit, you have learnt that:

- The concept of 'political culture' emerged from the wave of democratization studies and the seminal study was *The Civic Culture* (1963) by Gabriel Almond and Sidney Verba. Here, they studied five democratic societies and concluded that a nation's political culture exerted an independent influence on social and political behaviour.

Check Your Progress

3. What do you understand by general level of participation in a society?
4. Mention the name of any two prominent state parties in India.
5. What does a true democracy ensure?

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- The concept of political culture thus suggests that the traditions of a society, the spirit of its public institutions, the passions and the collective reasoning of its citizenry, and the style and operating codes of its leaders are not just random products of historical experience but fit together as the part of a meaningful whole and constitute an intelligible web of relations.
- The concept of political culture helps one to separate the cultural aspects of politics from other forms of culture. It ties the study of political beliefs to the sociological and anthropological works on culture and focuses attention on basic values, cognitions and emotional commitments.
- The general level of participation in a society is the extent to which the people as a whole are active in politics—the number of active people multiplied by the amount of their action, to put it arithmetically. However, the question of what it is to take part in politics is massively complex and ultimately ambiguous. It raises the question of what constitutes politics.
- Political system functions on the basis of political participation. Lester Milbrath has suggested that members of the society can be divided into four categories, in terms of their degree of political participation.
 - (i) The politically apathetic who are literally unaware of the politics around them
 - (ii) Those involved in spectator activities, which include voting and taking part in discussions about politics
 - (iii) Those involved in transitional activities, which include attending a political meetings or making financial contributions to a political party
 - (iv) Those who enter the political arena and participate in activities such as, standing for and holding public and party offices.
- Robert Dahl argues that an individual is unlikely to participate in politics, if he feels that the probability of his influencing the outcome of events is low. Levels of political participation appear to be related to the degree of involvement and integration of an individual in the society. Thus, an individual who is not likely to be involved in local or national politics does not feel a part of either the local community or the wider society.
- A general election in India is a gigantic exercise. It has been said that holding general elections in India is equal to holding polls in Europe, the United States, Canada and Australia all put together. Statistically, the number of voters in India is in excess of 600 million (60 crores). The number of polling booths all over the country adds up to about 900,000 (9 lakhs), making an average of 667 voters for each booth.
- The current conditions of the women in India and their status are ironical. On the one hand, she has climbed the ladder of corporate success, and, on the other, she unconditionally undergoes the violence that her own family members afflict on her. Looking at the recent past, it can be said that the modern Indian women have achieved a lot; however, in reality, still there are so many horizons that remain to be touched. The way to these horizons is full of roadblocks and can be realized through more effective political participation.

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10.5 KEY TERMS

- **Political culture:** The product of the collective history of the political system and the life histories of individuals who make up the system
- **Political participation:** The general level of participation or the extent to which the people as a whole are active in politics, i.e., the number of active people multiplied by the amount of their action
- **Liberal political philosophy:** The philosophy which believes that the rights of an individual are protected by the exercise by the citizens of civil and economic rights and other constitutional guarantees
- **Politically apathetic:** The individuals who are literally unaware of the politics around them
- **Parliamentary system:** The system wherein the executive comes out of the legislature and remains part of it and responsible to it

10.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The concept of political culture suggests that the traditions of a society, the spirit of its public institutions, the passions and collective reasoning of its citizenry and the style and operating codes of its leaders are not just random products of historical experience but fit together as a part of a meaningful whole and constitute and intelligible web of relations.
2. Two philosophers who have worked extensively on political culture are Gabriel Almond and Sidney Verba.
3. The general level of participation in a society is the extent to which the people as a whole are active in politics- the number of active people multiplied by the amount of their action, to put it arithmetically.
4. Two prominent state parties in India are Shiv Sena in Maharashtra and Samajwadi party in UP.
5. A true democracy ensures that local, state and national representatives are accountable to the people for local, state and national matters respectively through effective transparency.

10.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What are the main elements of political culture?
2. Write the merits of political participation through elections in India.
3. Write a short note on the Constitution (Seventy-Third Amendment) Act, 1992.
4. What is the condition of political participation of women in India?

Long-Answer Questions

1. Define the concept of political culture. Write a note on the historical evolution of this concept.

2. What do you understand by political participation? Explain the various means of effective political participation.
3. State the basic features of the theories of political participation propounded by Milbrath and Dahl.
4. Discuss the state of political participation in India. Also find the problems faced by the political system in India.
5. Evaluate the various types of solutions as suggested by experts to remove the problems faced by the Indian electoral system.

10.8 FURTHER READING

- Ashraf, Ali and L.N. Sharma. 2010. *Political Sociology: A New Grammar of Politics*. Hyderabad: Universities Press (India) Private Limited.
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