

Senior Secondary Course
POLITICAL SCIENCE (317)



317en



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DISTINCTION BETWEEN SOCIETY, NATION, STATE AND GOVERNMENT

You have studied about the concept of the state, its elements, and concepts such as nation, nationality and the distinction between nation and nationality in the last lesson. You have also known, in the previous chapters, the meaning of Political Science and Politics and what makes the two distinct from each other. In this lesson you would know about some other concepts, especially about ‘society’, ‘government,’ and ‘other associations’ and thereafter distinction between them.



Objectives

After studying this lesson, you will be able to

- know the meaning of society, government and other associations;
- distinguish between state and society;
- distinguish between state and other associations;
- distinguish between state and government;
- distinguish between state and nation.

3.1 State and Society

You have known the meaning of the state in the last chapter. It is, as you know, a political society with its four elements: population, fixed (definite) territory, government and sovereignty. You also know that it acts through law and endowed to this end with coercive power, maintains within a community the universal external conditions of social order. Society, as a concept, is both an organization as well as a system of social relationships. It is an organization, a social organization encompassing a web of social relationships.



3.2 Distinction between State and Society

We must differentiate between state and society otherwise we will be justifying state interference in all aspects of human life, thereby affecting human liberty. Considering the two as interchangeable terms lead to the growth of deceptive social and political theories. MacIver rightly warns: “To identify the social (i.e. the society) with the political (i.e. the state) is to be guilty of the grossest of all confusions which completely bars any understanding of either society or the state.” In fact, the ancient Greek philosophers (Socrates, Plato and Aristotle) did not make distinction between the state and society. For them, polis was both the city, i.e. the society and the state. The idealists such as Rousseau, a French political philosopher of the 18th century, also regarded the two as one.

The distinction between the state and the society can be explained as under:

- (a) Strictly speaking, the state is a political organization; it is society politically organized. Society, on the other hand, is a social organization and has within it, all types of associations (social, economic, religious, political, cultural and the like). Society is both broader as well as narrower than the state. It is broader when it is used to describe the whole community of mankind; it is narrower when it is used to describe a small group of a village.
- (b) In terms of origin, society is prior to the state. Society may be said to have been born the day the human life must have begun. But the state did not begin with the society; it must have started at a later stage of social development. Human beings are social being first and then political beings.
- (c) Being prior to the state, society is clearly a natural and therefore, an instinctive institution. The state, on the other hand, is artificial, a created institution; its was made when it was needed. That is one reason that we see the state as a formal and legal organization with its body, its structure. The society, too, is a body, an organization; it is not as formal an organization as the state is.
- (d) The state exists for the society in the same way as a means exists for its end. The state is, therefore, a means and the society is an end. It is always the means that exists for the end; the end never exists for the means.
- (e) The state is sovereign: no sovereignty means no state; the society is not sovereign; it exists without being sovereign. As sovereign, the state is supreme over all other organizations, institutions and individuals within its boundaries; as sovereign, the state is independent of all other like states; sovereignty gives the state a separate and independent existence.
- (f) The state has to have a definite territory. You have read that definite territory is an essential element of the state. It is, therefore, a territorial organization in so far as it stays on the definite portion of territory: its territorial boundaries are fixed, definite and permanent. Society does have a territory but its territory is not permanent; its place of operation may extend or may get limited. The Islamic society, for example, transcends national boundaries. So does the Free Mason Brotherhood.
- (g) The state has general rules of conduct called the laws; the society, too, has general rules of conduct but they are called rituals, norms, habits and the like. Laws of the state are written, definite and clear; those of the society, are unwritten, indefinite and vague.

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- (h) The state's laws have a binding sanction. The violation of the laws of the state is followed by punishment: physical or otherwise or both. The rules of the society, if violated, lead to social boycott, i.e. social exclusion. The area of the state, we may say, is the area of that of taking action in case of disobedience; it has power is force. The area of society, on the other hand, is the area of voluntary cooperation and its power is goodwill; its method is its flexibility.

In spite of these distinctions, society and state are closely inter-connected and inter-dependent. Social conduct and the structure of the society must conform to the laws of the state. The state, on the other hand, must be responsive to the will of the society.



Intext Questions 3.1

Fill in the blanks :

1. Polis, for the ancient Greeks, was both the city and the
2. Society, in terms of origin, is to the state.
3. Society being instinctive is a organization, the state, being mechanical is an organization.
4. The state exists to act as a of society.
5. The society provides an to the means of the state.
6. The area of society is cooperation; the area of the state is action.

3.3 State and other Associations

An association is an organized group of people which seeks to achieve some specific objectives through joint efforts. An association has, therefore, three features:

- (a) organization of the people
- (b) some common/ specific objectives
- (c) joint efforts.

So understood, family is an association. Its people are organized through ties of blood; all the members of the family work together to attain objects common to the family. The other examples of the association are Cricket Club, the Church, the Red Cross Society, the Residents' Welfare Association and the like. Associations make up the society. The state is also an association which exists, along with other associations in the society. But the state as an association is different from other associations. These differences may be explained as under:

- (a) All the associations, including even the state, consist of people. But while the membership of the state is compulsory, that of the other associations is voluntary. A person has to be a member of a state: no person, as he/ she becomes adult, is a member of two states; his/ her membership of the state is a matter of compulsion. The membership of an association, say a Church, Cricket Club, the Red Cross Society

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is voluntary i.e. it depends on the will of the person: a person may join an association or may not.

- (b) A person is a member of one state at one time; he/ she can not be a member of two or three states at the same time. But a person may be, a member of numerous associations at the same time. X is a member of the Cricket Club, the Church and the Residents Welfare Association – all at the same time.
- (c) All associations function on territory. But while for a state as an association, territory has to be definite, the other associations do not have permanent territory. The other associations must have place to conduct their activities but that place need not be definite: that place may be Green Avenue today, Blue Avenue the next month. The state's territory does not change, it is fixed for all times.
- (d) All associations, including the state, exist to perform and achieve certain ends. While for the state, the purpose is always general (maintenance of law and order for example) for the other associations, the purpose is usually specific, particular. The Cricket Association exists for playing cricket, a specific and a particular purpose. We can say that the sphere of state's activity is all inclusive while that of any other associations, is always limited.
- (e) The character of the state is national. The character of other associations may be local, provincial, national and even international (The Indian National Congress, for example, is a national political party, and therefore it is of national character). The Residents' Welfare Association is local in character; the Government Teachers Association of Haryana is a provincial association; the United Nations Educational Scientific Cultural Organization (UNESCO) is international in character.
- (f) The other associations differ from the state in so far as they are not sovereigns while the state is. The other associations may be and actually always are autonomous but they have to work within the rules of the state. The state is sovereign because it is supreme over all other associations and is independent of all other states.
- (g) The violation of the state's laws is accompanied by punishment like imprisonment. No other association has the power to punish its members physically. At best they can only employ pressure or expel a defiant member.

The relationship between the state and other associations is significant in many respects. The other associations help the state reduce its burden; they perform functions even greater than those of the state; some of them, (for example, the family, friendship groups, church) have been in existence much before the state. The state need not take away their powers; it need not dominate them. What at best, the state can do and in fact, should do is that it should supervise their activities; should co-ordinate their activities, and should see that the other associations function properly within their spheres. Important as these other associations are in their internal domains and in their functions, they need not override the authority of the state, and should never challenge the state's sovereignty. The state, on the otherhand, need to ensure the other associations their autonomy.

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Intext Questions 3.2

Choose the correct answer from the words given in the brackets:

1. The features of an association are (a) organized group of people (b) interests, and (c) joint efforts. (common, particular)
2. The membership of the state is (voluntary, compulsory)
3. Family, as an association, is to the state. (prior, later)
4. The other associations do not possess the state does. (sovereignty, population, fixed territory)

3.4 State and Government

The government, as you know, is one element of the state. It is the agency through which laws are made, enforced and those who violate laws, are punished. It is the visible manifestation of state authority. It consists of all the persons, institutions and agencies through which the will of the state is expressed and carried out. Though the state speaks through the government, it is proper to differentiate between the two.

- (a) The state has authority inherent in itself whereas the government has no inherent powers. The government gets its structure, authority and power from the Constitution of the State.

The Constitution being the collection of basic rules, is the fundamental law according to which the government of a state is organized.

- (b) The state is a larger entity that includes all the citizens; the government is, relatively a smaller unit that includes only those who are employed to perform its functions. We are all citizens of the state, but we are all not functionaries of the government. Garner writes: "The government is an essential organ or agency of the state but it is no more than the state itself than the board of directors of a corporation is itself the corporation."
- (c) The idea of state is quite abstract. The government is the concretization of the idea of the state. We see the government, not the state.
- (d) The state is a near permanent institution; it is so because it does not die unless it is attacked and made a part of the other state. The government is temporary; it is so because it may change: today's rulers may not be tomorrow's rulers. To put it the other way, the state may be the same everywhere whereas, the government may vary from one state to another. India, the United States, Great Britain and France for example, are all states. But the governments which work in these states may not be of the same type. In India and Great Britain there is a parliamentary government, whereas in the United States of America there is presidential government.

Parliamentary Government is a system of government where the legislative organ of the government is closely related to its executive organ; the cabinet is taken from the legislature and is responsible to it, especially to the lower house of the legislature.

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Presidential government is a system of government where the legislative organ of the government is independent of the executive organ; the executive exists separately from the legislature and is not responsible to it.

- (e) The sovereign powers lay with the state; it is the state which is sovereign. The government only exercises power. The government's powers are delegated and derivative; the state's powers are real and original.
- (f) The opposition to the state is different from the opposition of the government. We criticize the government; we never condemn the state. The criticism of the state is a revolt; the criticism of the government is not a rebellion. We would never hear from an Indian that India is bad; but we would usually hear that the policies of the Indian Government headed by a political party or a multitude of political parties are bad. It is a crime to condemn one's state; it is a duty, in fact it is a right to criticise one's government.
- (g) The government is merely an element of the state. Accordingly, it is one part of the state. It is a part of the whole (of the state). As a part, the government is not greater than the whole. When we talk of the state, we talk of the population, the definite territory, the government and sovereignty. But when we talk of the government, we talk of one part, one element of the state.
- (h) The state's territory is always definite. It remains unchanged. Its boundaries remain where they are. The government's territory is never permanent. Muhammad Tughlaq had changed his capital to a place called Daulatabad. Many governments had changed their capitals to London during the World War II, fearing the German attack.



Intext Questions 3.3

Answer the following questions. Give one word only:

1. Which organ of the government makes laws?
2. Which organ of the government enforces laws?
3. With whom does sovereignty lay?
4. Through which organ does the state express its will?
5. If the state is an abstraction, what is its concrete form?

3.5 State and Nation

By nation, as you know, we mean a historically constituted stable community of people formed on the basis of a common language, territory, economic life and physiological make up manifested in a common culture. Nation, Bluntschilli says, is "a union of masses of men bound together specially by language and customs into common civilization which gives them a sense of unity". A nation is a culturally homogeneous social group.

NATION connotes the concept of people who are conscious of their historical and cultural background and who wish to perpetuate this background politically, i.e. within the framework of a state.

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The state, as we know, is a people organized for law within a definite territory; it is always sovereign-supreme internally and independent externally. The nation is a group of people psychologically bound together while sharing common joys and sorrows. The distinction between state and nation can be explained as under:

- (a) Nation and state are distinct entities. A nation may not be always a state; India was not a state before August, 1947. A state may not always be a nation. Austria - Hungary was a state but not a nation before World War I because the heterogeneous people did not form a culturally homogeneous people.
- (b) The state is a state because it is sovereign. The nation is not a state if it is not sovereign. Sovereignty is the chief characteristic of a state; it is not a feature of the nation. A nation becomes a nation-state when the nation attains statehood.
- (c) The state is a political concept while the nation is a cultural, and a psychological body. Hayes says, "Nation is primarily cultural, and only incidentally political". What it means is that nation is not a political concept, it is only spiritual.
- (d) Laws bind the people together in a state; sentiments and emotions bind the people in a nation. The unity of the state is always external; the unity of the nation is eternal. In the case of the state, unity is imposed; it comes from above through laws. In the case of nation, unity comes from within, through emotions.
- (e) There is an element of force connected with the state. The state's laws are binding. There is a coercion exercised by the state if its authority is defied. In the case of the nation, there is the element of persuasion.
- (f) The elements of the state are definite: population, fixed territory, government and sovereignty. The elements of a nation are not definite. Somewhere common language helps constitute a nation, somewhere else, common race makes a nation. Common religion, for example, was a factor in making Pakistan as a nation; it was common language in the case of the United States as a nation whereas it was common heritage that made India a nation.
- (g) A state may be larger than a nation. The former USSR had, within it, more than a hundred nationalities. Conversely, a nation may be larger than a state; a nationality may spread over two states. The Korean nationality is spread over two states: North Korea and South Korea.



Intext Questions 3.4

Fill in the blanks:

1. Before the World War I, Austria – Hungry was a state, but not a
2. When a nation attains statehood, it becomes a
3.bind the people together in a state.
4. While the state is a concept, the nation is a cultural entity.
5. people form a culturally social group.



What You Have Learnt

In this lesson you have learnt about the meanings of concepts such as society, government, and association. You had already, in the previous lesson, known about the state, nation and nationality. Now you should know that state and society are different terms: state being a political concept, maintains the external social order; society, being a social concept, has in it a multitude of associations and organizations. The state is a means and the society is an end. You have also learnt that though the state is an association, it is distinct from other associations; it alone has sovereignty, the other associations accept the sovereign predominance of the state. The state and government are not the same, though the government does everything on behalf of the state. The government is an organ of the state, a state's agency which makes laws, enforces them and punishes those who violate those laws. Nation is a cultural and a psychological unity and as such an eternal one. The state, you must have noted, is a political structure/organization.



Terminal Exercises

1. Define the terms: (a) Nation, (b) Government (c) Association
2. Distinguish between State and society.
3. Distinguish between State and Other Associations.
4. Distinguish between State and Government.
5. Distinguish between State and Nation.



Answers to Intext Questions

3.1

- (1) state,
- (2) prior
- (3) natural, artificial,
- (4) means
- (5) end,
- (6) voluntary, mechanical

3.2

- (1) particular,
- (2) compulsory,
- (3) prior
- (4) sovereignty



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3.3

- (1) Legislature
- (2) Executive
- (3) State
- (4) Government
- (5) Government

3.4

- (1) nation
- (2) nation-state
- (3) Laws
- (4) political
- (5) Homogeneous

Hints of Terminal Exercises

1. Refer to sections (a) 3.5, (b) 3.4 (c) 3.3
2. Refer to section 3.2
3. Refer to section 3.3
4. Refer to section 3.4
5. Refer to section 3.5



MAJOR POLITICAL THEORIES

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You will learn, in this lesson, about major political theories : liberalism, Marxism and Gandhism. Liberalism and Marxism have caught the attention of the people in most parts of the twentieth century. Liberalism emerged from the Enlightenment, the Glorious revolution in England, the American War of Independence and the French Revolution. It has been with us as the political philosophy of the capitalist West. Marxism rose as a reaction against the liberal-capitalist society. With the disintegration of the USSR in 1991, the last major socialistic/Marxist state, Marxism has lost much of its popularity. Gandhism, while challenging the ideals of both liberalism and Marxism, presents not only a critique of both these ideologies, but also provides relevant alternative theories.



Objectives

After studying this lesson you will be able to

- explain the meaning of liberalism and its features;
- identify the basic tenets of Marxism;
- describe the theory of dialectical materialism, historical materialism; theory of surplus value, theory of class struggle, revolution, dictatorship of proletariat, and the classless society;
- know contribution of Lenin and Mao to Marxism;
- analyse the relevance of Marxism;
- explain Gandhi's views on state, decentralization, democracy, swadeshi, trusteeship, cottage/ small scale industries etc.;
- describe the significance of purity of means to achieve ends;
- highlight Gandhi's emphasis on Swaraj, Satyagraha, Non-violence; and
- explain Gandhi's steadfast opposition to discrimination based on race and his life-long efforts for the upliftment of the Harijans / Dalits.



Notes

4.1 Liberalism

Liberalism is fairly an old political ideology. Its roots can be traced to the days of the sixteenth century. Since then it has passed through numerous stages. The Western Enlightenment had refused to accept moral goals as absolute truths; the English Glorious revolution (1688) had denounced the divine rights of the kings;

The French Revolution gave the cardinal ideas of 'Liberty, Equality, and Fraternity' and the American War of Independence a little earlier (1775-76) laid emphasis on the declaration of human rights.

4.1.1 Meaning of Liberalism

Harold Laski, an English scholar of Political Science once wrote: "It (liberalism) is not easy to describe, much less to define, for it is hardly less a habit of mind than a body of doctrine". What it means is that liberalism is too dynamic and too flexible a concept to give it a precise meaning. And yet the scholars have made attempts to define it. Sartori says, 'Very simply, liberalism is the theory and practice of individual liberty, juridical defense and the constitutional state.' According to Koerner, "Liberalism begins and ends with the ideals of individual freedom, individual human rights and individual human happiness". Encyclopaedia Britannica defines liberalism "as an idea committed to freedom, as a method and policy in government, as an organizing principle in society and as a way of life for the individual and the community."

Liberalism is a theory of reforms, for it has stood for reforms in economic, social and political fields. It is a theory of liberty, individual liberty, individual autonomy, for it has argued in favour of the development of human personality. It is a theory of democracy, for it has favoured constitutional government, government based on the consent of the people, rule of law, decentralization, free and fair elections. To conclude, we may highlight three aspects of liberalism which clearly help us in understanding its meanings: in social sphere, liberalism stands for secularism and a society that opposes, all kinds of social discrimination; in economic sphere, it favours a capitalistic economy, individual ownership of the means of production and maximum profit-earning motive, in political sphere, it stands for a democratic polity, individual rights and liberties, responsive and responsible government, free and impartial judiciary and the like.

4.1.2 Features of Liberalism

We may identify certain characteristics of liberalism. These characteristic features are :

(1) Individual Liberty : Liberalism is essentially an ideology of liberty. Its love for individual liberty is unquestionable. It has become libertarianism. For the liberals, liberty is the very essence of human personality. It is a means to one's development.

(2) Individual-centred theory : Liberalism begins and ends with individual. For liberals, individual is the centre of all activities, the focal point; individual is the end while all other associations, including the state, are the means, which exist for the individual. individual is the centre around which all things move.

(3) Capitalistic Economy : Liberalism advocates free-market economy, i.e., the capitalistic mode of economy. It believes in private property system, regarding property rights as sacrosanct; maximum profit as the only motive; capitalistic mode of production and



distribution as the only essence; the market forces as the controlling means of economy.

(4) Limited State : Liberalism advocates the concept of limited state. The liberals view the state as a means for attaining the good of the individual. They oppose every type of totalitarian state. They are of the opinion that a more powerful state means a less free individual. Locke used to say, “because the functions of the state are limited, so are limited its powers.”

(5) Opposed to Traditions/Superstitions : As liberalism rose as a reaction against traditions/superstitions, it is, by its nature, opposed to all reactionary measures. Liberalism, emerging from Renaissance and Reformation, stood, and actually stands, for reason and rationalism. As against the feudal model of man as a passive being, liberalism favours a model of man who is more active and more acquisitive.

(6) Democracy : Liberalism is an exponent of democratic government. It seeks to establish a government of the people, by the people and for the people; a government that functions according to the Constitution and constitutionalism; a government that upholds the rule of law; a government that secures rights and liberties of the people. Liberalism, McGovern says, is a combination of democracy and individualism.

(7) Welfareism : Liberalism is closely associated with welfarism. Welfarism, as a state activity, is the idea that state works for the welfare of the people. The liberal concept of state activity is one where the state serves the people. In other words, the welfare state is a ‘social service’ state.

4.1.3 Weaknesses of Liberalism

Liberalism has its own inherent defects. It is a philosophy full of tensions. On the one hand, it unfurls the flag of liberty, and on the other, it argues for equality. On the one hand, it works, within the framework of market society, it promises equal opportunities to all. On the one hand, it asks for unlimited rights to acquire property, and on the other, it seeks to demand a share of profit for the welfare of those who are unemployed and the needy. On the one hand, it builds a capitalistic economy, ending up ultimately in inequalities, and on the other, it endeavours to establish an egalitarian society.

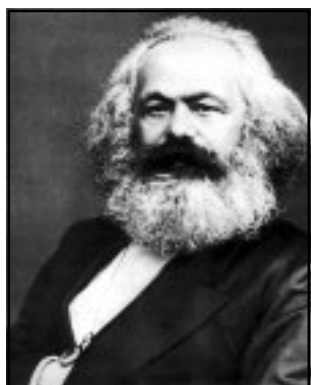


Intext Questions 4.1

Fill in the blank

1. The Enlightenment had refused to accept the moral goals as truths.
2. The French Revolution declared equality and fraternity as great political values.
3. The 17th-18th century was also known as negative liberalism.
4. McGovern said liberalism is composed of two elements: democracy and
5. Liberal economy is..... economy.
6. The liberal state is a socialstate.
7. Liberalism is the political philosophy of the class.

4.2 Marxism



Karl Marx
(1818–1883)

Following the establishment of factories and the capitalistic mode of production during the 17th-18th centuries West, the conditions of the workers deteriorated. The workers who entered the factories were subject to all sorts of exploitation : long hours of work, life in slums, ill-health etc. The result was exploitation of the workers, ever-increasing gap between the rich and the poor, economic inequalities, degradation and alienation. Karl Marx and Frederick Engels realised clearly the adverse effects of capitalism and in the process, brought out what is called scientific socialism or Marxism (after the name of Marx). Those who contributed to the Marxian philosophy after Marx and Engels include, among others, V.I. Lenin (Russia), and Mao Zedong (China).

Alienation means aloofness, estrangement, apathy, cutting off. Marx finds alienation in extermination i.e., man finds himself external (alien) to his activity, his self.

4.2.1 Marxism and its Basic Postulates

Marxism is the political philosophy of the working class as liberalism is the political philosophy of the capitalist class. It is a theory of social change : why social changes take place and how do these changes come into effect? The social changes take place because of the material factors and through a method called 'dialectical materialistic' method.

Marxism is based on certain assumptions/postulates. These are :

- 1) Nothing happens in the world on its own; there is always a cause-effect relationship in what we see around. The relations of production (i.e., material relations among the people), as the basis of society, provide the cause while the productive forces constitute the effect.
- 2) The real development is always the material development (i.e., the economic development). The progressive development of productive forces indicates the progressive level of development.
- 3) The material (i.e. economic) factor is the dominant factor in both individual life and social life.
- 4) Human being is born at a particular stage of social / material development, i.e., born in a social setting which exists independent of him. But being an active being, human being makes his own social setting. Marx had said, human beings are born in history, but they make history.
- 5) Social classes, especially the opposing classes, through their struggle and following the process of revolution, move in the forward direction. That is why the Marxists say that every subsequent society is better than the preceding society.
- 6) Revolutions mean total and wholesome changes; they are not a negative force, but are what Marx had called, the locomotives of history. When launched and successful, revolutions take the society to a higher stage of development.



- 7) The state, being the result of a class society, is a class institution. It is neither impartial nor just; it is a class institution. It is a partisan, oppressive and exploitative institution; it exists to serve the dominant class of which it is an instrument. In the capitalist society, the capitalist state protects and promotes the interests of the capitalists while in the socialist society, it protects and promotes the interests of the working class. By the time the socialist society becomes fully communistic, the state would, by then, have withered away.

Withering away of the state, according to the Marxists, means disappearing of the state, i.e., slowly and gradually the state apparatus would go the whole way.

Thus, Marxism advocates communism as the highest form of society where men would work as they wish and would get what they want : “from each according to his ability to each according to his needs.”

4.2.2 Highlights of Marxism

Marxism revolves around the following theoretical propositions.

Dialectical materialism is the sum-total of the general principles which explain as to why and how social changes take place. The social changes take place because of the material factors and through the dialectical materialistic method. The dialectical materialistic method is a triple method. According to Marx,

Relations of Productions constitute the basis of the society at any given point of time. What are called the social relations among the people are, for the Marxists, the relations of production.

Productive Forces constitute those elements which originate from the relations of production, but which, though opposite to the latter, promise more production through newer methods/devices.

In very simple words, the Marxian theory states that all development takes place through struggle between opposites and because of factors which are economic.

New Mode of Production is the result of the struggle between the relations of production and productive forces at a matured stage of their development. The new mode of production has the merits of both the relations of production and productive forces; hence a higher stage of economic development.

Historical Materialism is also called the economic/materialistic/ deterministic interpretation of history. The Marxian explanation of history is that it is a record of the self-development of productive forces; that the society keeps marching on its path of economic/ material development; that each stage of development indicates the level of development attained; that history is the history of numerous socio- economic formations: primitive communistic, slave-owning, feudal, capitalist and thereafter the transitional socialist followed by the communist society; that each succeeding society is an improvement over the preceeding one; that the socialist society, after the abolition of the capitalist society would be a classless society but with a state in the form of the dictatorship of the proletariat; the communist society, which follows the socialists society, would be both classless society and stateless society.

Theory of Surplus Value is another characteristic of Marxism. Marx says that it is the

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worker who creates value in the commodity when he produces it. But he does not get what he produces, he gets only the wages: over and above the wages is what goes to the employer. That is the surplus value. The surplus value is the difference between what the value a labourer produces and what he gets in the form of wages. In simple words, the labourer gets the wages; the employer, the profit. This surplus value makes the rich, richer and the poor, poorer. It is through surplus value that capitalists thrive.

Theory of Class Struggle is another tenet of Marxism. In the Marxian view, all hitherto history has been the history of class struggle between opposing classes. Class struggle is the characteristic of class societies. In the classless societies, there is no class struggle because there are, in such societies, no opposing/ antagonistic classes. Class struggle, in class societies, (i.e., in slave-owning society, the feudal society, the capitalist society) is of mainly three types: economic, ideological, political.

Marxism advocates **revolution**. Revolutions, the Marxists say, are locomotives of history. Revolutions occur when the relations of production come into conflict with the productive forces, leading, thus, to a new mode of production. They bring about a complete transformation of society, without violence if possible, and with it, if necessary. Revolutions, indicate changes: wholesome changes, changes in the very character of a given society. They signify the coming up of a higher stage of social development. Accordingly, the Marxists regard revolution as a positive phenomenon.

Dictatorship of the proletariat means the rule of the working class. It is a state of the workers in the socialist society which follows the capitalist society. It is the dictatorship of the workers in the socialist society in the sense there is the dictatorship of the capitalists in the capitalist society. There capitalists rule the way they want; now the workers' rule in the socialist society the way the workers want. Nevertheless, Marx makes it clear that the dictatorship of the proletariat, i.e., the workers' state, is an interim or a transitional arrangement which functions between the capitalist society and the communist society. Once the socialist society is completely established, the workers state will not be needed, i.e., it will wither away (disappear slowly). Lenin insists that the dictatorship of the proletariat is better than the bourgeois state, both quantitatively and qualitatively (at it looks after the interests and welfare of the whole multitude of the workers rather than handful of capitalists).

The socialist society that follows the capitalist society after its abolition is a **classless society**. It is a classless society in the sense that all are workers wheresoever they work, in the office, in the factory or on the fields: each gets job according to one's ability ('from each according to his abilities to each according to his work'). The communist society which follows the socialist society, will be both the classless society and the stateless society.

4.2.3 Relevance of Marxism

Marxism, both as a philosophy and also as a practice, has attained a position unparalleled in social and political thought. Its appeal crosses all boundaries, and in fact, all limits. Its adversaries are as much convinced of its strength as are its admirers. And yet its shortcomings are obvious.

Changes do not occur simply because of the clashes between the opposing classes. History is indebted to class cooperation as well for its development. Material factor, though important and dominating it may be, is not the sole factor in explaining the whole complex of society's intricacies. Indeed, man does not live by bread alone, but it is also true that he can not live

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without it. Marxism has underestimated the worth and strength of national/ patriotic sentiments. To say that the workers have no fatherland of their own, as Marx used to say, is to make them parentless. Marxism also underestimated the importance of the state. To say that the State is a class institution and therefore, an oppressive and exploitative one is to oversimplify things.

The Marxian formulations, in practice, have been really disappointing. Marxism, as a practice, has failed, whatever be the reasons. One chief reason has been its centralizing tendency: the dictatorship of the proletariat becomes the dictatorship of the communist party, the party's dictatorship becomes, ultimately, the dictatorship of one man: be that a Stalin or a Mao. In the Soviet Union, reform movement (Glasnost, especially) initiated by Mikhail Gorbachev marked the beginning of the end of the communist movement not only in Europe but almost the world over. The communist China has introduced numerous liberalization measures in its economy and polity. The relevance of Marxism as an alternative ideology before the world is no more unquestioned.

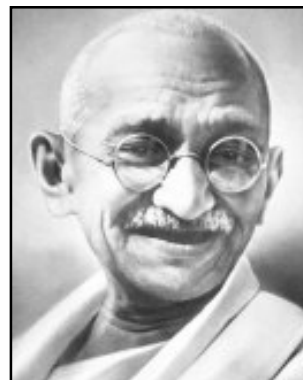
**Intext Questions 4.2****Fill in the blanks :**

1. Marxism is a reaction against(feudalism capitalism)
2. Marxism is regarded as the political philosophy of theclass. (working, capitalist)
3. For the Marxists, the factor is the decisive factor in individual/ social life. (political, cultural, material)
4. In Marxian scheme, the relations of production give birth to of(forces, production, antithesis, synthesis)
5. From each according to his abilities to each according to his'. It is the essence of socialism. (work, needs)
6. From each according to his work to each according to his'. It is the essence of communism. (work, needs)
7. For Marx, revolutions are of history (engines, ends).

4.3 Gandhism

Mahatma Gandhi (1869-1948) was the supreme leader of the Indian nationalist movement which he had led for about thirty years, between 1917 and 1947. He was a thinker in so far as he had challenged most of the assumptions and doctrines of his times, and in their places, provided possible and plausible alternatives.

It is really difficult to project Gandhiji in any particular frame. He was more than a Plato, one can possibly call him a Socrates; he was more than an Aristotle, one can call him a Buddha; he was more than a Mill or a Marx, one can call him

*Mahatma Gandhi*

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a Guru Nanak. Gandhiji was a liberal among the Marxists, and a Marxist among the liberals; he was a democrat among the individualists and an individualist among the socialists. He was an idealist among the realists, and a realist among the idealists. He had combined in himself the virtues of all the known ideologies, past and present.

4.3.1 Gandhi as a Critic of Western Civilization

Gandhiji was a critic of Western Civilization. His complaint against western materialism is that it destroys the very essence of spiritualism. He regarded the western type of man as an atomistic individual, with all flesh and no soul.

As against the state that existed in the West, Gandhiji advocated what he called, the Ramrajya; as against the western style of managing things through the centralizing forces, he stood for a decentralized polity. As against materialism, industrialization and capitalism, he made a strong plea for Swadeshi, cottage industries and the theory of Trusteeship.

4.3.2 State, Decentralization, Cottage Industries, Trusteeship

Gandhiji is not an admirer of the type of the state that exists in the Western Society. For him, the Western state represented 'violence in a concentrated form'; it is a soulless machine. Accordingly, Gandhiji, as a philosophical anarchist, admitted the state, but very unwillingly, only when it is most needed.

Anarchist is one who is opposed to every type of state; anarchism is a theory of lawlessness: without state, without government, without law.

Gandhism stands for a non-violent state based on (i) the consent of the people (ii) the near unity in the society. Gandhiji advocated decentralization of power: both political and economic. The spirit of Gandhian democracy is the spirit of decentralization. Decentralization means devolution of power at each level beginning from individual/ local unit and reaching the apex. The essence of decentralization, according to Gandhiji, is that all powers flow from below and go up, in ascending order.

So considered, political power, in the Gandhian scheme, is vested in the individuals: the centre of all activity, the repository of Swaraj; from individual, power is transferred to the village; from village, the power goes to the higher unit, and ultimately, ends up with the central/ national government which, practically performs only the coordinating functions. Thus what is or what can not be done by the individual is done by the village, what is not done by the village is done by the local/ regional government; what is not done by the regional/ provincial government is done by the central/ national government. The spirit of the Gandhian Ramrajya is that it is a self-regulating system where everyone is one's own ruler, and not a hindrance to one's neighbours.

Gandhiji's concept of decentralization has an economic aspect. He argued for the devolution of economic power as well. He advocated village economy through the promotion of village, small, cottage industries. In fact, he was for the self-reliant village economy. His concept of Swadeshi is "that spirit which requires us to serve our immediate neighbours and use things produced in our neighbourhood in preference to those more remote."

Gandhiji favoured the revival of indigenous industries so that people could have enough to eat. In his opinion, any kind of economy which exploited people and helped concentrated wealth in fewer hands, stands condemned.



Gandhiji's idea of trusteeship was unique. It was unique because it aimed at establishing cordial relations between the capital and the labour. Declaring all property to be the property of the community as a whole, Gandhiji pleaded that all the employers (industrialists, capitalists and the like) are the trustees of what they hold. As such, they all are entitled only for the money they need to satisfy their necessities as do the employees (the workers etc.). For Gandhiji no individual is the owner: all work and all are the workers; everyone gets for the service one renders; the profit is not of the owner, but is what belongs to the community. The employers are the trustees, and not the masters; the employees as necessary components of the enterprises, are the workers and not the slaves.

4.3.3 Ends and Means

According to Gandhiji, ends and means constitute two aspects of the same reality, i.e., two sides of the same coin. They form an organic whole. Ends grow out of the means "As are the means, so are the ends". Gandhiji used to say. He also said, the means may be likened to a seed; the ends, to a tree and there is just the same inviolable connection between the means and the ends as there is between the seed and the tree." He argued that the state can not attain its ideal character as long as the means are tainted with violence. That is why he always laid emphasis on the purity of means to achieve the ends. Impure means can not achieve pure ends. He said once: "I would not accept Swaraj if it comes through bloodshed". Again, "For me, Ahimsa comes before Swaraj." So close and inseparable is the relation between the two that if one takes care of the means, the ends will take care of themselves. Furthermore, the realization of the goal has to be, for Gandhiji, in proportion to that of the means.

Gandhiji was no Machiavelli. For Machiavelli, ends justify the means; for Gandhiji, means justify the ends.

4.3.4 Society and Sarvodaya

Gandhism is not only a theory of politics, economy, religion, strategy, but also is a theory of society. Gandhiji's whole social philosophy is a philosophy of equality: equality not in the sense of absolute equality, but in the sense that as human beings, all are equal. A society based on equality, according to Gandhiji, is a society which rejects any and every type of discrimination: either on the basis of caste, creed, class, sex, race, or region. We are born as human beings, not as Hindus or Muslims, We are born as human beings, not as an upper caste being or a dalit. Gandhiji is opposed to all types of discriminatory tendencies and trends. For him, there is only one caste, one class, one religion, one race, and that is humanity. He, therefore, did not admit any discrimination. In fact, he was more for the welfare of the weaker, i.e., for women as compared to men; for the weaker sections of society: the Harijans, the Dalits. It is not that he wanted to deprive 'A' and 'give' to 'B'; it is that he wanted to give 'B' more so as to enable him to get to the heights of 'A'. He advocated equality so as to level people in social, economic, and political hierarchy. His concept of equality aimed at bridging the gaps and not distancing them.

Gandhiji's concept of Sarvodaya sums up his views on the kind of society he used to dream. Sarvodaya, as Gandhiji had visualised, is the greatest good of all the members of the society. It is the welfare of all. It is the good of the individual together with the good of all the individuals, i.e., the good of each with the good of all. The concept of good in Sarvodaya is not merely material, it is moral and spiritual as well.

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Intext Questions 4.3

Answer the following questions. Give one word only

1. What type of state Gandhiji had advocated?
2. What strategy did Gandhiji suggest for employer-employee cordial relationship?
3. With what name did Gandhiji address the people of the scheduled castes?
4. Which of the two ends and means, Gandhism advocated.
5. What did Gandhiji call the greatest good of all the individuals, especially of the poor, the poorest of the poor'?



What You Have Learnt

In this lesson, you have learnt about three major political theories: Liberalism, Marxism and Gandhism. You now know that liberalism is a political philosophy which advocates the autonomy of individual, the constitutional state, the responsive government, rights and liberties of the individual, free press, rule of law, impartial judiciary, decentralization and the like. You also know that Marxism is a political philosophy of the working class, which advocates equality, social justice, absence of all types of exploitation, a planned economy with employment for each and all. You also know that Gandhism is a political philosophy of Satya and Ahimsa, an alternative solution of all problems faced by humanity, a synthesis of all major political ideologies of the world.



Terminal Exercises

1. What is meant by liberalism?
2. What do you mean by 'withering away' of the state?
3. Discuss dialectical materialism as a feature of Marxism.
4. Is Marxism relevant today? Explain
5. Do you agree with the view that Gandhism is a critique of the western civilization?
6. What was Gandhiji's concept of Ramrajya?



Answer to Intext Questions

4.1

1. Absolute
2. Liberty
3. Liberalism
4. Individualism



5. Capitalistic
6. Service
7. Capitalist

4.2

1. Capitalism
2. Working
3. Material
4. Forces, Production
5. Work
6. Needs
7. Engines

4.3

1. Ramrajya
2. Trusteeship
3. Harijans
4. Means
5. Sarvodya

Hints of Terminal Exercises

1. Refer to section 4.1.1
2. Refer to section 4.2.1
3. Refer to section 4.2.2
4. Refer to section 4.2.3
5. Refer to section 4.3.1
6. Refer to section 4.3.2

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FUNDAMENTAL RIGHTS

People in democratic countries enjoy certain rights, which are protected by judicial system of the country concerned. Their violation, even by the State, is not allowed by the courts. India respects the rights of the people, which are listed in our Constitution, under the heading “Fundamental Rights”. In lesson, a mention has been made of the Fundamental Rights as one of the salient features of the Constitution. In this lesson, we will discuss in detail various Fundamental Rights which are incorporated in chapter III of the Constitution.



Objectives

After studying this lesson you will be able to

- explain the meaning and importance of Fundamental Rights;
- highlight that the dignity of an individual is protected and safe guarded through Fundamental Rights;
- recognise that the enforcement of Fundamental Rights is ensured through High Courts and the Supreme Court;
- explain the Right to Equality;
- recognise the rationale behind protective discrimination in favour of Scheduled Castes and Scheduled Tribes and other backward classes(OBCs);
- describe as well as appreciate the Right to Freedom;
- recall the safeguards against deprivation of life and personal liberty except according to the procedure established by law;
- explain the Right against Exploitation;
- appreciate the Right to Freedom of Religion;
- explain Cultural and Educational Rights;
- identify the right to Constitutional Remedies;
- recall the value of writs that may be issued for the protection of Fundamental Rights; and



- appreciate the Constitutional limitations on the enjoyment of Fundamental Rights.

6.1 Meaning And Importance Of Fundamental Rights

The rights, which are enshrined in the Constitution, are called 'Fundamental Rights'. These rights ensure the fullest physical, mental and moral development of every citizen. They include those basic freedoms and conditions which alone can make life worth living. Fundamental Rights generate a feeling of security amongst the minorities in the country. They establish the framework of 'democratic legitimacy' for the rule of the majority. No democracy can function in the absence of basic rights such as freedom of speech and expression.

Fundamental Rights provide standards of conduct, citizenship, justice and fair play. They serve as a check on the government. Various social, religious, economic and political problems in our country make Fundamental Rights important. In our Constitution, Fundamental Rights are enumerated in Part III from Article 14 to 32. These rights are justiciable.

Justiciable: Justiciable means that if these rights are violated by the government or anyone else, the individual has the right to approach the Supreme Court or High Courts for the protection of his/her Fundamental Rights.

Our Constitution does not permit the legislature and the executive to curb these rights either by law or by an executive order. The Supreme Court or the High Courts can set aside any law that is found to be infringing or abridging the Fundamental Rights. You will read about it in detail in the lesson on 'Judiciary'. Some of the Fundamental Rights are also enjoyed by foreigners, for example, the Right to Equality before Law and Right to Freedom of Religion are enjoyed by both i.e. citizens as well as foreigners. The Fundamental Rights though justiciable are not absolute. The Constitution empowers the government to impose certain restrictions on the enjoyment of our rights in the interest of public good.

Seven Fundamental Rights were enshrined in the Constitution of India. However the Right to Property was removed from the list of Fundamental Rights by the 44th Amendment Act of the Constitution in the year 1976. Since then, it has been made a legal right. There are now six Fundamental Rights.

The Fundamental Rights are: -

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Freedom of Religion
5. Cultural and Educational Rights, and
6. Right to Constitutional Remedies.

Recently by the 86th Amendment Act, the Right to Education has been included in the list of Fundamental Rights as part of the Right to Freedom by adding Article 21(A).

We will now study these rights one by one.

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Intext Questions 6.1

Fill in the blanks selecting appropriate words/figures given in the brackets.

1. Right to Property was removed from the list of Fundamental Rights by _____ Amendment Act of the Constitution (42nd/43rd/44th).
2. The Rights are given in Part III of the Constitution and are termed as _____ Rights (Legal/Economic/Fundamental).

6.2 Right To Equality

Right to Equality means that all citizens enjoy equal privileges and opportunities. It protects the citizens against any discrimination by the State on the basis of religion, caste, race, sex, or place of birth. Right to Equality includes five types of equalities.

6.2.1 Equality Before Law

According to the Constitution, “The State shall not deny to any person equality before law or equal protection of laws within the territory of India”.

‘Equality before law’ means that no person is above law and all are equal before law, every individual has equal access to the courts. ‘Equal protection of laws’ means that if two persons belonging to two different communities commit the same crime, both of them will get the same punishment.

6.2.2 No Discrimination on Grounds of Religion, Race, Caste, Sex, Place of Birth or any of them

No citizen shall be denied access to shops, restaurants and places of public entertainment. Neither shall any one be denied the use of wells, tanks, bathing ghats, roads etc. maintained wholly or partly out of State funds. However, the State is empowered to make special provisions for women, children and for the uplift of Scheduled Castes, Scheduled Tribes and other backward classes (OBC’s). The State can reserve seats for these categories in educational institutions, grant fee concessions or arrange special coaching classes.

6.2.3 Equality Of Opportunity In Matters Of Public Employment

Our Constitution guarantees equality of opportunity in matters relating to employment or appointment to public services to all citizens. There shall be no discrimination on the basis of religion, race, caste, sex, place of birth or residence in matters relating to employment in public services. Merit will be the basis of employment. However, certain limitations have been provided to the enjoyment of these rights.

6.2.4 Abolition of Untouchability

The Constitution abolishes untouchability and its practice in any form is forbidden.

Action in the box are considered as offences when committed on the grounds of untouchability.



refusing admission to any person to the public institutions;
preventing any person from worshipping in place of public worship;
insulting a member of Scheduled Caste on the grounds of untouchability;
preaching untouchability directly or indirectly.

6.2.5 Abolition of Titles

All titles national or foreign which create artificial distinctions in social status amongst the people have been abolished.

This provision has been included in the Constitution to do away with the titles like 'Rai Sahib', 'Rai Bahadur' have been conferred by the British on a few Indians as a reward for their effective co-operation to the colonial regime. The practice of conferring titles like this is against the doctrine of equality before law. To recognise the meritorious service rendered by individual citizens to the country or mankind, the President of India can confer civil and military awards on those individuals for their services and achievements such as; Bharat Ratna, Padma Vibhushan, Padam Sri, Param Veer Chakra, Veer Chakra etc., but these cannot be used on 'titles'.



Intext Questions 6.2

Fill in the blanks:

1. Right to Equality aims at an end to.....discrimination (moral/social/political).
2. Right to Equality has.....kinds of equalities (3/4/5).
3. Right to.....provides for the abolition of untouchability (equality / freedom / religion).
4. State can make..... provisions for women and children against exploitation (general/special/ordinary).
5. Right to Equality aims at establishing.....equality. (social/moral/political)

6.3 Right To Freedom

Freedom is the basic characteristic of a true democracy. Our Constitution guarantees to the citizens of India a set of six freedoms described as the "Right to Freedom".

6.3.1 Six Fundamental Freedoms

The Constitution guarantees the following six Fundamental Freedoms:

- (i) Freedom of speech and expression.
- (ii) Freedom to assemble peacefully without arms.
- (iii) Freedom to form associations or unions.
- (iv) Freedom to move freely throughout the territory of India.

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- (v) Freedom to reside and settle in any part of the territory of India.
- (vi) Freedom to practise any profession or to carry on any occupation, trade or business.

Let us study these freedoms one by one briefly.

(I) Freedom of Speech And Expression

It is an important freedom. This freedom ensures free and frank speech, discussion and exchange of opinions. It includes the freedom of the press. However these freedom like freedom of speech and expression are not absolute. The state is empowered to impose reasonable restrictions on the exercise of this right in the interest of security of the state, public order, morality etc.

These freedoms can be suspended during the State of National Emergency. As soon as the State of National Emergency is declared under Article 352, the above-mentioned freedoms except the right to life and liberty, automatically remain suspended as long as the State of National Emergency continues. All these freedoms get restored as soon as the proclamation of National Emergency is lifted.

6.3.2 Protection in Respect of Conviction for An Offence

This Constitutional provision assures protection against arbitrary arrest and excessive punishment to any person who is alleged to have committed an offence. No person shall be punished except for the violation of law which is in force when the crime was committed. An accused cannot be compelled to be a witness against himself/herself.

No person shall be punished for the same offence more than once.

6.3.3 Protection of Life and Personal Liberty

The Constitution lays down that no person shall be deprived of his/her life or personal liberty except according to the procedure established by law. It guarantees that life or personal liberty shall not be taken away without the sanction of law. It ensures that no person can be punished or imprisoned merely at the whims of some authority. He/she may be punished only for the violation of the law.

6.3.4 Prevention against Arbitrary Arrest and Detention

Our Constitution guarantees certain rights to the arrested person. As per the provision, no person can be arrested and/or be detained in custody without being informed of the grounds for detention. He /she has the right to consult and be defended by a lawyer of his/her choice. The accused has to be produced before the nearest magistrate within a period of twenty-four hours of arrest.

These safeguards however are not available to foreigners as well as to those citizens detained under Preventive Detention Act.

Preventive Detention: When the State feels that a person is likely to commit crime or is a threat to the security of the State, he/she may be detained without trial for a limited period. However, no person can be kept under detention for more than three months until permitted by an Advisory Board consisting of persons who are qualified to be appointed as judges of the High Courts. Such a board is presided over by a sitting judge of a High Court.



6.3.5 Right to Education

By the 86th Amendment Act of the Constitution a new article 21-A has been added after Article 21. By this Amendment Act, Right to Education has been made a Fundamental Right and has been deleted from the list of Directive Principles of State Policy. According to it, “The State shall provide free and compulsory education to all children of the age of six to fourteen in such a manner as the State may by law determine”. It further states that it is the responsibility of the parent or guardian to provide opportunities for education to their child or ward between the age of six to fourteen years.



Intext Questions 6.3

Each question has four options. Select the correct option by putting a tick (✓) against one of the options:

1. The number of freedoms guaranteed under the Right to Freedom is :
 - a) 5
 - b) 6
 - c) 7
 - d) 8
2. Any person arrested by the police shall have to be produced before the nearest magistrate within a period of :
 - a) 12 hours
 - b) 24 hours
 - c) 36 hours
 - d) 48 hours
3. A person arrested under Preventive Detention can be kept in Jail without trial for a maximum period of :
 - a) three months
 - b) six months
 - c) twelve months
 - d) eighteen months
4. Right to education has been made a Fundamental Right byAmendment Act of the Constitution (84th /86th/ 88th)

6.4 Right against Exploitation

The people of India were exploited not only by the British but also by the money lenders and zamindars. This system was called forced labour. Right against exploitation prohibits

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all forms of forced labour as well as traffic in human beings . The violation of this provision is an offence punishable under law. The state require citizens services in times of major calamities such as floods, forestfire, foreign aggression etc.

Our Constitution also provides safeguards for children. It bans the employment of children below the age of fourteen years in any factory , mine or hazardous occupations.

Traffic in human beings means sale and purchase of human beings as goods and commodities for immoral purposes such as slavery and prostitution



Intext Question 6.4

Fill in the blanks selecting appropriate words/figures given in the brackets:

1. Employment of children in factories below the age of _____ is prohibited by law (14/16/18)

Right to Freedom of Religion

India is a multireligious state. Besides Hindus, there are Muslims, Sikhs, Christians and many others residing in our country. The Constitution guarantees to every person freedom of conscience and the right to practice and propagate any religion.

It also permits every religious group, the right to manage its own affairs in matters of religion. Every religious sect has the right to establish and maintain institutions for religious and charitable purposes. Each religious group is also free to purchase and manage its movable and immovable property in accordance with law, for the propagation of its religion.

Our Constitution lays down that no religious education can be imparted in any educational institution which is wholly maintained out of the state funds. This restriction does not apply to those educational institutions which are not wholly maintained out of State funds. But, even in those institutions, no child can be compelled to receive religious instructions against his /her wishes.

Right to Freedom of Religion is not absolute. It can be restricted on the grounds of public order, morality and health. The state shall not impose restrictions arbitrarily .



Intext Questions 6.5

Fill in the blanks with the suitable words/figures given in brackets:

1. Religion is the concern of the _____ in a secular state. (Individual /Society/ State)
2. No _____ education can be imparted in any educational institution wholly maintained out of state funds. (moral/religious/none of the two)



6.6 Cultural and Educational Rights

India is a vast country with diversity of culture, Script and languages. People take pride in their own language and culture.

Our constitution provides necessary guarantees to preserve maintain and promote their culture and language. The Constitution allows minorities to establish and maintains educational institutions of their own. It also provides that the state shall not discriminate against any educational institution while granting financial aid on the grounds that it is being run by a minority community.

These rights ensure that minorities will be given assistance by the state in the preservation of their language and culture. The Ideal before the state is to preserve and propagate the composite culture of the country.

6.7 Right To Constitutional Remedies

After reading about all the Fundamental Rights, a question may arise in your mind : what can an individual do if one or more of his or her Fundamental Rights are encroached upon by the State?

Part III of our Constitution provides for legal remedies for the protection of these rights against their violation by the State or other institutions/individuals. It entitles the citizens of India to move the Supreme Court or High Courts for the enforcement of these rights. The State is forbidden from making any law that may be in conflict with the Fundamentals Rights.

The Constitution empowers the Supreme Court and High Courts to issue orders or writs as mentioned in the box given below.

HABEAS CORPUS; (Latin term) It is an order by the court to the state to produce the person physically before it justify the confinement or release of the person.

MANDAMUS: (Latin term) It is a command or an order from a superior court to a subordinate court or tribunal or public authority to perform its duty in case it is not doing it.

PROHIBITION: It is an order issued by the Superior Court to forbid a subordinate court or tribunal from proceeding with a case which is beyond its jurisdiction.

QUO WARRANTO: This writ is issued to restrain a person from acting in a public office to which he /she is not entitled.

CERTIORARI : The term certiorari means “to be informed of what is going”. It is an order to a lower court from a superior court to transfer the matter to it or to any other court for deciding the matter.

These writs go a long way in protecting the rights of the individuals against encroachment by the legislature, the executive or any other authority. If the Fundamental Rights are the cornerstone of our democracy, then the Right to Constitutional Remedies is the soul of the part III of the Constitutions.

You will read more about these writs in the lesson no.12.

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Intext Questions 6.6

Fill in the blanks by selecting appropriate words/figures given in the brackets:

1. Religious or linguistic _____ can establish their own educational institutions. (minorities/majority)
2. In India writs are issued by _____ Courts. (lower/subordinate/high)
3. The direction of the court to the detaining authority to produce the person before it is the writ of _____ (Mandamus/prohibition/habeas corpus)
4. The writ to restrain a person from acting in a public office to which he /she is not entitled is known as _____ (quo warranto/Certiorari/Mandamus)
5. An order to a lower court to transfer the case to another court for its proper consideration is called the writ of _____. (Habeas Corpus/Prohibition/Certiorari)



What You Have Learnt

Fundamental Rights have been incorporated in part III of our Constitution from article 14-32. These rights protect and safeguard the dignity and status of the citizens. These rights are justiciable i.e. are enforceable by the court of law. At present there are six Fundamental Rights. Recently by an Amendment Act of the Constitution, Right to Education has been added.

These Rights are not absolute, reasonable restrictions can be imposed on these rights in the interest of peace, national defence, morality, common good and good relations with other countries. The first right that comes under Fundamental Rights is the Right to Equality. Under the Constitution, all are equal before law and the state can not discriminate between citizens on the basis of religion, race, sex, place of birth or any of them. Untouchability has been abolished and made an offence punishable by law. The state has been forbidden from conferring honorary titles on citizens that create social disparities.

Right to Freedom has been granted for the all round development of the body, mind and spirit of all the citizens. It provides six freedoms to citizens. This Right helps protection of life and personal liberty. It also protects the individual from arbitrary arrest and detention.

Our Constitution prohibits traffic in human beings and forced labour. Employment of children below the age of fourteen years in mines, factories and hazardous jobs is banned.

India is a multi religious country. Our Constitution neither promotes nor interferes in their religious affairs. India believes in secularism. Every religious community is free to establish, maintain and run its own religious institutions. Every citizen has been granted freedom to profess and propagate his/her religion.

Cultural and Educational rights provide the right to conserve our culture. Educational institutions maintained by the state on getting financial aid from the state cannot refuse



admission to children on the grounds of religion, race, caste, language or any of them. The minorities have been given the right to establish and manage institutions of their own for the preservation and propagation of their language and culture. While giving financial aid to any institution, the state will not discriminate on the basis of religion or language.

Lastly the Constitution guarantees enjoyment of Fundamental Rights by citizens under the Right to Constitutional Remedies. The Supreme Court and High Courts have been given powers to issue orders, directions and writs for the enforcement of Fundamental Rights. Dr. B.R Ambedkar has rightly called the writs as the “Soul of the part III of the Constitution”:

**Terminal Exercises**

1. Explain the importance of Fundamental Rights as provided in the Constitution.
2. Mention any three aspects of right to equality.
3. Describe six Fundamental Freedoms granted under the Right to Freedom.
4. Explain the Right against Exploitation.
5. How does the Right to Freedom of Religion help in establishing a secular polity in India? Explain.
6. What is writ? Who has the power to issue the writs?
7. Explain the statement that Fundamental Rights are justiciable.
8. Describe all the provisions of Right to Freedom.
9. Mention Right to Education as incorporated in the Constitution by 86th Amendment Act.

**Answers to Intext Questions****6.1**

1. 44th
2. Fundamental

6.2

1. Social
2. 5
3. Equality
4. Special
5. Social

6.3

1. b

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2. b.
3. a
4. 86th

6.4

1. 14.

6.5

1. Individual
2. Religious

6.6

1. Minority
2. High Court
3. Habeas Corpus
4. Quo-Warranto
5. Certiorari

Hints for Terminal Exercises

1. Refer to section 6.1
2. Refer to section 6.2
3. Refer to section 6.3.1
4. Refer to section 6.4
5. Refer to section 6.5
6. Refer to section 6.7
7. Refer to section 6.1
8. Refer to section 6.3
9. Refer to section 6.3.5



DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

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The Constitution of India aims to establish not only political democracy but also socio-economic justice to the people to establish a welfare state. With this purpose in mind, our Constitution lays down desirable principle and guidelines in Part IV. These provisions are known as the Directive Principle of State Policy. In this lesson we will study about Directive Principles in detail.

It is a well-established saying that rights have significance only when enjoyed in consonance with the duties. Therefore, the Fundamental Duties were inserted in Article 51A of our Constitution in 1976 by 42nd Amendment Act. In the original Constitution in 1950, there was no mention of these duties. It was expected that the citizens would fulfil their duties willingly. We will also learn about these duties in this lesson.



Objectives

After studying this lesson, you will be able to

- understand the meaning of Directive Principles of State Policy.
- classify the Directive Principles into four groups i.e. economic and social, Gandhian, administrative and those related to international peace.
- recognize the role of Directive Principles in promotion of universalisation of education, abolition of child labour and improving the status of women.
- explain the Directive Principles which provide the framework of welfare state to be realised in practice in India .
- describe that the Directive Principles aim at the establishment of economic and social democracy.

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- explain the role of government at different levels in implementing these principles.
- distinguish between Fundamental Rights and the Directive Principles of State Policy.
- appreciate the content of Fundamental Duties.
- identify the Fundamental Duties given in the Constitution.
- appreciate the importance of Fundamental Duties despite their being non-justiciable.

7.1 Meaning of Directive Principles of State Policy

Directive Principles of State Policy are in the form of instructions/guidelines to the governments at the center as well as states. Though these principles are non-justiciable, they are fundamental in the governance of the country. The idea of Directive Principles of State Policy has been taken from the Irish Republic. They were incorporated in our Constitution in order to provide economic justice and to avoid concentration of wealth in the hands of a few people. Therefore, no government can afford to ignore them. They are in fact, the directives to the future governments to incorporate them in the decisions and policies to be formulated by them.

7.2 Classification Of The Directive Principles

Directive Principles of State Policy have been grouped into four categories. These are: (1) the economic and social principles, (2) the Gandhian principles, (3) Principles and Policies relating to international peace and security and (4) miscellaneous.

7.2.1 The economic and social Principles

The state shall endeavour to achieve Social and Economic welfare of the people by:

- (1) providing adequate means of livelihood for both men and women.
- (2) reorganizing the economic system in a way to avoid concentration of wealth in few hands.
- (3) securing equal pay for equal work for both men and women.
- (4) securing suitable employment and healthy working conditions for men, women and children.
- (5) guarding the children against exploitation and moral degradation.
- (6) making effective provisions for securing the right to work, education and public assistance in case of unemployment, old age, sickness and disablement.
- (7) making provisions for securing just and humane conditions of work and for maternity relief.
- (8) taking steps to secure the participation of workers in the management of undertakings etc.
- (9) promoting education and economic interests of working sections of the people especially the SCs and STs.



- (10) securing for all the workers reasonable leisure and cultural opportunities.
- (11) making efforts to raise the standard of living and public health.
- (12) providing early childhood care and education to all children until they complete the age of 6 years.

7.2.2 The Gandhian Principles

There are certain principles, based on the ideals advocated by Mahatma Gandhi. These Principles are as follows : -

- (1) To organize village Panchayats.
- (2) To promote cottage industries in rural areas.
- (3) To prohibit intoxicating drinks and drugs that are injurious to health.
- (4) To preserve and improve the breeds of the cattle and prohibit slaughter of cows, calves and other milch and draught animals.

7.2.3 Directive Principles of State Policy Relating To International Peace And Security :

India should render active cooperation for world peace and security and for that the state shall endeavour to : -

- (1) promote international peace and security.
- (2) maintain just and honourable relations between nations.
- (3) foster respect for international laws and treaty obligations.
- (4) encourage settlements of international disputes by mutual agreement.

7.2.4 Miscellaneous

The Directive Principles in this category call upon the state : -

- (1) To secure for all Indians a uniform civil code.
- (2) To protect historical monuments.
- (3) To save environment from pollution and protect wild life.
- (4) To make arrangements for disbursement of free legal justice through suitable legislation.



Intext Questions 7.1

Identify and place the given Directive Principles in various categories – Gandhian, Economic and Social, International Peace and Miscellaneous:-

- (i) to promote cottage industries.
- (ii) to provide adequate means of livelihood for both men and women.

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- (iii) to provide living wages for working sections.
- (iv) to provide early childhood care and education for all children until they complete the age of 6 years.
- (v) to protect historical monuments.
- (vi) to bring about reforms to save environment from pollution and protect wild life.

7.3 Directive Principles : Universalisation of Education, Child Labour and Status of Women

Illiteracy is a big hindrance in the achievement of the goals of socio-economic justice and welfare state.

7.3.1 Universalisation of Education

The percentage of literate people at the time of independence was only 14%. Our government realized the importance of education and laid stress on the spread of literacy among the masses. Efforts have been made by the governments to raise this level. But a large section of our population is still illiterate. The foremost effort which is required in this field-is the spread of elementary education and its universalisation. Due to increased number of drop outs at the primary stage, the number of illiterates between 15 to 35 years of age has constantly increased.

According to National Policy on Education, 1986, the government has launched National Literacy Mission, and 'Operation Blackboard' for the spread of mass literacy at primary stage. For those who were deprived of the benefits of education in their childhood, the government and many voluntary agencies are making special efforts to educate them by opening night schools and adult literacy centers.

Many distance education programmes through correspondence courses, distance education and open learning have been started in different states. The National Institute of Open Schooling and several Open Universities have been set up to attain the goal of universalisation of education. The Directive Principles providing free and compulsory education for children upto the age of 14 years has been included through the 86th Amendment Act, 2002 in the list of Fundamental Rights under Article 21A.

Though much has been achieved but still there is a long way to go to accomplish this objective of a welfare state.

7.3.2 Child Labour

You have already read that one of the Directive Principles provides opportunities and facilities to children to develop in a healthy manner. You have also read about the Fundamental Right against Exploitation of children. Employment of children below the age of 14 years in mines and industries which are hazardous to their health is prohibited.

In spite of these provisions, the desired results have not been reached. In most of the cases, the parents attitude is not conducive to the elimination of child labour. They force



their children to do some sort of work to earn money and contribute to the family income. Poverty and social stigma are certain constraints on the path of eradication of this problem apart from the lack of will. All efforts by governments at various levels would prove futile unless the willingness and awareness to get rid of the social challenge comes from within. Dr. Abdul Kalam's 'dream of developed India 2020' can be achieved only when the children who are the future of the country are secured and protected from being exploited. The children should not be deprived of their right to enjoy childhood and right to education.

7.3.3 Status of Women

Indian society basically is a male dominated society in which father has been head of the family and mother's position has been subordinated to him. The position of a woman in such a system is naturally weak. Women have been suffering a great deal on account of cruel social customs and religious practices like, pardah and dowry etc.

Women as an integral part, account for 495.74 million and represent 48.3% of the country's total population as per 2001 census. Necessity of raising the status and education of women has already been stressed in our Constitution through Fundamental Rights and various Directive Principles of State Policy. They have been provided with the right to an adequate means of livelihood and equal pay with that of men for their work. Women workers have also been provided for health-care and maternity-relief.

Even in the Fundamental Duties stress has been laid on the duty of every citizen of India to renounce practices derogatory to the dignity of women.

Many laws and judicial decisions have restored the dignity of women. To protect their rights, measures have been taken to give them share in the family property. For their emancipation from cruel practices like bride burning for dowry, wife beating, sati etc. laws have been enacted. Prohibition of female infanticide, foetouscide, discrimination against girl child and child-marriage are some of the other measures that will help in improving the status of women.

To empower women, reservation of one third of seats through the 73rd and 74th Amendment Act, 1991, 1992 for them has been made in the Panchayats and Municipalities. There is a similar proposal for reservation of seats for them in the Parliament and in the state Legislatures.



Intext Questions 7.2

Choose the correct answers from the alternatives given below:

(a) What was the percentage of literate people at the time of independence?

- (i) 12%
- (ii) 14%
- (iii) 16%
- (iv) 18%

(b) When was the National Educational Policy started?

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- (i) 1984
 - (ii) 1986
 - (iii) 1988
 - (iv) 1989
- (c) In which part of the Constitution is the Provision against Exploitation of Children made?
- (i) Fundamental Rights
 - (ii) Fundamental Duties
 - (iii) Directive Principles of State Policy
- (d) In which of the following Equal Pay for Equal Work for both men and women provide?
- (i) Fundamental Rights
 - (ii) Fundamental Duties
 - (iii) Directive Principles of State Policy
- (e) When was the department of women and child Development set up in India?
- (i) 1978
 - (ii) 1985
 - (iii) 1992
 - (iv) 1995

7.4 Critical Analysis Of Directive Principles

Many critics have called these Directive Principles of State Policy as not better than 'New Year Greetings'. Even the rationale of inserting such high sounding promises has been questioned. It has been asserted that Directives are in the form of holy wishes having no legal sanction behind them. Government is not bound to implement them. Critics point out that they are not formulated keeping the practical aspect these ideals in mind.

Despite all this, it can not be said that these Principles are absolutely useless. They have their own utility and significance. The Directive Principles are just like a polestar that provide direction. Their basic aim is to persuade the government to provide social and economic justice in all spheres of life, keeping in view its limited material resources, at the earliest possible. Many of them have been implemented very successfully. Actually, no government can afford to ignore these instructions as they are the mirror of the public opinion and also reflect the basic spirit of the Preamble of our Constitution. Some of the steps taken in this direction are being listed below:

- (1) Land reforms have been introduced and Jagirdari and Zamindari systems have been abolished.

Directive Principles of State Policy and Fundamental Duties

- (2) There has been rapid industrialisation and tremendous increase in the agricultural production through Green Revolution.
- (3) National Commission for the Welfare of Women has been established.
- (4) Ceiling has been placed on land and property to fix the limit of person's holdings.
- (5) The privy purses of ex-princes have been abolished.
- (6) Life Insurance, General Insurance and most of the banks have been nationalised.
- (7) In order to reduce economic disparity, Right to Property has been deleted from the chapter on Fundamental Rights.
- (8) Subsidized public distribution schemes have been launched to help the poor people.
- (9) The rules require that both men and women are paid equal wages for equal work.
- (10) Untouchability has been abolished. Sincere efforts have been made for the upliftment of the SCs, STs and of other Backward Classes.
- (11) Through 73rd and 74th Amendments to the constitution, (1991 & 1992 respectively), Panchayati Raj has been given the constitutional status with more powers.
- (12) Small scale and village industries and Khadi Gram Udyog have been encouraged to bring prosperity to the rural areas.
- (13) India has also been actively co-operating with the U.N. to promote international peace and security.

The above steps on the part of the central and state governments indicate that many Directive Principles of State Policy have been implemented to lay down the foundations of a secular, socialist and welfare state. However, still there is a long way to go to achieve all of them in full.

There are many hindrances in the non-implementation of Directive Principles of State Policy. The main reasons are – (a) lack of political will on the part of the states, (b) lack of awareness and organized action on the part of the people and (c) limited material resources.



Intext Questions 7.3

Fill in the blanks with the correct answers :-

- (i) A _____ state takes the responsibility of providing goods and services to the weaker sections in society. (socialist, charitable, welfare)
- (ii) Government has tried to bring about _____ distribution of wealth (equal, unequal, equitable)
- (iii) The _____ system has been abolished all over India. (capitalist, zamindari, caste)
- (iv) Khadi and village Industries Board has been set up to promote _____ industries (small, medium, cottage)

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- (v) Panchayati Raj institutions were given constitutional status by _____ Amendment Act. (72nd, 73rd, 71st)

7.5 Distinction between Fundamental Rights and Directive Principles

Now that you know about Fundamental Rights and Directive Principles of State Policy, which are playing an important role in the establishment of the political and socio-economic society in India, it is important for you to learn about the distinction between the two. The Fundamental Rights are claims of the citizens recognized by the state. They are in the nature of denial of certain authority to the government. They are, therefore, negative in nature. The Directive Principles are like positive directions that the government at all levels must follow to contribute to the establishment social and economic democracy in India.

Another point of difference as mentioned earlier is that while the Fundamental Rights are justiciable and are enforceable by the court of law, the Directive Principles are non-justiciable. In other words, the Supreme Court and the High Courts have the powers to issue orders or writs for enforcement of Fundamental Rights. The Directive Principles of State Policy, on the other hand, confer no legal rights and create no legal remedies. This should not lead us to conclude that the Directive Principles are inferior or subordinate to the Fundamental Rights.

7.5.1 Relationship between Fundamental Rights and Directive Principles

In spite of these differences, there is a close relationship between the two. Fundamental Rights and Directive Principles are complementary and supplementary to each other. Whereas the Fundamental Rights establish political democracy, the Directive Principles establish economic and social democracy. No government can afford to ignore them while formulating its plans and policies as it is responsible for all its actions to the people in general. Although there is no legal sanction behind these principles, the ultimate sanction lies with the people. The people with their opinion will never let the ruling party to acquire power again if it fails to adhere to these guiding principles. Thus, our Constitution aims at bringing about a synthesis between Fundamental Rights and Directive Principles of state policy. Together, they form the core of the Constitution.



Intext Questions 7.4

Fill in the blanks:-

- (a) The Directive Principles are _____ in nature. (negative, positive, natural)
- (b) The Fundamental Rights aim at the development of every _____. (family, group, individual)
- (c) The Directive Principles are meant to establish _____ democracy. (political, cultural, socio-economic)
- (d) The Fundamental Rights and Directive Principles have _____ relationship with each other. (close, indirect)



7.6 Fundamental Duties

Rights and Duties are two sides of a coin. There are no rights without duties, no duties without rights. In fact, rights are born in a world of Duties. The original Constitution enforced in 1950, did not mention Fundamental Duties of the citizens. It was hoped that citizens would perform their duties willingly. But, 42nd Amendment to the Constitution added a new list of 10 duties in chapter IV under Article 51A of the Constitution.

7.6.1 Duties Enlisted

- (i) To abide by the Constitution and respect our National Flag and National Anthem.
- (ii) To follow the noble ideals that inspired our national freedom movement.
- (iii) To protect the unity and integrity of India.
- (iv) To defend the country when the need arises.
- (v) To promote harmony and brotherhood among all sections of the people and to respect the dignity of women.
- (vi) To preserve our rich heritage and composite culture.
- (vii) To protect and improve our natural environment including forests, rivers, lakes and wildlife.
- (viii) To develop scientific outlook and humanism.
- (ix) To protect public property and not to use violence.
- (x) To strive for excellence in all spheres of individual and collective activity.

New Addition

- (xi) Clause (K) Art 51A Amendment Act 86th 2002.
- (K) “a parent or guardian to provide opportunities for education of his child or as the case may be ward between the age of six and fourteen years.



Intext Questions 7.5

Write ‘True’ or ‘False’.

- (i) The Rights and Duties are the two sides of the same coin. (True/False)
- (ii) The Fundamental Rights were there in the original Constitution. (True/False)
- (iii) The Fundamental Duties have been mentioned along with the Fundamental Rights. (True/False)
- (iv) There are ten Fundamental Duties now. (True/False)

7.6.2 Nature of Fundamental Duties

Fundamental Duties for citizens are in nature of a code of conduct. A few of these duties are even vague and unrealistic. The non-justiciable character of these duties make them

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less interesting. Moreover, their ambiguous language is another hindrance in their being obeyed e.g. a citizen does not know how to maintain sovereignty, integrity and glorious heritage of the country.

There is a lot of truth in the argument of the critics, yet, it would not be proper to call these duties as only pious declarations.



Intext Questions 7.6

Choose the right answer :-

- (i) The Fundamental Duties are justiciable/non-justiciable.
- (ii) These Duties are clear/ambiguous.



What You Have Learnt

The Directive Principles of State Policy are included in Part IV of the Constitution. The framers of the Constitution included them with a special purpose of bringing about social and economic equality. These principles give directions to the state for making laws and policies for the collective good of the people. These Principles are non justiciable and are not enforceable by the Courts of law. But they are nevertheless fundamental to the governance of country.

For the sake of convenience, they were classified into four categories -

- (1) Socio-economic principles
- (2) Gandhian
- (3) International peace and Security
- (4) Miscellaneous

The Directive Principles lay stress on universalisation of education, abolition of child labour and improvement of the status of women. They provide a framework for establishing welfare state and achieving economic and social democracy.

There are important differences between the Fundamental Rights and Directive Principles. The former are justiciable and positive in nature. At the same time, there is close relationship between the two. They are equally important to bring social and economic democracy in practice. The Courts have been laying stress on the implementation of Directive Principles.

Rights and Duties are two sides of the same coin. In the interest of the well being and progress of the society, Rights and Duties must be adhered to equally by all.



Terminal Exercises

- Q.1 Examine the nature of Directive Principles of State Policy. What is the sanction behind them?
- Q.2 Discuss the classification of Directive Principles of State Policy.

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- Q.3 Analyse how the Directive Principles of state Policy of Universalisation of education has been implemented?
- Q.4 Evaluate the Directive Principles of State Policy on (a) Child Labour and (b) Status of Women.
- Q.5 Examine the role of the state in the implementation of Directive Principles of State Policy.
- Q.6 Explain Briefly the interrelationship between Fundamental Rights and Directive Principles of State Policy.
- Q.7 Recall the Fundamental Duties in our Constitution.



Answers to Intext Questions

7.1

- (i) Gandhian
- (ii) social and economic
- (iii) social and economic
- (iv) social and economic
- (v) miscellaneous
- (vi) miscellaneous

7.2

- (i) 14%
- (ii) 1986
- (iii) Fundamental Rights
- (iv) Directive Principles
- (v) 1985

7.3

- (i) welfare
- (ii) equitable
- (iii) zamindari
- (iv) small
- (v) 73rd

7.4

- (i) positive
- (ii) individual

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(iii) economic

(iv) close

7.5

(i) Yes

(ii) No

(iii) Yes

(iv) No

7.6

(i) non-justiciable

(ii) ambiguous

Hints of Terminal Exercise

(1) Refer to section 7.1 and 7.2

(2) Refer to section 7.2

(3) Refer to section 7.3.1

(4) Refer to section 7.3.2 and 7.3.3

(5) Refer to section 7.4

(6) Refer to section 7.5.1

(7) Refer to section 7.6.1



INDIAN FEDERAL SYSTEM

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In lesson 5 dealing with Salient Features of the constitution of India you have learnt that the founding fathers of Indian Constitution adopted a Federal structures.

In a federal set up there is a two tier of Government with well assigned powers and functions. In this system the central government and the governments of the units act within a well defined sphere, co-ordinate and at the same time act independently. The federal polity, in other words, provides a constitutional device for bringing unity in diversity and for the achievement of common national goals.



Objectives

After studying this lesson, you will able to

- recall the nature of federalism ;
- explain why India adopted a federal set up ;
- recognize the federal features of the Indian Constitution ;
- recall the unitary features of the Indian federation ;
- justify the reason for a strong centre ;
- list the process of the central government and those of the governments of the states ;
- analyse that India is federal in character and unitary in spirit ;
- recognise the legislative, administrative (executive) and the financial relations between the centre and the units ;
- examine how the central government has an edge over the State governments ;
- recognise demand for autonomy by various state governments ; and
- assess the recommendation of the Sarkaria Commission and the need for co-operation between the Centre and the States.

8.1 Features of Indian Federalism

The Constitution of India has adopted federal features; though it does not, in fact, claim that it establishes a federation The question whether the Indian Constitution could be

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called a federal constitution troubled the minds of the members of the Constituent Assembly. This question cannot be answered without going into the meaning of federalism and the essential features that are evident in federal state. Let us examine them and try to find out whether India is a federation or not.

8.1.1 Written Constitution

The most important feature of a federation is that its constitution should be a written one, so that both the Union Government as well as the State can refer to that as and when needed. The Constitution of India is a written document and is the most elaborate Constitution of the world. It establishes supremacy of the Constitution because both the union and the states are given powers by the Constitution as to be independent in their spheres of governance.

8.1.2 Rigid Constitution

The procedure of amending the Constitution in a federal system is normally rigid. Indian Constitution provides that some amendments require a special majority. Such an amendment has to be passed by majority of total members of each house of the Parliament as well as by two-thirds majority of the members present and voting there in. However, in addition to this process, some amendments must be approved by at least 50% of the states. After this procedure the amendment is signed by the head of the state i.e; the President. Since in India important amendments can be amended through this procedure. Hence, Indian Constitution has been rightly called a rigid constitution.

8.1.3 Division of Powers

In our Constitution, there is a clear division of powers, so that the States and the Centre are required to enact and legislate within their sphere of activity and none violates its limits and tries to encroach upon the functions of the other. Our constitution enumerates three lists, viz. the Union, the State and the Concurrent List. The Union List consists of 97 subjects of national importance such as Defence, Railways, Post and Telegraph, etc. The State List consists of 66 subjects of local interest such as Public Health, Police etc. The Concurrent List has 47 subjects important to both the Union and the State. such as Electricity, Trade Union, Economic and Social Planning, etc.

8.1.4 Supremacy of the Judiciary

Another very important feature of a federation is an independent judiciary to interpret the Constitution and to maintain its sanctity. The Supreme Court of India has the original jurisdiction to settle disputes between the Union and the States. It can declare a law as unconstitutional, if it contravenes any provision of the Constitution.



Intext Questions 8.1

Fill in the blanks :

1. In a federation the powers are _____. (with the Centre/ with the State / Divided between the Centre and the States)
2. Federation has a _____Constitution. (Written/ unwritten/evolved)



3. In the Indian Constitution there are _____ Lists. (2,3,4)
4. 66 subjects are included in the _____ List. (Union/State/Concurrent)
5. The concurrent list consists of _____ subjects. (97,47,66)

8.2 Nature of Indian Federation

In spite of the fact that the Indian Constitution establishes a federal structure, it is indeed very difficult to put the Indian Constitution in the category of a true federation. The framers of the Constitution have modified the true nature of Indian federation by incorporating certain non-federal features in it. These are :

Article I of the Constitution describes India as a 'Union of States', which implies two things: firstly, it is not the result of an agreement among the States and secondly, the States have no freedom to secede or separate from the Union. Besides, the Constitution of the Union and the States is a single framework from which neither can get out and within which they must function. The federation is a union because it is indestructible and helps to maintain the unity of the country.

The Centre appoints the Governors of the States and may take over the administration of the State on the recommendations of the Governor or otherwise. In other words, Governor is the agent of the Centre in the States. The working of Indian federal system clearly reveals that the Governor has acted more as centre's representative than as the head of the State. This enables the Union government to exercise control over the State administration. The control of the Union over states after the imposition of National Emergency.

The equality of units in a federation is best guaranteed by their equal representation in the Upper House of the federal legislature (Parliament). However, this is not applicable in case of Indian States. They have unequal representation in the Rajya Sabha. In a true federation such as that of United State of America every State irrespective of their size in terms of area or population it sends two representatives in the upper House i.e. Senate.

In addition to all this, all important appointments such as the Chief Election Commissioner, the Comptroller and Auditor General are made by the Union Government. Besides, there is single citizenship. There is no provision for separate Constitutions for the states. The States cannot propose amendments to, the Constitution. As such amendments can only be made by the Union Parliament.

In order to ensure uniformity of the administrative system and to maintain minimum common administrative standards without impairing the federal system. All India Services such as IAS and IPS have been created which are kept under the control of the Union. In financial matters too, the States depend upon the Union to a great extent. The States do not possess adequate financial resources to meet their requirements. During Financial Emergency, the Center exercises full control over the State's finances.

In case of disturbances in any State or part thereof, the Union Government is empowered to depute Central Force in the State or to the disturbed part of the State. Also, the Parliament, by law may increase or decrease the area of any State and may alter its name and boundaries.

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The federal principle envisages a dual system of Courts. But, in India we have unified Judiciary with the Supreme Court at the apex.

The Constitution of India establishes a strong Centre by assigning all-important subjects to the Centre as per the Union List. The State Governments have very limited powers. Financially the States are dependent on the Centre

From the above discussion, it is clear, that there is a tilt in favor of the Centre at the cost of the States. The States have to work in close co-operation with the Centre. This has lent support to the contention that the Indian Constitution is federal in form but unitary in spirit. Constitutional experts have called it 'semi-federal' or 'quasi federal' system.



Intext Questions 8.2

Fill in the blanks :

1. The _____ may change the area of a State by law. (Parliament/ State Legislature/Municipal Corporation)
2. All Indian Services are under the control of _____. (Union Govt/State Govt/ District Govt.)
3. In a federation there is _____ representation in the upper house of Parliament. (unequal/equal/proportional)

8.3 Centre-State Relations

We have seen that the Constitution of India provides for a federal system. Both the Union and the State are created by the Constitution and derive their respective authority from it. Yet there is a criticism that India is a federal State but with unitary features. How far is this criticism valid? To understand this, it is desirable to study the relationship between the Union and the States.

The relations between the Centre and the states which constitute the core of federalism have been enumerated in Parts XI and XII of the Constitution under the heads, legislative, administrative and financial relations. Let us examine them one by one.

8.3.1 Legislative Relations

Regarding legislative relations, there is a threefold division of powers in the Constitution. We have followed a system in which there are two lists of legislative powers, one for the Centre and the other for the State, known as the Union List and the State List, respectively. An additional list called the Concurrent List has also been added.

The Union List which consists of 97 subjects of national interest is the largest of the three lists. Some of the important subjects included in this list are: Defence, Railways, Post and Telegraph, Income Tax, Custom Duties, etc. The Parliament has the exclusive power to enact laws on the subjects included in the Union List for the entire country.

The State List consists of 66 subjects of local interest. Some of the important subjects included in this List are Trade and Commerce within the State, Police, Fisheries, Forests, Industries, etc. The State Legislatures have been empowered to make laws on the subjects included in the State List.



The Concurrent List consists of 47 subjects of common interest to both the Union and the States. Some of the subjects included in this list are: Stamp Duties, Drugs and Poison, Electricity, Newspapers etc. Both the Parliament and the State Legislatures can make laws on the subjects included in this list. But in case of a conflict between the Union and the State law relating to the same subject, the Union law prevails over the State law. Power to legislate on all subjects not included in any of the three lists vests with the Parliament.

Under certain circumstances, the Parliament can legislate on the subjects mentioned in the State List.

8.3.2 Administrative Relations

The framers of the Indian Constitution never intended to create administrative co-operation and co-ordination between the centre and states.

The executive power of the State is to be exercised in such a way as to ensure compliance with the laws made by the Parliament. Further, the Union Executive is empowered to give directions to a State, if necessary, for the requisite purpose.

The Union Government can issue directions to the States to ensure compliance with the laws of the Parliament for construction and maintenance of means of communications, declared to be of national and military importance, and also on the measures for the protection of Railways. In addition to all this, the Parliament can alone adjudicate on inter-state river disputes. Also, a provision has been made for constituting an Inter- State Council to advise the president on inter-state disputes.

Even the State governments may delegate some of its administrative functions relating to the State subjects, to Union Government for a specified period.

The Constitution of India has certain special provisions to ensure uniformity of the administrative system. These include the creation of All India Services such as IAS and IPS and placing members of these services in key administrative positions in the states. The presence of All India Service Officers further paves way for the Central Government to exercise its authority and control over the states. The members of these services are recruited by the Centre but are appointed in the States. No disciplinary action can be taken against them by the State Governments without the permission of the Centre. The Constitution also makes provision for the creation of new All India Service by the Parliament on the recommendation of the Rajya Sabha. The President also puts the entire control of the state administrative machinery under the control of the Union which you will study in details while going through the lesson on emergency provisions.

You would also recall that the Union executive is empowered to give such directions to a state as it may appear necessary for the purpose to the Union Government. The Union Government has wide powers to issue directions based on the subjective view of the Union and may, therefore, interfere with the state autonomy in the field of administration. Ordinarily, the central police force and Army are posted to the states at the request of the State Government. However, there have been occasions when the CRPF or BSF have been deployed in states much against the state wishes of the State Government. Thus, the center plays a very important role in the administrative sphere of activity concerning the States.

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8.3.3 Financial Relations

The distribution of financial resources is especially critical in determining the nature of the State's relationship with the Centre. Both the Union and the State have been provided with independent sources of revenue by the Constitution. The Parliament can levy taxes on the subjects included in the Union List. The States can levy taxes on the subjects in the State List. By and large taxes that have an inter-state base are levied by the Centre and those with a local base by the State.

The Union List consists of items of taxation which fall under the following categories:

- (i) Taxes levied by the Union but collected and appropriated by the State such as stamp duties and duties of excise on medicinal and toilet preparations etc.
- (ii) Taxes levied and collected by the Union but assigned to the States viz. railways, sea or air etc.
- (iii) Taxes levied and collected by the Central and may be distributed between the Central and the states if the Parliament by law so provides, such as union excise duties, excise on toilet preparations etc.
- (iv) Taxes levied and collected and retained by the Centre such as customs, surcharge on income tax etc.
- (v) Taxes levied and collected by the Centre and distributed between the union and the states such as taxes other than agriculture etc.

It is clear that in the financial sphere too the Centre is better equipped. The Centre can exercise control over the state finances and grants-in-aid both general and special to meet the expenditure on developmental schemes. During financial emergency, the President has the power to suspend the provisions regarding division of taxes between the Centre and the State. He can also impose other restrictions on the expenses of the State.

State plans are framed within the priorities of the central plan and they are executed with the approval of the Planning Commission. Further, the States have to carry out the centre-sponsored schemes for which the Centre gives grants and the conditions under which these are to be made. The Planning Commission has created an over-centralized planning system. No initiative is left to the states and the centrally formulated schemes have been inappropriately and unimaginatively imposed upon them.



Intext Questions 8.3

Fill in the blanks :

1. The Union List consists of _____ subjects. (97/66/47)
2. Post and Telegraph is subjects in the _____ List. (Union/State/Concurrent)
3. The _____ can legislate on subjects in the State List when there is President's rule. (State Legislature/Parliament/Both of them)
4. Trade and Commerce is a subject with _____ List. (Union/State/Concurrent)



8.4 Demand for Greater Autonomy for the States

The founding fathers of the Indian Constitution were deeply concerned about ensuring the unity and integrity of the country. They were aware of the forces of disruption and disunity working within the country. These dangers at the time of independence could be handled only by a strong government at the Centre.

Therefore, the framers of the Constitution assigned a predominant role to the Centre. At the same time they made provisions for the establishment of a co-operative federalism.

The working of the Indian federation during the last five decades clearly shows that the relations between the Centre and the States have not always been cordial.

The administrative Reforms Commission and several other Commissions were appointed by the Government of India from time to time to regulate Centre State relations. The Union Government appointed Sarkaria Commission to suggest ways and means to improve Centre-State relations.

The recommendations of the Sarkaria Commission assume importance so as to evolve an appropriate policy in the areas of legislative, administrative and financial relations. It has not suggested wholesale structural changes in the fundamental fabric of the Constitution. It felt that federalism is more a functional arrangement for co-operative action than a static institutional concept. The Commission strongly recommended the establishment of permanent Inter-State Council. In addition, it desired that both the Centre and the States should have the concern for the development of backward territory or areas. If the economic development of these backward regions are undertaken in a planned manner, the separatist tendencies will be automatically controlled. Differences between the Union and the States should be resolved by mutual consultation. It has taken a favourable view on the demand of the States to provide more financial resources at their disposal. In order to improve Centre-State relations in the country, it has suggested economic liberalization and suitable amendments to the Constitution.



Intext Questions 8.4

Fill in the blanks :

1. Proposal for amendment to the Constitution can be initiated only by _____ government.
2. The Indian Constitution is _____ federal.
3. States are demanding _____ autonomy.
4. _____ commission has submitted its report relating to centre-state relation.



What You Have Learnt

In a federal system of government there is a need for clear cut division of power between the Union and States. This also requires a written and rigid constitution and an independent

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judiciary to decide disputes between the Union and the States. Though the Indian Constitution has all such features of a federal state, it is indeed difficult to put the Indian Constitution in the category of true federations.

The framers of the Constitution have incorporated certain non federal features in it such as single citizenship, single judiciary, a strong centre, appointment of the Governor by the President, unequal of representation in the Rajya Sabha and so on. All these indicate a tilt towards strong centre. The states have to work in close co-operation with the centre. The constitution is federal in form but unitary in spirit. The study of Center-State relationship in legislative, administrative and financial spheres also clearly shows that the Centre is stronger as compared to the states. The Centre has been assigned a dominant role which became necessary keeping in view the dangers to the unity and integrity of the nation. Therefore, there are provisions for a co- operative federalism.

The working of the Indian Constitution over the year indicates that relations between the center and the States have not remained very co-ordinal. The states have started demanding more autonomy. Various commissions have been appointed by the Government of India to review the centre- state relations. The Sarkaria Commission examined the problem and recommended changes in the area of federal, legislative, administrative and financial relations.



Terminal Exercises

1. Discuss the unitary feature of the Constitution of India.
2. Write a short note on the legislative relations between the center and the states.
3. Describe the financial relations between the center and states.
4. Explain that the Indian Constitution is federal in form but unitary in spirit.



Answers to Inext Questions

8.1

Q.1. Divided between the center and the states

Q.2. Written

Q.3. 3

Q.4. State

Q.5. 47

8.2

Q.1. Parliament

Q.2. Union Government

Q.3 Unequal



8.3

Q.1. 97

Q.2. Union

Q.3. Parliament

Q.4. State

8.4

(1) Central

(2) quasi

(3) Greater

(4) Sarkaria

Hints of Terminal Exercises

1. Refer to Section 8.1

2. Refer to Section 8.2.1

3. Refer to Section 8.2.3

4. Refer to Section 8.1

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EMERGENCY PROVISIONS

You have read in the preceding lesson that the Constitution of India is federal in nature having a unitary bias. On the one hand, it has all the characteristic features of a federation, while, on the other hand the Centre is more powerful than the States.

When the Constitution of India was being drafted, India was passing through a period of stress and strain. Partition of the country, communal riots and the problem concerning the merger of princely states including Kashmir. Thus, the Constitution-makers thought to equip the Central Government with the necessary authority, so that, in the hour of emergency, when the security and stability of the country is threatened by internal and external threats. Therefore, some emergency provisions were made in Constitution to safeguard and protect the security, integrity and stability of the country and effective functioning of State Governments.



Objectives

After studying this lesson, you will be able to

- recognise that the Union Government has no option except to assume extraordinary powers in emergencies;
- identify the situations in which the President can proclaim a state of National Emergency under Article 352;
- describe the various effects of National Emergency relating to the executive, legislative, and financial matters, with special reference to the fundamental Rights;
- cite examples of National Emergencies proclaimed in the country with their duration and effect;
- describe the circumstances in which the President can make a proclamation under Article 356 imposing President's Rule in a state;
- cite a few examples when such proclamations were made due to the breakdown of constitutional machinery;
- recall that imposition of President's Rule has often been controversial in the context of smooth Centre – State relations;

- describe the circumstances under which Financial Emergency can be proclaimed under Article 360;
- explain the role of Parliament during Financial Emergency; and
- describe the effects of Financial Emergency.



9.1 Emergency Caused by War, External Aggression etc.

Provisions have been made in the Constitution for dealing with extraordinary situations that may threaten the peace, security, stability and governance of the country or a part thereof. There are three types of extraordinary or crisis situations that are envisaged. First, when there is a war or external aggression has been committed or there is threat of the same, or if internal disturbances amounting to armed rebellion take place; second, when it becomes impossible for the government of a State to be carried on in accordance with the Constitution; and third, if the credit or financial stability of the country is threatened. In each case the President may issue a proclamation with varying consequences. In this section we will discuss the emergency caused by war etc., popularly known as the national emergency.

9.1.1 Proclamation of National Emergency (Article 352)

The Constitution of India has provided for imposition of emergency caused by war, external aggression or internal rebellion. This is described as the National Emergency. This type of emergency can be declared by the President of India if he is satisfied that the situation is very grave and the security of India or any part thereof is threatened or is likely to be threatened either (i) by war or external aggression or (ii) by armed rebellion within the country. The President can issue such a proclamation even on the ground of threat of war or aggression. According to the 44th Amendment of the Constitution, the President can declare such an emergency only if the Cabinet recommends in writing to do so.

Such a proclamation of emergency has to be approved by both the Houses of Parliament by absolute majority of the total membership of the Houses as well as 2/3 majority of members present and voting within one month, otherwise the proclamation ceases to operate. In case the Lok Sabha stands dissolved at the time of proclamation of emergency or is not in session, it has to be approved by the Rajya Sabha within one month and later on by the Lok Sabha also within one month of the start of its next session. Once approved by the Parliament, the emergency remains in force for a period of six months from the date of proclamation. In case it is to be extended beyond six months, another prior resolution has to be passed by the Parliament. In this way, such emergency continues indefinitely. But if the situation improves the emergency can be revoked by another proclamation by the President of India.

The 44th Amendment of the Constitution provides that ten per cent or more members of the Lok Sabha can requisition a meeting of the Lok Sabha and in that meeting, it can disapprove or revoke the emergency by a simple majority. In such a case emergency will immediately become inoperative.

National Emergency has been declared in our country three times so far. For the first time, emergency was declared on 26 October 1962 after China attacked our borders in the North East. This National Emergency lasted till 10 January 1968, long after the hostilities ceased.

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For the second time, it was declared on 3 December 1971 in the wake of the second India-Pakistan War and was lifted on 21 March 1977. While the second emergency, on the basis of external aggression, was in operation, third National Emergency (called internal emergency) was imposed on 25 June 1975. This emergency was declared on the ground of 'internal disturbances'. Internal disturbances justified imposition of the emergency despite the fact that the government was already armed with the powers provided during the second National Emergency of 1971 which was still in operation.

9.1.2 Effects of National Emergency

The declaration of National Emergency has far-reaching effects both on the rights of individuals and the autonomy of the states in the following manner :

- (i) The most significant effect is that the federal form of the Constitution changes into unitary. The authority of the Centre increases and the Parliament assumes the power to make laws for the entire country or any part thereof, even in respect of subjects mentioned in the State List.
- (ii) The President of India can issue directions to the states as to the manner in which the executive power of the states is to be exercised.
- (iii) During this period, the Lok Sabha can extend its tenure by a period of one year at a time. But the same cannot be extended beyond six months after the proclamation ceases to operate. The tenure of State Assemblies can also be extended in the same manner.
- (iv) During emergency, the President is empowered to modify the provisions regarding distribution of revenues between the Union and the States.
- (v) The Fundamental Rights under Article 19 about which you have already learnt are automatically suspended and this suspension continues till the end of the emergency. But according to the 44th Amendment, Freedoms listed in Article 19 can be suspended only in case of proclamation on the ground of war or external aggression.

From the above discussion, it becomes quite clear that emergency not only suspends the autonomy of the States but also converts the federal structure of India into a unitary one. Still it is considered necessary as it equips the Union Government with vast powers to cope up with the abnormal situations. The exigencies of the situation prevailing in the period 1975-77 necessitated certain changes in the Constitution regarding emergency provisions. Therefore, the 44th amendment was passed on 30th April 1979 to strengthen the democratic features of the Indian Constitution and to protect citizens' rights even during the national emergency.



Intext Questions 9.1

Fill in the blanks :

1. Proclamation of National Emergency gives enlarged powers to the _____. (Union Government, President, Supreme Court)

Emergency Provisions

2. National Emergency can be declared under Article _____. (232, 352, 360)
3. During this period of National Emergency Lok Sabha can extend its term by _____ at a time. (one year, three years, five years)
4. During the period of National Emergency, the Right to _____ can be restricted. (Equality, Freedom, Constitutional Remedies)
5. On 25 June 1975, National Emergency was declared on the ground of _____. (external aggression, internal disturbances, financial crisis)
6. The President can declare National Emergency only if _____.
 - (a) The Prime Minister gives written advice.
 - (b) The Cabinet recommends in writing.
 - (c) He himself is otherwise satisfied.
7. Once approved by the Parliament, the National Emergency ordinarily remains in force for a period of _____. (six months, 1 year, 2 years).

9.2 Emergency due to Failure of Constitutional Machinery in a State

It is the duty of the Union Government to ensure that governance of a State is carried on in accordance with the provisions of the Constitution. Under Article 356, the President may issue a proclamation to impose emergency in a state if he is satisfied on receipt of a report from the Governor of the State, or otherwise, that a situation has arisen under which the Government of the State cannot be carried on smoothly. In such a situation, proclamation of emergency by the President is called 'proclamation on account of the failure (or breakdown) of constitutional machinery.' In popular language it is called the President's Rule.

Like National Emergency, such a proclamation must also be placed before both the Houses of Parliament for approval. In this case approval must be given within two months, otherwise the proclamation ceases to operate. If approved by the Parliament, the proclamation remains valid for six months at a time. It can be extended for another six months but not beyond one year. However, emergency in a State can be extended beyond one year if

- (a) a National Emergency is already in operation; or if
- (b) the Election Commission certifies that the election to the State Assembly cannot be held.

This type of emergency has been imposed in most of the States at one time or the other for a number of times. It was in 1951 that this type of emergency was imposed for the first time in the Punjab State. In 1957, the Kerala State was put under the President's Rule. There have been many cases of misuse of 'constitutional breakdown'. For example, in 1977 when Janata Party came into power at the Centre, the Congress Party was almost wiped out in North Indian States. On this excuse, Desai Government at the Centre dismissed nine State governments where Congress was still in power. This action of Morarji Desai's

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Janata Government was strongly criticised by the Congress and others. But, when in 1980 (after Janata Government had lost power) Congress came back to power at the Centre under Mrs. Gandhi's leadership and dismissed all the then Janata Party State Governments. In both cases there was no failure of Constitutional machinery, but actions were taken only on political grounds.

In 1986, emergency was imposed in Jammu and Kashmir due to terrorism and insurgency. In all, there are more than hundred times that emergency has been imposed in various States for one reason or the other. However, after 1995 the use of this provision has rarely been made.

9.2.1 Effects of Imposition of President's Rule in a State

The declaration of emergency due to the breakdown of Constitutional machinery in a State has the following effects:

- (i) The President can assume to himself all or any of the functions of the State Government or he may vest all or any of those functions with the Governor or any other executive authority.
- (ii) The President may dissolve the State Legislative Assembly or put it under suspension. He may authorise the Parliament to make laws on behalf of the State Legislature.
- (iii) The President can make any other incidental or consequential provision necessary to give effect to the object of proclamation.

The way President's Rule was imposed on various occasions has raised many questions. At times the situation really demanded it. But at other times, President's Rule was imposed purely on political grounds to topple the ministry formed by a party different from the one at the Centre, even if that particular party enjoyed majority in the Legislative Assembly. Suspending or dissolving assemblies and not giving a chance to the other political parties to form governments in states has been due to partisan consideration of the Union Government, for which Article 356 has been clearly misused.

In view of the above facts, Article 356 has become very controversial. In spite of the safeguards provided by the 44th Amendment Act, this provision has been alleged to be misused by the Union Government. That is why, there is a demand either for its deletion or making provision in the Constitution to restrict the misuse of this Article. The Sarkaria Commission which was appointed to review the Centre-State relations also recommended that Article 356 should be used only as a last resort. The Commission also suggested that the State Legislative Assembly should not be dissolved unless the proclamation is approved by the Parliament. It further suggested that all possibilities of forming an alternative government should be fully explored before the Centre imposes emergency in a State on grounds of breakdown of Constitutional machinery. The Supreme Court held in the Bommai case that the Assembly may not be dissolved till the Proclamation is approved by the Parliament. On a few occasions such as when Gujral Government recommended use of Article 356 in Uttar Pradesh, the President returned the recommendation for reconsideration. The Union Government took the hint and dropped the proposal.

**Intext Questions 9.2**

Fill in the blanks :

1. The proclamation of emergency due to the breakdown of Constitutional machinery in a State is covered under Article _____ (352, 356, 360)
2. The imposition of President's Rule in a State can continue for _____ months without the approval of the Parliament. (one, two, six)
3. President's Rule in a State can be extended upto a maximum period of _____. (1 year, 2 years, 3 years)
4. The declaration of emergency due to the failure of Constitutional machinery in a State is made on the advice of the _____. (Chief Minister, Speaker of Legislative Assembly, Governor)
5. The Parliament can approve the imposition of President's Rule in a State for a period of _____ at a time. (three months, six months, nine months)

9.3 Financial Emergency

The third type of Emergency is Financial Emergency provided under Article 360. It provides that if the President is satisfied that the financial stability or credit of India or any of its part is in danger, he may declare a state of Financial Emergency. Like the other two types of emergencies, it has also to be approved by the Parliament. It must be approved by both Houses of Parliament within two months. Financial Emergency can operate as long as the situation demands and may be revoked by a subsequent proclamation.

9.3.1 Effects of Financial Emergency

The proclamation of Financial Emergency may have the following consequences:

- (a) The Union Government may give direction to any of the States regarding financial matters.
- (b) The President may ask the States to reduce the salaries and allowances of all or any class of persons in government service.
- (c) The President may ask the States to reserve all the money bills for the consideration of the Parliament after they have been passed by the State Legislature.
- (d) The President may also give directions for the reduction of salaries and allowances of the Central Government employees including the Judges of the Supreme Court and the High Courts.

So far, fortunately, financial emergency has never been proclaimed.

**Intext Questions 9.3**

1. Article _____ covers the Financial Emergency provisions. (352, 356, 360)
2. Financial Emergency has been imposed in our country only _____. (once, twice, never)

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3. Financial Emergency can be imposed for a period of _____ at a time. (two months, six months, desired length).
4. Financial Emergency has to be passed by the Parliament within _____. (Two months, four months, six months)
5. Under Financial Emergency, the President may give directions to reduce the salaries and allowances of _____. (Union Government employees, State Government employees, All government functionaries including judges.)



What You Have Learnt

According to the Indian Constitution, the President has been given extraordinary powers to deal with certain abnormal situations in order to protect the security, integrity and stability of the country. For this purpose, there are three types of emergencies which can be proclaimed by the President of India on the written advice of the Union Cabinet. These three types of emergencies are :

- (a) National emergency (Article 352).
- (b) Emergency due to the breakdown of constitutional machinery in a State (Article 356).
- (c) Financial emergency (Article 360).

National emergency under Article 352 has been declared three times so far. Twice it was imposed due to the external aggression once by China and another time by Pakistan, whereas it was declared only once on the basis of the fear of internal disturbances. This emergency was imposed on 25 June 1975. Emergency on account of failure of Constitutional machinery has been declared in most of the States some time or the other. But Financial Emergency has not been declared so far.

Emergency, when imposed, affects the Fundamental Rights of the citizens. It also affects the autonomy of the State Governments. The powers of the Union Government increase and it can make laws even on the subjects included in the State List. The Centre gives directions to the State Governments. Practically speaking, the federal nature of the Constitution changes into a unitary form. So much so that when the proclamation of national emergency is in operation, some of the Fundamental Rights guaranteed by the Constitution remain suspended.

The second type of emergency under Article 356 is the most frequently imposed emergency. Under this, a State is put under the President's Rule if the elected representatives fail to form or run the government in a State according to the Constitution of India. This is the most misused form of emergency which has been vehemently criticised by many.

The third type of emergency is Financial Emergency which has not been declared so far. During this type of emergency, the President of India may give directions to the Union as well as State Governments to reduce the salaries and allowances of their employees including the judges. The purpose of declaring this type of emergency is to solve the financial crises.



The proclamation of each type of emergency is made by the President on the written advice of the Union Cabinet. Such a proclamation has to be approved by both the Houses of Parliament within one month in case of National Emergency and within two months in case of the remaining two types of emergencies, from the date of imposition of such emergency. The Proclamation of national emergency as well as the imposition of President's Rule, if approved by the Parliament, will continue to be in operation for six months from the date of proclamation. In case it is to be extended beyond six months, a subsequent prior resolution has to be passed by the Parliament to this effect. In case of Financial Emergency once proclaimed, it continues to operate as long as it is required.

The Emergency Provisions provide the President with sweeping powers to deal with abnormal and extraordinary situations. Any misuse of these powers can easily lead to subversion of democracy. But the actual working of the Constitution for more than five decades has demonstrated that emergency powers were generally used in the interest of the country barring a few cases where emergency was imposed due to political considerations. In spite of misuse of emergency provisions in some of the States, there is a broad consensus that emergency provisions still have a role to play under the conditions prevailing in India.



1. Discuss briefly the emergency provisions contained in the Constitution of India.
2. How does the imposition of National Emergency affect the life of citizens?
3. Under what conditions can the President's Rule be imposed in a State?
4. How are the executive and legislative powers of a State exercised during the President's Rule?
5. Mention the effects of Financial Emergency.

**9.1**

1. Union Government
2. 352
3. one year.
4. Freedom
5. internal disturbances.
6. Cabinet recommends in writing.
7. 6 months.

9.2

1. Article 356.
2. 2 months.

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3. One year.
4. Governor
5. Six months.

9.3

1. Article 356.
2. never.
3. desired length.
4. Two months.
5. All government functionaries including judges.

Hints for Terminal Exercises

1. Refer to Sections 9.1, 9.2 and 9.3.
2. Refer to Effects of National Emergency Section 9.1.2
3. Refer to Section 9.2.
4. Refer to the Effects of Imposition of President's Rule in a State Section 9.2.2.
5. Refer to Section 9.3.



UNION EXECUTIVE

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Structure of Government



Notes

India is a democratic republic with a parliamentary form of government. The government at the Central level is called 'Union Government' and at the State level it is known as 'State Government'. The Union Government has three organs – the Executive, the Legislature and the Judiciary. The President, the Prime Minister and his Council of Ministers collectively constitute the Union Executive.

In this lesson you will read how the Union Executive is constituted and what functions does it perform.



Objectives

After studying this lesson, you will be able to

- distinguish between the nominal and real executive in a parliamentary democracy;
- recall that India is a republic with an elected head of state;
- describe the qualifications and method of election of the President of India.
- explain the executive, legislative, financial and judicial powers of the President;
- explain the position of the President;
- describe the role of the Vice-President in the Indian Political System;
- describe how the Prime Minister is appointed and how his/her Council of Ministers is constituted;
- explain the powers and functions of the Prime Minister and his/her Council of Ministers;
- analyse the meaning and implications of the individual and collective responsibility.

10.1 The President

We have already read that India is a sovereign democratic republic. The President of India who is head of State, is indirectly elected.



Notes

Qualifications: The qualifications for the office of President are:

- (i) should be a citizen of India;
- (ii) should have completed the age of 35 years;
- (iii) should be qualified to be elected as a member of Lok Sabha; and
- (iv) should not hold any office of profit i.e. the candidate should not be a government servant. However the office of the President, the Vice-President, the Governor or the Minister of the Union or the State is not considered as an office of profit for this purpose;

The President cannot at the same time be a member of Parliament or of a State Legislature. If a member of Parliament or State Legislature is elected as President his/her seat will be deemed to have been vacated on the date, he/she assumes office as President of India.

10.1.1 Election Procedure

The President is elected by an Electoral College consisting of the elected members of both Houses of Parliament i.e. Lok Sabha and Rajya Sabha and of the State Legislative Assemblies (Vidhan Sabhas). Nominated members of Parliament and members of State Legislative Councils are not members of the Electoral College. The election is held by means of single transferable vote system of proportional representation. The voting is done by secret ballot.

The framers of the Constitution were keen to obtain parity between the votes of the elected members of Parliament on one side and elected members of Legislative Assemblies of all the States on the other. They devised a system to determine the value of vote of each member of Parliament and Legislative Assembly, so as to ensure equality.

The value of vote of each member of Legislative Assembly of a state is determined by the formula as given below:-

$$= \frac{\text{Total population of the State}}{\text{Number of elected members of State Legislative Assembly}} \div 1000$$

In simple words the total population of the State is divided by the number of elected members of the State Legislative Assembly, and the quotient is divided by 1000.

Example: Let us suppose that the population of Punjab is 1,35,51,060 and the number of members of State Vidhan Sabha is 104. The votes which each Legislature is entitled to cast will be:-

$$\frac{1,35,51,000}{104} \div 1000$$

$$= 130.29$$

$$= 130 \text{ [As the remainder .29 is less than 50\%, it is ignored]}$$

The value of each vote of a Member of Parliament is determined by adding all the votes of members of the State Legislative Assemblies including the Legislative Assemblies

of Union Territory of Delhi and Pondichery divided by total member of elected members of Lok Sabha and Rajya Sabha.

$$= \frac{\text{Total number of votes of Member of all the State Legislative Assemblies}}{\text{Total number of elected Members of both Houses of Parliament}}$$

Example : The votes of all the State Legislative Assemblies are added. Let us suppose that the total number of votes of all the Legislators is 5,44,971 and the total number of elected members of Parliament is 776. Then the number of votes of each member of Parliament will be

$$= \frac{5,44,971}{776} = 702.28$$

$$= 702$$

At both the stages if the remainder is less than 50% of the divides, it is ignored. But when the remainder is 50% or more, one vote is added to the quotient.

Single Transferable Vote System: The election of the President is held through single transferable vote system of proportional representation. Under this system names of all the candidates are listed on the ballot paper and the elector gives them numbers according to his/her preference. Every voter may mark on the ballot paper as many preferences as there are candidates. Thus the elector shall place the figure 1 opposite the name of the candidate whom he/she chooses for first preference and may mark as many preferences as he/she wishes by putting the figures 2,3,4 and so on against the names of other candidates. The ballot becomes invalid if first preference is marked against more than one candidate or if the first preference is not marked at all.

Counting of Votes and Declaration of Result

Members of State Legislative Assemblies cast their votes in States Capitals, while Members of Parliament cast their votes in Delhi in the States Capitals. Counting of votes is done at New Delhi. First preference votes of all the candidates are sorted out and counted. To be declared elected a candidate must get more than 50% of the total valid votes polled. This is known as Quota. The Quota is determined by totalling the total number of votes polled divided by the number of candidates to be elected plus one. In this case, since only the President is to be elected, so division is done by 1+1. One (01) is added to the quotient to make it more than 50%.

$$\text{Quota} =$$

At the first count only first preference votes are counted. If any of the candidates reaches the quota, he/she is declared elected. In case no candidate reaches the quota, then the 2nd preference votes of the candidate getting the least number of first preference votes are transferred to other candidates. Thus the candidate getting the least number of votes is eliminated. If after counting, a candidate reaches quota, he/she is declared elected as the President. In case no candidate reaches quota, even at this stage, then the votes of next candidate getting the least number of votes are transferred to the others. It continues till any one candidate gets the quota of votes.



Notes

MODULE - 3

Structure of Government



Notes

Political Science

Let us understand it with the following example. Supposing the total number of valid votes is 20,000 and there are four candidates A, B, C and D. The quota in this case will be

$$\frac{20,000}{1+1} + 1 = 10001.$$

Let us assume that first preference votes cast in favour of all the four candidates are as follows:-

$$A = 9000$$

$$B = 2000$$

$$C = 4000$$

$$D = 5000$$

As no candidate has reached the quota i.e. 10001, candidate 'B' getting the least number of votes gets eliminated and his votes transferred to the other candidates.

Supposing as a result of transfer of votes 'A' gets 1100, 'C' gets 500 and 'D' 400. Now the position would be as follows:

$$A = 9000 + 1100 = 10,100$$

$$B = 6000 + 400 = 6400$$

$$C = 4000 + 500 = 4500$$

Since 'A' reaches quota he is declared elected as the President.

Before entering upon the office the President has to take an oath of office in the presence of the Chief Justice of India.



Intext Questions 10.1

Choose the correct answer from the alternatives given below by putting a tick (✓) against it:

1. The minimum age for the office of the President of India is:
 - a) 21 years
 - b) 25 years
 - c) 30 years
 - d) 35 years
2. The Presidential candidate must have the qualifications required for a member of:
 - (a) Lok Sabha
 - (b) Rajya Sabha
 - (c) Vidhan Parishad
 - (d) Zila Parishad

3. Members of which of the following House are not members of the electoral College:
- Rajya Sabha
 - Vidhan Sabha
 - Vidhan Parishad
 - Lok Sabha



Notes

10.2 The President: Tenure and Removal

The President is elected for a term of five years and is eligible for re-election, though a convention has developed that no President seeks election for the third term. However, the first President Dr. Rajendra Prasad was elected for two full terms. He/she may resign before the expiry of his term, or the office of President may fall vacant due to his/her death. His term of office commences from the date he takes the oath of office.

10.2.1 Privileges and Immunities

The President of India enjoys certain privileges and immunities which include the following:

- The President is not answerable to any court of law for the exercise of his functions.
- The President can neither be arrested nor any criminal proceedings be instituted against him in any court of law during his tenure.
- The President cannot be asked to be present in any court of law during his tenure.
- A prior notice of two months time is to be served before instituting a civil case against him.

10.2.2 Removal of the President

The President can only be removed from office through a process called impeachment. The Constitution lays down a detailed procedure for the impeachment of the President. He can only be impeached 'for violation of the Constitution'. The following procedure is intentionally kept very difficult so that no President should be removed on flimsy ground.

The resolution to impeach the President can be moved in either House of Parliament. Such a resolution can be moved only after a notice has been given by at least one-fourth of the total number of members of the House. Such a resolution charging the President for violation of the Constitution must be passed by a majority of not less than two-third of the total membership of that House before it goes to the other House for investigation.

The charges levelled against the President are investigated by the second House. President has the right to be heard or defended when the charges against him are being investigated. The President may defend himself in person or through his counsel. If the charges are accepted by a two-third majority of the total membership of the second House, the impeachment succeeds. The President thus stands removed from the office from the date on which the resolution is passed.

This procedure of impeachment is even more difficult than the one adopted in America where only simple majority is required in the House of Representatives to initiate the proceedings.



Notes

IMPEACHMENT: An impeachment is a quasi-judicial procedure leading to the removal of a high public official, say, the President as in India, on the grounds of the violation of the Constitution.

10.2.3 Vacancy in the Office of the President

Whenever the office of the President falls vacant either due to death or resignation or impeachment, the Vice-President officiates for a period not more than six months. The Constitution has made it obligatory that in such cases (of vacancy in the office of President) election for a new President must be held within six months. The newly elected President then holds office for his full term of five years. Thus, when President Fakhruddin Ali Ahmad died in 1977, Vice-President B. D. Jatti officiated and the new President (Sanjeeva Reddy) was elected within six months.

In case the President's office falls vacant and the Vice-President is not available (or Vice-President acting as President dies or resigns in less than six months), the Chief Justice of India is required to officiate till the new President is elected. This provision was made in 1969 by the Parliament to enable Chief Justice Hidayatullah to officiate when President Zakir Hussain had died, and Vice-President V. V. Giri resigned.

If a President is temporarily unable to discharge his duties, due to illness or otherwise, the Vice-President may discharge the functions of the President without officiating as the President.



Intext Questions 10.2

Tick (✓) the correct answer from the alternatives given below:

1. The President of India is elected for a term of:
 - (a) Three years
 - (b) Four years
 - (c) Five years
 - (d) Six years.
2. The proposal of Impeachment of President can be moved in:
 - (a) Lok Sabha
 - (b) Rajya Sabha
 - (c) Vidhan Sabha
 - (d) Either House of Parliament.
3. Who acts as President when neither the President nor the Vice-President is available?
 - (a) The Prime Minister
 - (b) The Chief Justice of India
 - (c) The Chief Election Commissioner
 - (d) The Speaker of Lok Sabha



Notes

10.3 Powers of The President

The Constitution has vested the President with vast powers. Broadly the powers of the President can be classified as Executive, Legislative, Financial and Judicial Powers. His emergency powers are already dealt with in Lesson No. 9.

10.3.1 Executive Powers

The President is head of State and executive powers of the Union have been vested in him. The President is empowered to exercise these powers either directly or through officers subordinate to him which means through the Prime Minister and Council of Ministers also. His executive powers are given below:-

The President appoints the Prime Minister and he appoints other ministers on the advice of the Prime Minister. He allocates portfolios among the ministers on the advice of the Prime Minister. He may remove any Minister on the advice of the Prime Minister.

The President appoints the Chief Justice and other judges of the Supreme Court and High Courts. However, in all judicial appointments, the Chief Justice of India is consulted. Besides the President may also consult such other judges of the Supreme Court as the President may be deemed necessary. While appointing Chief Justice and justices of High Courts the President has to consult the State Governor also. In the appointment of High Court judges, the President also consults the Chief Justice of the State. But now in accordance with the 1993 decision of the Supreme Court as re-interpreted in 1999 (see Lesson 12), the President is bound by the recommendations of a panel of senior most judges of the Supreme Court in matters of all judicial appointments. This panel headed by the Chief Justice is known as the collegium of the Supreme Court. The President appoints the Attorney General, the Comptroller and Auditor General of India, the Chief Election Commissioner and other Election Commissioners, the Chairman and Members of Union Public Service Commission (U.P.S.C.). He/she also appoints the Governors of States and Lt. Governors of Union Territories. All such appointments are made on the advice of the Union Cabinet headed by the Prime Minister.

The President is the Supreme Commander of the armed forces. As such, the President makes appointments of Chiefs of Army, Navy, and Air Force. The President can declare war and make peace. In his/her capacity as head of state, the President conducts the country's foreign affairs. The President appoints India's ambassadors and high commissioners in other countries; and the President receives foreign ambassadors and high commissioners. All diplomatic work is conducted in his/her name (by the foreign office and Indian envoys abroad), and all international treaties are negotiated and concluded in his/her name.

All laws enacted by the Union Parliament are enforced by him/her. All officials appointed by him/her (such as Governors and Ambassadors) may be removed or recalled by him/her, on the advice of the Union Council of Ministers.

All the functions are performed by the President on the advice of the Prime Minister. All decisions of the Union Government are communicated to him/her by the Prime Minister. The President can ask the Prime Minister only once to have a recommendation of the executive reconsidered by the Cabinet. The President can also refer a minister's decision to the Cabinet for its consideration. The President cannot seek a second reconsideration.

10.3.2 Legislative Powers

The President being an integral part of Parliament enjoys many legislative powers. These powers are given below:

The President summons, and prorogues the Houses of Parliament. He may summon the Parliament at least twice a year, and the gap between two sessions cannot be more than six months. The President has the power to dissolve the Lok Sabha even before the expiry of its term on the recommendation of the Prime Minister. In normal course he/she dissolves Lok Sabha after five years. The President nominates twelve members to Rajya Sabha from amongst persons having special knowledge in the field of literature, science, art and social service. The President may also nominate two members of Anglo-Indian community to the Lok Sabha in case that community is not adequately represented in the House. The President can call a joint sitting of the two Houses of Parliament in case of a disagreement between Lok Sabha and Rajya Sabha on a non-money bill. So far thrice such joint sittings have been summoned (see Lesson no. 11). The President has the right to address and send messages to Parliament. The President addresses both Houses of Parliament jointly at the first session after every general election as well as commencement of the first session every year. These addresses contain policies of the government of the day.

Every bill passed by Parliament is sent to the President for his/her assent. The President may give his/her assent, or return it once for the reconsideration of the Parliament. If passed again the President has to give her assent. Without his/her assent no bill can become a law. The President may promulgate an ordinance when the Parliament is not in session. The ordinance so issued has the force of law. The ordinance so promulgated should be laid before both Houses of Parliament when they reassemble. If it is neither rejected by the Parliament nor withdrawn by the President, it automatically lapses six weeks after the commencement of the next session of Parliament. Generally a bill is moved by the Government to enact a law in place of the ordinance.

10.3.3 Financial Powers

All money bills are introduced in the Lok Sabha only with the prior approval of the President. The President has the control over Contingency Fund of India. It enables her to advance money for the purpose of meeting unforeseen expenses. Annual budget and railway budget are introduced in the Lok Sabha on the recommendation of the President. If the Government in the middle of the financial year feels that more money is required than estimated in the annual budget, it can present supplementary demands. Money bills are never returned for reconsiderations. The President appoints the Finance Commission after every five years. It makes recommendations to the President on some specific financial matters, especially the distribution of Central taxes between the Union and the States. The President also receives the reports of the Comptroller and Auditor-General of India, and has it laid in the Parliament.

Contingency Fund of India: It is a fund kept by the Union Government to meet any unforeseen expenditure for which money is immediately needed. The President has full control over this Fund. The President permits withdrawals from this Fund.

**Notes**



Notes

10.3.4 Judicial Powers

You have seen above that the President appoints Chief Justice and other judges of the Supreme Court. The President also appoints Chief Justices and other judges of the High Courts. The President appoints law officers of the Union Government including the Attorney-General of India.

The President, as head of state, can pardon a criminal or reduce the punishment or suspend, commute or remit the sentence of a criminal convicted by the Supreme Court or High Courts for an offence against the federal laws. The President can pardon a person convicted by a Court Martial. His/her power of pardon includes granting of pardon even to a person awarded death sentence. But, the President performs this function on the advice of Law Ministry.

The President enjoys certain immunities. He is above the law and no criminal proceedings can be initiated against him/her (see section 10.2.1 above).

10.4 Position of the President

The office of the President is of high dignity and eminence, not of real powers. The powers formally vested in him/her are actually exercised not by his/her, but by the Union Council of Ministers, in his/her name. If the President tries to act against the wishes of the ministers, the President may create a constitutional crisis. The President may even face impeachment and may have to quit. Thus, the President has no alternative but to act in accordance with the advice of the Prime Minister, who after all is head of the real executive. The Prime Minister is in regular touch with the President.

The Council of Ministers is responsible to Lok Sabha, and can be removed on its adverse vote only. In practice the ministers do not hold office during the pleasure of the President.

The Constitution, 42nd Amendment Act has made it obligatory for the President to act only on the advice of the Council of Ministers. The President cannot act independently.

His/her powers are formal. It is the Council of Ministers headed by the Prime Minister which is the real executive. In accordance with the 44th Amendment Act of the Constitution, the President can send back a bill passed by the Parliament for reconsideration only once. If the bill is again passed by the Parliament, the President has to give his assent to the bill. In the Constituent Assembly, Dr. B.R. Ambedkar had rightly said, "The President occupies the same position as the King in the British Constitution". But in reality the President of India is not a mere rubber stamp. The Constitution lays down that the President has to preserve, protect and defend the Constitution. The President can ask a newly appointed Prime Minister to seek a vote of confidence in the Lok Sabha within a stipulated period of time. All the administration of the country is carried on in her name. The President can ask for any information from any minister. All the decisions of the Cabinet are communicated to the President. The President is furnished with all the information relating to administration. It is in this context that the utility of the office of the President comes to be fully realised when the President gives suggestions, encourages and even warns the government. It is in this context, the President emerges as an advisor, a friend and even a critic.

By way of conclusion, we may describe the position of the President in the words of Dr. B.R. Ambedkar. According to him/her, the President is the Head of State but not the executive. The President represents the nation but does not rule over the nation. The President is the symbol of nation. His/her place in the administration is that of a ceremonial head.

10.5 The Vice-President

The Constitution of India provides for the office of the Vice-President. The Vice-President of India is elected indirectly by an electoral college consisting of members of both Houses of Parliament, on the basis of proportional representation by means of single transferable vote system. The voting is held by secret ballot. The Vice-President cannot be a member of either Houses of Parliament, or of a State Legislature. The Vice-President has to possess the following qualifications:

He/she has to be a citizen of India, who should not be less than 35 years of age, should not hold any office of profit and should be eligible to be elected as a member of the Rajya Sabha.

The Vice-President is elected for a term of five years. He/she may resign from the office of the Vice-President even before the expiry of five years by writing to the President. The Vice President can be removed before five years if a resolution to this effect is passed by a majority of members of Rajya Sabha and agreed to by the Lok Sabha.

10.5.1 Functions of the Vice-President

The Vice-President is the ex-officio Chairman of Rajya Sabha which means that whosoever is the Vice-President, he/she presides over the Rajya Sabha and performs normal duties of a presiding officer. These include maintenance of order in the House, allowing members to speak and ask questions, and putting bills and motions to vote. Since the Vice-President is not a member of the Rajya Sabha, he/she cannot vote in the House. But, in case of a tie (equality of votes in favour and against a bill), the Vice President exercises his/her casting vote so that a decision can be reached.

If ever a vacancy arises in the office of President, due to death, resignation or impeachment, the Vice-President officiates as the President for not more than six months (see above). During that period, he enjoys all powers of the President, and does not preside over the House when he officiates as President.

In case the President is temporarily unable to discharge his/her functions, the Vice-President may be called upon to discharge his/her functions, without becoming officiating President.

**Intext Questions 10.3**

1. Who is the Supreme Commander of India's armed forces?
2. On whose recommendations the members of the Council of Ministers are appointed?
3. What is the procedure of removal of the President known as?
4. How many members of the Rajya Sabha are nominated by the President?
5. Who are the electors of the Vice-President of India?
6. Mention one judicial power of the President?
7. What type of bills are invariably introduced in the Lok Sabha with the prior approval of the President?



Notes

10.6 Prime Minister and The Council of Ministers

The executive powers of the President are exercised by the Council of Ministers. The Constitution provides that “there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions”. Here the word “shall” indicates that the President cannot function without the Council of Ministers. The President is the constitutional head of State, but the real Head of the government is the Prime Minister.

10.6.1 Appointment of the Prime Minister

The Prime Minister is appointed by the President but the President does not have freedom in the selection of the Prime Minister. Normally the President has to invite leader of the majority party to form the government. In case no single party is in clear majority, the President invites the person who is likely to command support of two or more parties which make up majority in the Lok Sabha. Once appointed, the Prime Minister holds office so long as he/she enjoys the support of the majority of members of Lok Sabha. The Prime Minister is normally leader of the majority party in Lok Sabha. However, there have been cases when a member of Rajya Sabha was made the Prime Minister. This happened when Mrs. Indira Gandhi was first appointed, Prime Minister in 1966, or when I. K. Gujral became Prime Minister in 1997 or when Rajya Sabha member Dr. Manmohan Singh became the Prime Minister in 2004. In 1996 H.D. Deve Gowda was not a member of any House. He later entered the Rajya Sabha.

Members of the Council of Ministers are appointed by the President on the advice of the Prime Minister. While selecting the ministers, the Prime Minister the PM keeps in mind that due representation to different regions of the country, to various religious and caste groups. In a coalition government, the members of coalition parties have to be given due representation in the Council of Ministers. The Prime Minister decides portfolios of the Ministers, and can alter these at his will.

In order to be a Minister, a person has to be a member of either of the two Houses of Parliament. Even a person who is not a member of any of the two Houses can become a Minister for a period of six months. Within six months the Minister has to get himself/herself elected to either House of Parliament, failing which he/she ceases to be a Minister. All the Ministers are collectively as well as individually responsible to the Lok Sabha.

The Council of Ministers consists of two category of ministers. These are: Cabinet Ministers and Ministers of State. The Cabinet Ministers are usually senior members of the party/coalition of parties. The Ministers of State come next to Cabinet Ministers. Some of the Ministers of State have independent charge of a department while other Ministers of State only assist the Cabinet Ministers. Sometimes even deputy ministers are also appointed to assist the ministers.

Ministers other than Cabinet Ministers normally do not attend the meetings of the Cabinet. The Prime Minister presides over the meetings of the Cabinet. All policy matters are decided by the Cabinet. The Prime Minister has the authority to reshuffle the portfolios of the Ministers or even ask for their resignation. In case of resignation or death of the Prime Minister the entire Council of Ministers also goes out of office. This is because the Council of Ministers is created by the Prime Minister, who also heads it. The entire Council of Ministers is responsible to the Lok Sabha (see below 10.8)



10.6.2 Powers and Functions of the Prime Minister

The Prime Minister is the most important and powerful functionary of the Union Government. The President is head of the government and leader of Lok Sabha. The President is principal advisor to the President, and the country's visible face and spokesperson in the international affairs. His/her role is unparalleled and the President gives direction to the governance of the country.

The Prime Minister being the head of the Council of Ministers, selects the Ministers to be sworn in by the President. The Ministers in fact are chosen by the Prime Minister and remain Ministers as long as they enjoy the confidence of the Prime Minister. The Prime Minister distributes portfolios among Ministers. The President can change the portfolios as and when he desires. The Prime Minister can drop a Minister or ask for his/her resignation.

The Prime Minister presides over the meetings of the Cabinet and conducts its proceedings. As head of the Cabinet, he/she largely influences the decisions of the Cabinet. The Prime Minister co-ordinates the working of various ministers. The President resolves disagreement if any amongst different Ministers. Prime Minister is the link between the President and the Cabinet. The decisions of the Cabinet are conveyed to the President by the Prime Minister. It is he who keeps the President informed of all the policies and decisions of the Government. No Minister can meet the President without the permission of the Prime Minister. All important appointments are made by the President on the advice of the Prime Minister. It is on the advice of the Prime Minister that the President summons and prorogues the session of the Parliament and even dissolves the Lok Sabha.

The Prime Minister is the "principal spokesman" and defender of the policies of the Government in the Parliament. When any Minister is unable to defend his/her actions properly, the Prime Minister comes to the help of that Minister both inside and outside the Parliament. The Prime Minister is the leader of the nation. The nation looks to his/her for guidance. At the time of general elections, it is the Prime Minister who seeks mandate of the people. The Prime Minister plays an important role in the formulation of domestic and foreign policies. The President represents the country in the world arena, by participating in the international meetings such as NAM, SAARC and United Nations. All international agreements and treaties with other countries are concluded with the consent of the Prime Minister. The President is the Chief spokesperson of the policies of the country.

The Prime Minister has a special status both in the Government and in the Parliament. This makes him/her the most powerful functionary. His/her position and powers depend upon his/her personality. A person of the stature of Jawaharlal Nehru or Indira Gandhi, is always more effective than a person who lacks vision or depends on support from outside his party. The Prime Minister is not only leader of the Parliament but also leader of the nation. The Prime Minister has to secure the willing cooperation of all important members of his/her own party. In a minority government, the Prime Minister has to depend on outside help that might act as hindrance in his effective role.

10.7 The Council of Ministers and The Cabinet

The terms Council of Ministers and 'The Cabinet' are often used as inter-changeable terms. In reality, they are not. Prior to 44th Amendment of the Constitution, the word 'Cabinet' was not mentioned in the Constitution. Let us distinguish between the Council of



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Ministers and the Cabinet. The main points of difference are: The Council of Ministers consists of all category of Ministers i.e., Cabinet Ministers and Ministers of State. The Cabinet on the other hand consists of Senior Ministers only. Its number varies from 15 to 30 while the entire Council of Ministers can consist of even more than 70. The Council of Ministers as a whole rarely meets. The Cabinet on the other hand meets as frequently as possible. It is the Cabinet that determines the policies and programmes of the Government and not the Council of Ministers. Thus, 'Cabinet is an inner body within the Council of Ministers'. It acts in the name of the Council of Ministers and exercises all powers on its behalf.

10.7.1 Powers and Functions of the Cabinet

It has enormous powers and manifold responsibilities. All the executive powers of the President are exercised by the Cabinet headed by the Prime Minister.

The Cabinet determines and formulates the internal and external policies of the country. It takes all major decisions regarding defence and security of the country. It has also to formulate policies so as to provide better living conditions for the people. Cabinet has control over national finance. The Cabinet is responsible for whole of the expenditure of the government as well for raising necessary revenues. It is the Cabinet that prepares the text of President's address to the Parliament. The Cabinet is also responsible for the issuance of Ordinances by the President when the Parliament is not in session. The sessions of the Parliament are convened by the President on the advice of the Cabinet conveyed through the Prime Minister. The Cabinet prepares the agenda of the sessions of the Parliament.



Intext Questions 10.4

1. The head of the government in India is the _____ of India. (President / Prime Minister / Chief Justice).
2. The portfolios of the Ministers are distributed and reshuffled by the _____. (Prime Minister / President/Vice-President)
3. The meetings of the Cabinet are presided over by the _____ (Speaker of Lok Sabha / Prime Minister /President).
4. The Executive Powers of the President are exercised by the _____. (Council of Ministers/Prime Minister's office/Cabinet Secretary).
5. The Lok Sabha can be dissolved by the President on the written request of the _____ (Cabinet/Rajya Sabha/Supreme Court).
6. The President's address to the Parliament is prepared by the _____. (Vice President/Union Cabinet/Prime Minister's office).
7. The Council of Ministers is responsible to the _____. (Lok Sabha/ Rajya Sabha/Parliament).

10.8 Responsibility of The Ministers

We have already read that there is a Council of Ministers, with the Prime Minister as its head to aid and advise the President. Constitutionally the Ministers hold office during the

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pleasure of the President. But, in fact, they are responsible to, and removable by the Lok Sabha. Actually the Constitution has itself declared that the Council of Ministers shall be responsible to the Lok Sabha (not to both the Houses). Ministerial responsibility is the essential feature of parliamentary form of government. The principle of ministerial responsibility has two dimensions: collective responsibility and individual responsibility.

10.8.1 Collective Responsibility

Our Constitution clearly says that “The Council of Ministers shall be collectively responsible to ‘House of the People’.” It actually means that the Ministers are responsible to the Lok Sabha not as individuals alone, but collectively also. Collective responsibility has two implications. Firstly, it means that every member of the Council of ministers accepts responsibility for each and every decision of the Cabinet. Members of the Council of Ministers swim and sink together. When a decision has been taken by the Cabinet, every Minister has to stand by it without any hesitation. If a Minister does not agree with the Cabinet decision, the only alternative left to him/her is to resign from the Council of Ministers. The essence of collective responsibility means that, ‘the Minister must vote with the government, speak in defence of it if the Prime Minister insists, and he/she cannot afterwards reject criticism of his act, either in Parliament or in the constituencies, on the ground that he/she did not agree with the decision.’ Secondly, vote of no-confidence against the Prime Minister is a vote against the whole Council of Ministers. Similarly, adverse vote in the Lok Sabha on any government bill or budget implies lack of confidence in the entire Council of Ministers, not only the mover of the bill.

10.8.2 Individual Responsibility

Though the Ministers are collectively responsible to the Lok Sabha, they are also individually responsible to the Lok Sabha. Individual responsibility is enforced when an action taken by a Minister without the concurrence of the Cabinet, or the Prime Minister, is criticised and not approved by the Parliament. Similarly if personal conduct of a Minister is questionable and unbecoming he may have to resign without affecting the fate of the Government. If a Minister becomes a liability or embarrassment to the Prime Minister, he may be asked to quit.

NO-CONFIDENCE MOTION :- It is a motion moved by a member of legislature expressing no-confidence of the House in the Council of Ministers. If adopted by the legislature, the Council of Ministers has to resign.



What You Have Learnt

India has adopted parliamentary form of government where the President is the constitutional head of state. The Council of Ministers headed by the Prime Minister is the real executive.

The President of India is indirectly elected by an Electoral College consisting of elected members of both Houses of Parliament and the elected members of State Legislative Assemblies (Vidhan Sabhas) by means of single transferable vote system of proportional representation. The President is elected through a complicated system which ensures equal voice (value of votes) of the national Parliament on the one side and all the State Legislative Assemblies on the other.

The President is elected for a term of five years. The President is eligible for reelection.



Notes

The President may resign before the expiry of his/her term or can be removed from office by impeachment.

The President enjoys vast powers. His/her powers can be classified into Legislative, Executive, Financial and Judicial. But his/her powers are exercised by the Council of Ministers headed by the Prime Minister. The President enjoys numerous privileges and immunities, and exerts influence in the field of administration. The President possesses the right to be informed, to be consulted and to warn. The President is a guide and advisor of the Council of Ministers. The Prime Minister is the real head of the Government. The President is appointed by the President. The Prime Minister has to appoint the leader of the majority party in Lok Sabha or leader of a group of parties as the Prime Minister.

The Council of Ministers headed by the Prime Minister aids and advises the President in the exercise of his functions. The Council of Ministers consists of two levels of Ministers—Cabinet Ministers and Ministers of State. The President appoints the Ministers on the advice of the Prime Minister.

The Prime Minister is the leader of the nation. He/she is responsible for administration of the country. He/she presides over the meetings of the Cabinet. The Council of Ministers works under his/her. The President represents the nation at all national and international forums. The Prime Minister is the link between the President and the Council of Ministers. He/she supervises and co-ordinates the working of different Ministries. He/she remains in office as long as he/she enjoys the support of the majority of members in the Lok Sabha. All important appointments are made by the President on the recommendation of the Prime Minister.

The Council of Ministers consists of all category of Ministers, while the Cabinet is a smaller group consisting of senior Ministers. The Council of Ministers as a whole rarely meets. It is the Cabinet which determines the policies and programmes of the Government. All the Ministers are collectively as well as individually responsible to the Lok Sabha. The Council of Ministers can be removed from office by Lok Sabha if a vote of no-confidence is adopted by it.

The Cabinet formulates the external and internal policies of the government. It coordinates the working of various departments. It has full control over the national finance. A money bill can only be introduced in the Lok Sabha by a Minister.



Terminal Exercises

1. Explain the method of election of the President.
2. Describe the qualifications for the office of the President of India. What is his and how can he be removed from office.
3. Describe the legislative powers of the President of India.
4. Explain the executive powers of the President.
5. Examine the powers and role of the President of India.
6. Describe functions of the Vice-President of India.
7. How is the Prime Minister of India appointed? Explain.
8. Explain the powers, functions and role of the Prime Minister of India.

MODULE - 3

Structure of Government



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9. Distinguish between the Council of Ministers and the Cabinet.
10. Describe the collective and individual responsibility of the Ministers.



Answers to Intext Questions

10.1

1. 35 years
2. Lok Sabha
3. Vidhan Parishad

10.2

1. Five years
2. Either House of the Parliament
3. The Chief Justice of India

10.3

1. The President
2. The Prime Minister
3. Impeachment
4. Twelve
5. Member of Parliament
6. Power to pardon the criminals
7. Money Bill

10.4

1. Prime Minister
2. Prime Minister
3. Prime Minister
4. Council of Ministers
5. Cabinet
6. Union Cabinet
7. Lok Sabha

Hints for Terminal Exercises

1. Refer to Section 10.1.1
2. Refer to Section 10.1
3. Refer to Section 10.3.2
4. Refer to Section 10.3.1
5. Refer to Sections 10.3 and 10.4
6. Refer to Section 10.5
7. Refer to Section 10.6.1
8. Refer to Section 10.6.2
9. Refer to Section 10.7.1
10. Refer to Section 10.8



PARLIAMENT OF INDIA

MODULE - 3

Structure of Government



Notes

You have read in the preceding lesson that India has a parliamentary form of government in which the Prime Minister and his Council of Ministers are collectively responsible to the lower House of the Parliament i.e. Lok Sabha. In a parliamentary form of government the Parliament is the most important organ. It is the people who elect their representatives to be members of the Parliament and these representatives legislate and control the executive on behalf of the people. The Prime Minister and his Council of Ministers remain at the helm of affairs so long as they enjoy the confidence of Lok Sabha. The Parliament (Lok Sabha) may dislodge them from power by expressing a no confidence against the Prime Minister and his Council of Ministers. Thus the Parliament occupies a central position in our parliamentary system.



A view of Indian Parliament



Objectives

After studying this lesson, you will be able to

- recall that the Parliament of India consists of the President and the two Houses;

MODULE - 3

Structure of Government



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- describe the composition of the Rajya Sabha and the Lok Sabha;
- explain the functions of Indian Parliament;
- describe the procedure of lawmaking in the Indian Parliament, and
- compare the functions and powers of both the Houses and show that Lok Sabha is more powerful.

11.1 Composition of the Parliament

The Parliament has two Houses—Rajya Sabha and Lok Sabha. Rajya Sabha is upper House and represents the States of India while the Lok Sabha is lower House. It is also called popular House because it represents the people of India. The President is an integral part of the Parliament though he is not a member of the either House. As an integral part of the Parliament, the President has been assigned certain powers and functions, which you have read in the last lesson. In this lesson you will study about the two Houses in details.

11.1.1. Rajya Sabha: Membership and Election

Rajya Sabha or the Upper House of the Parliament is a permanent body as it cannot be dissolved. The membership of the Rajya Sabha cannot exceed 250. Out of these, the President nominates 12 members on the basis of their excellence in literature, science, art and social service and the rest are elected. At present its total membership is 245.

Rajya Sabha is the body representing States in Indian Union. The elected members of the States' Legislative Assemblies elect the members of the Rajya Sabha on the basis of proportional representation through the single transferable vote system. But all the States do not send equal number of members to the Rajya Sabha. Their representation is decided on the basis of population of respective States. Thus the bigger State gets bigger representation and the smaller ones have lesser representation. While the big State like UP has been assigned 31 seats, the smaller states like Sikkim and Tripura send only one member each. Delhi Assembly elects three members of Rajya Sabha and Pondichery sends one member. Other Union Territories are not represented in the Rajya Sabha.

11.1.2 Qualifications

The qualifications for becoming a Rajya Sabha member are as follows:

1. He/she should be a citizen of India and at least 30 years of age.
2. He/she should make an oath or affirmation stating that he will bear true faith and allegiance to the Constitution of India.
3. Thus according to the Representation of People Act 1951, he/she should be registered as a voter in the State from which he is seeking election to the Rajya Sabha. But in 2003, two provisions have been made regarding the elections to Rajya Sabha- (i) Any Indian citizen can contest the Rajya Sabha elections irrespective of the State in which he resides; (ii) elections are to be conducted through open voting system.

11.1.3 Tenure

Every member of Rajya Sabha enjoys a safe tenure of six years. One-third of its members

retire after every two years. They are entitled to contest again for the membership. But a member elected against a mid-term vacancy serves the remaining period only. This system of election ensures continuity in the working of Rajya Sabha.

11.1.4 Officials of Rajya Sabha

The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. He/she presides over the meetings of Rajya Sabha. In his absence the Deputy Chairman, who is elected by its members from amongst themselves, presides over the meeting of the House. The Deputy Chairman can be removed by a majority of all the then members of Rajya Sabha. But the Chairman (Vice-President) can only be removed from his office by a resolution passed by a majority of all the then members of Rajya Sabha and agreed to by the Lok Sabha.

As the Vice-President is an ex-officio Chairman and not a member of Rajya Sabha, he/she is normally not entitled to vote. He/she can vote only in case of a tie.

Tie means a situation in which there are equal vote cast in favour and against a bill or resolution. In such a situation the presiding officer may exercise a casting vote in favour/against to break the tie.



Intext Questions 11.1

1. What can be the maximum strength of Rajya Sabha?
2. How many members the President nominates in Rajya Sabha?
3. Who can vote to elect the members of Rajya Sabha?
4. What is the tenure of a member of Rajya Sabha?
5. What is the minimum age for becoming a member of Rajya Sabha?
6. Who is the ex-officio Chairman of Rajya Sabha?

11.1.5 Membership and Election of the Lok Sabha

Unlike Rajya Sabha, Lok Sabha is not a permanent body. It is elected directly by the people on the basis of universal adult franchise. It is also called the popular House or lower House. The maximum permissible membership of Lok Sabha is 550 out of which 530 are directly elected from the States while 20 members are elected from the Union Territories. Besides, the President may nominate two members from the Anglo-Indian community if he/she feels that the said community is not adequately represented in the House.

Certain number of seats have been reserved for Scheduled Castes and Scheduled Tribes in the Lok Sabha. Initially this provision was made for ten years from the commencement of the Constitution, which has been extended time and again for further ten years by various constitutional amendments. The 79th Amendment has extended it for sixty years from the commencement of the Constitution. Reservation of seats for the Scheduled Castes or Scheduled Tribes means the persons belonging to SC/ST will represent such reserved seats. That implies that only persons belonging to SC/ST can contest from the reserved constituencies. But we have joint electorate and all the voters of the reserved constituency



Notes

**Notes**

vote irrespective of their caste/tribe. There is no separation of voters in terms of caste or tribe.

The representation to the Lok Sabha is based on population. Therefore UP which is the most heavily populated State in India sends as many as 80 members while smaller States like Mizoram, Nagaland and Sikkim send just one representative each to the Lok Sabha. Seven members represent Delhi.

For the purpose of elections to the Lok Sabha, the States are divided into single member constituencies on the basis of population.

11.1.6 Qualifications

All the citizens of 18 years of age and above are entitled to vote in the elections to Lok Sabha subject to the laws made by the Parliament. Any Indian citizen can become a member of Lok Sabha provided he/she fulfils the following qualifications:

1. He/she should be not less than 25 years of age.
2. He/she should declare through an oath or affirmation that he has true faith and allegiance in the Constitution and that he will uphold the sovereignty and integrity of India.
3. He/she must possess such other qualifications as may be laid down by the Parliament by law. He must be registered as a voter in any constituency in India.
4. Person contesting from the reserved seat should belong to the Scheduled Caste or Scheduled Tribe as the case may be.

11.1.7 Tenure

The normal term of Lok Sabha is five years. But the President, on the advice of Council of Ministers, may dissolve it before the expiry of five years. In the case of national emergency, its term can be extended for one year at a time. But it will not exceed six months after the emergency is over. On several occasions Lok Sabha was dissolved prior to the end of its term. For example the 12th Lok Sabha elected in 1998 was dissolved in 1999.

11.1.8 Officials of the Lok Sabha

The Speaker and the Deputy Speaker: The presiding officer of Lok Sabha is known as Speaker. The members of the House elect him. He/she remains the Speaker even after Lok Sabha is dissolved till the next House elects a new Speaker in his place. In his absence, a Deputy Speaker who is also elected by the House presides over the meetings. Both the Speaker as well as the Deputy Speaker can be removed from office by a resolution of Lok Sabha passed by a majority of all the then members of the House.

Some of the powers and functions of the speaker are given below :

1. The basic function of the Speaker is to preside over the house and conduct the meetings of the House in orderly manner. No member can speak in the House without his permission. He/she may ask a member to finish his speech and in case the member does not obey he/she may order that the speech should not be recorded.
2. All the Bills, reports, motions and resolutions are introduced with Speaker's permission. He/she puts the motion or bill to vote. He/she does not participate in the voting but

when there is a tie i.e. equal number of votes on both sides, he/she can use his casting vote. But he/she is expected to cast her vote in a manner so that her impartiality and independence is retained.

3. His/her decisions in all parliamentary matters are final. She also rules on points of order raised by the members and her decision is final.
4. He/she is the custodian of rights and privileges of the members.
5. He/she disqualifies a member of his/her membership in case of defection. He/she also accepts the resignation of members and decides about the genuineness of the resignation.
6. In case of joint sitting of Lok Sabha and Rajya Sabha, the Speaker presides over the meeting.



Intext Questions 11.2

1. What is the maximum permissible membership of Lok Sabha?
2. Which State sends the maximum number of members to Lok Sabha?
3. How many Anglo-Indian members may be nominated by the President in Lok Sabha?
4. For which section of the society seats are reserved in the Lok Sabha?
5. Who can vote in Lok Sabha elections?
6. Who can dissolve the Lok Sabha?
7. Who elects the Speaker of Lok Sabha?

11.2 Functions of Parliament

The functions and powers of the Indian Parliament can be divided into legislative, executive, financial and other categories.

11.2.1 Legislative Functions

Basically the Parliament is a law-making body. In an earlier lesson you have seen that there is a division of power between the Centre (Union) and the States. There are three lists – Union List, State List and the Concurrent List. Only Parliament can make laws on the subjects mentioned in the Union List. You know that the Union List has 97 subjects. Along with the State Legislatures, the Parliament is empowered to make laws on the Concurrent List. In case, both the Centre as well as the States make a law on the subject mentioned in the Concurrent List then the central law prevails upon the state law if there is a clash between the two. Any subject not mentioned in any list i.e. residuary powers are vested with the Parliament.

Thus the law making power of the Parliament is very wide. It covers the Union List and Concurrent List and in certain circumstances even the State List also.

11.2.2 The Executive Functions

In a parliamentary system of government there is a close relationship between the legislature and the executive. And the executive is responsible to the legislature for all its acts. The





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Prime Minister and his Council of Ministers are responsible to the Parliament individually as well as collectively. The Parliament can dislodge a ministry by passing a vote of no-confidence or by refusing to endorse a confidence motion. In India this has happened several times. This happened in 1999 when the Atal Bihari Vajpayee Government lost the confidence motion in the Lok Sabha by just one vote and resigned.

But the no-confidence motion or the confidence motions are the extreme ways of maintaining the accountability of the Parliament over the executive. They are employed in exceptional cases. Parliament also maintains its control over executive in a routine manner through several ways. Some of them are as follows:-

- a. The members of Parliament can ask questions and supplementary questions regarding any matters connected with the affairs of the Central Government. The first hour of every working day of Parliament relates to the Question Hour in which the Ministers have to answer the questions raised by the members.
 - b. If the members are not satisfied with the Government's answer then they may demand separate discussion on the subject.
 - c. The Parliament also exercises control over the executive through several motions. For example calling attention notice or adjournment motion are such ways by which some recent matters of urgent public importance are raised. The government always takes these motions very seriously because the government's policies are criticized severely and their likely impact on the electorate whom the government would have to face ultimately. If the motion is passed then it means that the government is censured.
- Censure Motion:** This motion implies severe indictment of the government; but it does not require resignation of the Council of Members.
- d. The Lok Sabha can express its lack of confidence in the executive by disapproving budget or money bill or even an ordinary bill.

11.2.3 The Financial Functions

The Parliament performs important financial functions. It is the custodian of the public money. It controls the entire purse of the Central Government. No money can be spent without its approval. This approval may be taken before the actual spending or in rare cases after the spending. The budget is approved by the Parliament every year.

11.2.4 The Electoral Functions

The elected member of Parliament one members of the Electoral College for Presidential election. As such, they participate in the election of the President of India. They elect the Vice-President. The Lok Sabha elects its Speaker and Deputy Speaker and the Rajya Sabha elects its Deputy Chairman.

11.2.5 Power of Removal

Certain high functionaries may be removed from office on the initiative of the Parliament. The President of India may be removed through the process of impeachment (you have read about it in Lesson No. 10). The judges of Supreme Court and of High Courts can be removed by an order of the President, which may be issued only if a resolution of their removal is passed by both Houses of Parliament by special majority (see Lessons 12 and 15).



Notes

11.2.6 Functions Regarding the Amendment of the Constitution

Most of the parts of the Constitution can be amended by the Parliament by special majority. But certain provisions only be amended by the Parliament with the approval of States. However India being a federal State, the amending power of the Parliament is highly limited. The Supreme Court has ruled that the Parliament cannot change the basic structure of the Constitution. You have already read about the amending procedure in another lesson.

11.2.7 Miscellaneous Functions

Besides the above-mentioned functions, the Parliaments also performs a variety of other functions. Some of them are as follows: -

- While it is the power of the President to declare Emergency, the Parliament approves all such Proclamations of Emergency. Both the Lok Sabha and Rajya Sabha have to approve the Proclamation.
- Parliament may form a new State by separating the territory from any State or by uniting two or more States. It may also change the boundaries and the name of any State. In the recent years (2000), new states of Chhattisgarh, Jharkhand and Uttarakhand were created.
- Parliament may admit or establish new States in the Indian Union (Sikkim in 1975).
- The Parliament can abolish or create Legislative Councils in the States. This is done only on the request of concerned States Assemblies.

Thus the Indian Parliament, though limited by the federal nature of the political system, has wide functions to perform. In performing its functions, it has to mirror the aspirations and needs of the people of India. It also has to function as an agency for resolving socio-economic or political conflicts in the country. It also helps in building consensus on specific issues, which are crucial to the nation like foreign policy formulation.



Intext Questions 11.3

- What is the name of the list on which only the Parliament can make laws?
- Who makes laws on the subjects mentioned in the State List?
- How many States can request the Parliament to make law on some subject mentioned in the State list?
- Who Can admit a new State in the Indian Union?

11.3 Law-making Procedure in the Parliament

As pointed out earlier basically the Parliament is a law making body. Any proposed law is introduced in the Parliament as a bill. After being passed by the Parliament and getting the President's assent it becomes a law. Now you will study how the law is made by the Parliament. There are two kinds of bills, which come up before the Parliament:-(i) ordinary bill and (ii) money bill. Here we shall discuss the legislative procedure in each of these kinds of bills.

Structure of Government

11.3.1 Ordinary Bills

Every member of the Parliament has a right to introduce an ordinary bill and from this point of view, we have two types of bills – government bills and private member's bills. A Minister moves a government bill and any bill not moved by a Minister is a Private Member's Bill, which means that the bill has been moved by a member of parliament but not a minister in the Government. The Government bills consume most of the time of the Parliament. The Bills pass through several stages. :-

- (A) With the introduction of the bill, the First Reading of the bill starts. This stage is simple. The Minister wanting to introduce a bill, informs the presiding officer. He/she puts the question of introduction to the House. When approved, normally by voice-vote, the Minister is called upon to introduce the bill.
 - (B) Second Reading: -This stage is the most vital stage. After general discussion the House has four options: - (i) it may straightaway take the bill into detailed (clause-by-clause) consideration or (ii) refer it to a select committee of the House or, (iii) refers it to the Joint Committee of both the Houses or (iv) circulate it among the people to elicit public opinion. If the bill is referred to a select committee of the House or the joint select committee of both the Houses, the concerned committee examines the bill very minutely. Each and every clause is examined. The committee may also take the opinion of professionals and legal experts. After due deliberations, the committee submits its report to the House.
 - (C) Third Reading:- After the completion of the second reading, the Minister may move that the bill be passed. At this stage normally no discussion takes place. The members may oppose or support the adoption of the bill, by a simple majority of members present and voting.
2. Bill in the other House: -After the bill has been passed by one House, it goes to the other House. Here also the same procedure of three readings is followed. The following consequences may follow: -
 - (A) It may pass it; then the bill is sent to the President for his assent.
 - (B) It may pass the bill with amendments. The bill will be sent back to the first House. In such a case, the first House will consider the amendments and if it accepts the amendments then the bill will be sent to President for his assent. In case the first House refuses to accept the amendments, then it means there is a deadlock.
 - (C) It may reject it. It means there is a deadlock. In order to remove the deadlock between the two Houses, the President may call for a joint sitting of the two Houses. Such joint sittings are very rare in India and till now only three times such meetings have taken place. They were convened on the occasion of passage of Dowry Prohibition Bill 1959, Banking Service Commission (Repeal) Bill, 1978, and Prevention of Terrorism Bill, 2002.
 - (D) President's assent to the Bill:- After being passed by both the Houses or the Joint Sitting of both Houses, the bill is referred to the President for his assent. The President also has some options in this regard: - (i) He may give his assent and with his assent, the bill becomes a law. (ii) He may withhold his assent, but may suggest some changes. In such a case the bill is sent back to the House from where it had originated. But if



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both the Houses pass the bill again with or without accepting the recommendations of the President, the President has no option but to give his assent. (iii) In 1986, the President Giani Zail Singh invented a new option. He neither gave his assent nor he returned it to the Parliament for reconsideration of the Postal Bill. He sought some clarifications, which were never provided. The bill thus, lapsed.

11.3.2 Money Bills

The money bills are such bills which deal with money matters like imposition of taxes, governmental expenditure and borrowings etc. In case there is a dispute as to whether a bill is a money bill or not, the Speaker's decision is final. The money bill has to undergo three readings like an ordinary bill but few considerations are also added here. They are (i) Money bill can be introduced only in Lok Sabha and not in Rajya Sabha and that too with the prior approval of and on behalf of the President. (ii) After being passed by the Lok Sabha, the bill goes to the Rajya Sabha. Rajya Sabha has 14 days at its disposal for consideration and report. (iii) The Rajya Sabha cannot reject the money bill. It may either accept it or make recommendations. (iv) In case Rajya Sabha chooses to make recommendations, the bill will return to Lok Sabha. The Lok Sabha may accept these recommendations or reject them. In any case the bill will not go back to Rajya Sabha. Instead it will be sent directly to the President for his assent. (v) If the Rajya Sabha does not return the bill within 14 days, it will be deemed to have been passed by both the Houses of the Parliament and sent to the President for his assent.

The bill that deals with the money matters i.e. imposition, abolition, alteration of any tax or the regulation of the borrowing of money or giving of any guarantee by the Government of India or amendment of law with respect to any financial obligation undertaken by the Government of India or related to Consolidated Fund or Contingency Fund of India, is called a **Money Bill**.

11.3.3 The Budget

The Budget is an annual financial statement showing expected revenue and expenditure of public money. It is not a bill. Every year the budget is presented by the Finance Minister in the Lok Sabha. The budget – making is a big exercise. The Finance Ministry prepares the budget but it involves the entire government. The budget in India is presented in two parts- Railway Budget and the General Budget.

- (i) **Presentation of the Budget:** - The railway budget is generally presented by the Railway minister in the third week of February, while the general budget is presented normally on the last working day of February. The general budget is presented along with the speech of the Finance Minister. The budget remains a closely guarded secret till its presentation. After the speech, the Finance Minister introduces the Finance Bill, which contains the taxation proposals of the government. The House rises thereafter and there is no discussion on the day of the presentation of the Budget.

A new system of **departmental select committees** has been introduced in India since 1993-94. The Lok Sabha sets up committees for all major Ministries and Departments of Union Government. The select committees consider demand for grants in details and submit their recommendations to the Lok Sabha. After general discussion on the budget, the Houses are adjourned for about three weeks. During this period select committees of Departments of Ministry scrutinise budget demands and may make recommendations.

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This saves time of the full House. The full Lok Sabha now does not discuss demands for grants, one by one, in details.

Quorum means the minimum number of members required to be present to enable the House to meet. This is one-tenth of the total membership of the House. This means the meeting of the Lok Sabha or Rajya Sabha can take place only if one tenth of the total membership of the House is present.



Intext Questions 11.4

1. What is a Government Bill?
2. What is a Private Member's Bill?
3. When are the Private Member's Bills discussed?
4. Which bill cannot be introduced in Rajya Sabha?
5. When is the joint sitting of the two Houses of Parliament held?
6. What constitutes quorum in either House of Parliament?

11.4 Rajya Sabha and Lok Sabha – A Comparative Study

You have seen earlier that the two Houses of Parliament differ in their composition. From the federal point of view the Rajya Sabha represents the States in the Indian Union while the Lok Sabha is the representative of the Indian people. This is also the reason why the method of election differs. The members of Legislative Assemblies of the States elect the members of Rajya Sabha while the people directly participate in the elections to the Lok Sabha. Rajya Sabha is a permanent House while the Lok Sabha is constituted for a specified term of five years. From the constitutional point of view, the relationship between the two Houses can best be studied from three angles which are as follows: -

1. There are certain powers and functions in which Lok Sabha is superior to the Rajya Sabha. Introduction and adoption of money bills and removal of a cabinet by passing no confidence motion are two examples relevant here.
2. In certain areas Rajya Sabha has been vested with exclusive powers. It does not share these powers with the Lok Sabha. For example, it can declare a subject in state as a matter of national importance and facilitate a central legislation.
3. In several areas, both the Houses enjoy equal powers. The examples are adoption of bills other than money bills, approval of proclamation of emergency, moving of adjournment and other types of motions.

Members of both houses of Parliament get Rs. 2 Crore per annum from the Members of Parliament Local Development Fund. This fund is not directly allotted to the MP but to the respective district headquarters and the MP can use it for development projects in his area.



Intext Questions 11.5

Fill in the blanks:

1. Budget can only be introduced in the_____
2. Only _____can create a new All-India service
3. Each member of Parliament gets a sum of Rs. _____ as Local Development Fund every year.



What You Have Learnt

You have learnt in this lesson that the Parliament is country's central legislative body. It has two Houses-Rajya Sabha and Lok Sabha and the President is an integral part of the Parliament. Rajya Sabha is a permanent body, which can never be dissolved. Each member of Rajya Sabha enjoys a term of six years and one-third of its member retire after every two years. The Rajya Sabha represents the States in Indian Union. In contrast, the Lok Sabha or the lower House has a fixed term of five years and the President before the expiry of stipulated five years can also dissolve it. Members of the Lok Sabha are directly elected by people on the basis of universal adult franchise. While the Vice-President chairs the meetings of Rajya Sabha, the Lok Sabha is presided over by the Speaker. You have read about the powers of the Speaker. You have read that the quorum of both the Houses is one-tenth of the total membership. Without the quorum, no meeting of the House/Houses can take place. You have also read in details about the various legislative, executive, financial, electoral, judicial and miscellaneous functions of the Parliament, and its law making procedure. Finally, you have been able to compare the two Houses and find that Lok Sabha is more powerful than Rajya Sabha.



Terminal Exercises

1. Describe the composition of Rajya Sabha and method of election of its members?
2. Describe powers of the Speaker of Lok Sabha?
3. Discuss the functions of Parliament?
4. Describe the law-making procedure in India?
5. Analyse the relationship between the two Houses of the Parliament?
6. Write short notes on the following: -
 - a. Qualification for membership of Rajya Sabha
 - b. Second reading
 - c. The Budget



Notes

MODULE - 3

Structure of Government



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Answers to Intext Questions

11.1

1. 250
2. 12
3. Members of State Assemblies
4. 6 years -- 1/3 entire every 2 years
5. 30 years
6. The Vice-President

11.2

1. 550
2. Uttar Pradesh
3. Two
4. Scheduled Castes and Scheduled Tribes
5. All the Indian citizens of 18 years of age and above
6. President
7. Members of Lok Sabha

11.3

1. Union List
2. State Legislatures
3. Two or more State Legislatures
4. The Parliament

11.4

1. A bill moved by a Minister in the Government is a Government bill.
2. A bill moved by Member of Parliament but not a minister, is called Private member's bill.
3. Private Member's bills are discussed only on Fridays.
4. Money bills cannot be introduced in Rajya Sabha.
5. Joint Sitting of the two Houses is held to remove the deadlock between the two Houses over a non-money bill.
6. One-tenth of the strength of a House.

**Notes****11.5**

1. Lok Sabha
2. Rajya Sabha
3. Rs. 2 crore

Hints for Terminal Exercises

1. Refer to Section 11.1.1
2. Refer to Section 11.1.Q
3. Refer to Section 11.2
4. Refer to Section 11.3
5. Refer to Section 11.4
6. Refer to Section (A) 11.1.2
7. Refer to Section (B) 11.3.1
8. Refer to Section (C) 11.3.3



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12

SUPREME COURT OF INDIA



Notes

The Supreme Court is the highest court of India. It is at the apex of the Indian judicial system. In the previous two lessons, you have learnt that the Union legislature, which is known as Parliament, makes laws for the whole country in respect of the Union and the Concurrent Lists and the executive comprising the President, Council of Ministers and bureaucracy enforces them. Judiciary, the third organ of the government, has an equally important role to play. It settles the disputes, interprets laws, protects fundamental rights and acts as guardian of the Constitution. In this lesson, you will learn that India has a single unified and integrated judicial system and that the Supreme Court is the highest court in India.



A view of the Supreme Court of India



Objectives

After studying this lesson, you will be able to

- recognise that India has a single integrated and unified judicial system;
- describe the composition and organization of the Supreme Court of India;

- explain the powers and jurisdiction of the Supreme Court of India;
- appreciate the role of the Supreme Court of India as guardian of the Constitution and protector of Fundamental Rights;
- recall that public interest litigation plays an important role in the protection of our rights.

**Notes**

12.1 Single Unified and Integrated Judicial System

You have already read in the lesson on the Salient Features of the Indian Constitution that the distinct feature of our judiciary is that it is a single unified integrated judicial system for the whole country. A single judiciary represents a hierarchy of courts. The Supreme Court stands at the top of this single integrated judicial system with High Courts at the State level. Below the High Courts, there are several subordinate courts such as the District Courts which deal with civil cases and the Session Courts which decide criminal cases.

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12.2 The Supreme Court

The Supreme Court is the highest judicial authority of India. It consists of the Chief Justice and 25 other judges. The Parliament may increase the number of judges if it deems necessary. To begin with, besides the Chief Justice, there were only 7 other judges. The Parliament has increased the number of judges from time to time. As in 2005, there are 25 judges besides the Chief Justice who is also called the Chief Justice of India.

The Chief Justice and other judges of the Supreme Court are appointed by the President of India. While appointing the Chief Justice, the President is constitutionally required to consult such other judges of the Supreme Court as he deems proper, but outgoing Chief Justice is always consulted. Normally, the senior most judge of the Supreme Court is appointed as the Chief Justice of India, although there is no constitutional requirement to do so. While appointing other judges, the President is bound to consult the Chief Justice and other senior judges, if he deems proper.

Whenever there is vacancy or a likely vacancy in the Supreme Court, the Chief Justice and four other senior most judges consider various names and recommend the names of the persons to be appointed as judges of the Supreme Court. This system is based on a ruling of the Constitutional Bench of a Supreme Court (handed down in 1993 and reinforced in 1999). Thus, while the Constitution still provides that the President is the appointing authority of the Supreme Court judges, the ruling of the Supreme Court, has since 1999, become virtually binding on the President. The power of selection of judges has passed on to a group of Supreme Court judges, called the Collegium of the Court. The President now



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performs the formality of appointing the nominee of the Supreme Court, after the Law Ministry formally recommends these names to him.

12.2.1 Qualifications, Tenure and Removal of Judges

A person is qualified for appointment as a judge only if he/she is a citizen of India and if he/she fulfils one of the following conditions:

- a) he/she has been for at least five years a Judge of a High Court or two or more than two such courts; or
- b) he/she has been for at least ten years an advocate of a High Court or of two or more than two such courts; or
- c) he/she is, in the opinion of the President, a distinguished jurist.

The Chief Justice of India and other judges of the Supreme Court hold office till they attain the age of 65 years. A judge may voluntarily resign before expiry of his term. In exceptional cases a Supreme Court judge may be removed before the age of retirement, according to the procedure laid down in the Constitution. Thus a judge of the Supreme Court can be removed from office by an order of the President passed after an address by each House of the Parliament supported by a majority of total membership of the House and not less than two-third majority of the members of the House present and voting, passed in the same session, has been presented to the President for such removal on the ground of proved misbehavior or incapacity. So far, proceedings for removal were initiated only in one case against a judge of the Supreme Court. But he/she could not be removed because the resolution could not be passed by the Parliament. It is clear that Supreme Court judges enjoy security of tenure, and the executive cannot arbitrarily remove them.

No person who has held office of a judge of the Supreme Court is allowed to plead as an advocate in any court or before any authority within the territory of India.

The judges of the Supreme Court are paid such salaries as are determined by the Parliament from time to time.

12.2.2 A Court of Record

The Supreme Court is a Court of Record. It has two implications. All its decisions and judgments are cited as precedents in all courts of the country. They have the force of law and are binding on all lower Courts, and indeed the High Courts. As a Court of Record, the Supreme Court can even send a person to jail who may have committed contempt of the court.



Intext Questions 12.1

Fill in the blanks :

- (i) The judges of the Supreme Court are appointed by the _____.
(President / Prime Minister / Law Minister)
- (ii) The Supreme Court of India consists of the Chief Justice and _____ other judges.
(23 / 25 / 27)

- (iii) The judges of Supreme Court retire at the age of _____. (60 / 62 / 65)
- (iv) A person who is a distinguished _____ in the opinion of the President may be appointed as a judge of the Supreme Court. (educationist / jurist / politician)



Notes

12.3 Jurisdiction of The Supreme Court

The scope of powers of Supreme Court to hear and decide cases is called its jurisdiction. The Supreme Court has three types of jurisdictions namely original, appellate and advisory. Let us now examine the three jurisdictions.

12.3.1 Original Jurisdiction

There are certain cases which fall within the exclusive jurisdiction of the Supreme Court. It means that all such cases begin or originate in the Supreme Court, only. It also means that such cases cannot be initiated in any other court. The cases or disputes that come under the original jurisdiction are given below:

- (i)
 - (a) Disputes between the Government of India on the one side and one or more States on the other side.
 - (b) Disputes between the Government of India and one or more States on one side and one or more States on the other side.
 - (c) Disputes between two or more States.
- (ii) The Supreme Court has been invested with special powers in the enforcement of Fundamental Rights. In this connection, it has the power to issue directions or writs.
- (iii) Cases under Public Interests Litigation (PIL) can also be heard directly. (This is an extra Constitutional practice; there is no mention of PIL in the Constitution).

12.3.2 Appellate Jurisdiction

The power of a superior/higher court to hear and decide appeals against the judgment of a lower court is called appellate jurisdiction. The Supreme Court has vast appellate jurisdiction. It hears appeals against the judgment of the High Courts. Thus, it is the highest and the final Court of Appeal. If one of the parties to a dispute is not satisfied with the decision of the High Court, one can go to the Supreme Court and file an appeal. The appeals can be filled in Civil, Criminal and Constitutional cases.

(i) Appeals in Civil Cases

Disputes relating to property, marriage, money, contract and service etc are called civil cases. If a civil case involves a substantial point of law of public importance needing interpretation of the Constitution or law, an appeal against the High Court decision can be made to Supreme Court. Earlier the financial limit of such civil cases was Rs. 20,000/- but now according to the 30th Amendment of 1972, there is no minimum amount for taking a civil appeal to the Supreme Court. If substantial question of interpretation of law or Constitution is involved, appeal may be made against the decision of the High Court.

(ii) Appeals in Criminal Cases

An appeal may be brought to the Supreme Court against a High Court decision in a



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criminal case in a number of situations. Firstly, if a High Court sets aside an appeal or an order of acquittal passed by a lower court and awards death sentence to the accused, he may bring an appeal to the Supreme Court by right.

Secondly, appeal can also be made to the Supreme Court if the High Court withdraws a case from a lower court to itself, declares the accused guilty and awards death sentence. In this situation also appeals can be made as a matter of right and without certificate from the High Court.

The appeal in cases other than these two categories may also be brought to the Supreme Court provided the High Court grants a certificate that the case is fit for appeal to the Supreme Court.

In case where the High Court refuses to certify a case to be fit for appeal to the Supreme Court, one may seek special leave to appeal from the Supreme Court itself. The Supreme Court may grant such a special leave in its discretion but only in rare cases.

(iii) Appeals in Constitutional Cases

A constitutional case is neither a civil dispute, nor concerning a crime. It is a case arising out of different interpretations of Constitution, mainly regarding the fundamental rights. In such Constitutional Cases an appeal can be taken to the Supreme Court only if a High Court certifies that the matter in dispute involves a substantial question of law.

If the High Court denies a certificate of fitness to appeal to the Supreme Court, the Supreme Court can use its discretion and grant special leave to appeal to itself in any case it deems fit.

12.3.3 Advisory Jurisdiction

This power implies Court's right to give advice, if sought. Under advisory jurisdiction, the President of India may refer any question of law or public importance to Supreme Court for its advice. But the Supreme Court is not bound to give advice. In case, the advice or the opinion of the Court is sent to the President, he may or may not accept it. The advice of the Court is not binding on the President. So far, whenever the Court has given its advice, the President has always accepted it. The Court refused to give its advice on the question whether a temple existed at the spot, where Babri Masjid was built at Ayodhya.

12.4 Guardian of The Constitution

The Constitution of India is the supreme law of the land and the Supreme Court is its interpreter and guardian. It does not allow the executive or the Parliament to violate any provision of the Constitution. It can also review any action of the Government, which allegedly violates any provision of the Fundamental Rights. This power of the Supreme Court is called Judicial Review about which we shall study later. If it finds violation of any provision of the Constitution, it may declare the concerned law as **ultra-vires**, or null and void. It is on the basis of this power of Judicial Review of the Supreme Court that it is called guardian of the Constitution. It is also called 'a champion of liberties' and 'a watchdog of democracy'.

In this context the role and the functions of the Supreme Court are wide and comprehensive.

12.4.1 Protector of Fundamental Rights

The Supreme Court has concurrent right with the High Courts to issue directions, orders and writs for enforcement of fundamental rights. These are in the nature of the **writs** of **Habeas Corpus, Mandamus, Prohibition, Certiorari** and **Quo Warranto**. These writs make the Supreme Court a protector and guarantor of fundamental rights. The idea is that in case of violation of a law or right, the Court may issue directions for compliance with the Constitution. Thus, the citizens of India are secure as far as fundamental rights are concerned.

The Supreme Court has the right to declare a law passed by the legislature null and void if it encroaches upon our fundamental rights. It has rejected many legislations, which violated fundamental rights. This shows how the Supreme Court has always served as the guardian of fundamental rights.

Writ: It is an order issued to a lower Court or a functionary of the State to take steps to restore rights of the people.

12.4.2 Review of Its Own Judgment

If the Supreme Court discovers that there are some new facts or evidences or if it is satisfied that some mistake or error took place in its previous decision, it has the power to review the case and alter its previous decisions. This is generally done when a review petition is filed. Normally, review is done by a bigger bench than the one that originally decided the case.



Intext Questions 12.2

Fill in the blanks :

- i. The dispute between two or more States is brought before the Supreme Court under its _____ jurisdiction (original/ appellate/ advisory).
- ii. The Supreme Court is _____ to give advice to the President of India. (bound/ not bound)
- iii. The ultimate power of interpreting the Constitution of India lies with the _____. (High Court/ Supreme Court/ Sessions Courts)

12.5 Judicial Review

It is a process through which judiciary examines whether a law enacted by a legislature or an action of the executive is in accordance with the Constitution or not. The power of the judicial review was first acquired by the Supreme Court of the United States. Now it is freely exercised by the Supreme Court of India and in many other countries. Our High Courts also exercise this power.

Judicial Review does not mean that every law passed by the legislature is taken up by the Supreme Court for review. It only means that the Court will review the law as and when it gets an opportunity. This is possible in two ways. First, the Court can review the law if its validity is challenged. The Supreme Court or High Court may get an opportunity to



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review a law in another situation also. If a person or institution feels that his/her rights are violated, or a certain benefit due to him under a law is being denied, the Court while examining such a petition may come to the conclusion that the law, under which relief is sought, is itself unconstitutional. Therefore, relief may not be granted.

In a democratic country like India the power of Judicial Review is an important guarantee of the rights of the people. Besides, the Supreme Court has been interpreting various provisions of the Constitution. Its rulings are treated as law of the land.

Let us now see how the Supreme Court has played its role as a custodian of the civil liberties and in particular of the fundamental rights.

The Right to Equality is an important right, which ensures equality before law. The Right to Equality also means absence of special privileges and inequality of treatment. So, the Supreme Court in the name of Protective Discrimination has justified the benefits or concessions in the form of reservations or relaxation of eligibility conditions.

The Right to Freedom has given various kinds of freedoms to all of us. But the freedom of press was not mentioned in the Constitution. It was decided by the Supreme Court that freedom of press as a right is implied in right to freedom of expression. Thus, the Court expanded the right to freedom.

The Supreme Court has regarded the Right to Know as an important right to be able to take part in the participatory process of development and democracy. The Court had ruled that the Right to life in, Article 21 implies and includes the right to education and clean environment also.

Regarding the delay in deciding the cases, the Supreme Court has held that delay in trial constitutes denial of justice. It has also laid down that speedy trial, release on bail of under trials, free legal aid to the poor and accused are also the fundamental rights.

The Supreme Court has used its power of judicial review and given various historic decisions to safeguard the rights of the individuals. It has stood guard of linguistic rights of minorities, religious rights of the people, welfare of the workers and daily wage earners.

It has also taken action to protect bonded labour, prevent exploitation of women, children and deprived sections of society.

No doubt, the Supreme Court through its power of judicial review has guarded our rights in various walks of life. The Supreme Court has given momentous decisions. Through, what is called “judicial activism”, the Court has given such rulings as compulsory use of CNG fuel for the use of public transport vehicles in Delhi so that pollution could be brought under control. Similarly, for the protection of lives of people, it has made the use of helmets compulsory for two-wheeler users, and even the pillion riders.

The power of judicial review is an important guarantee of the rights of the people. It does not allow any violation of the Constitution. It has given several new interpretations to the Constitutional provisions. Thus, it has protected as well as expanded the Constitution.

12.6 Public Interest Litigation (PIL)

Earlier, the judiciary, including Supreme Court, entertained litigation only from those parties that were affected directly or indirectly by it. It heard and decided cases only under its

original and appellate jurisdiction. But subsequently, the Court permitted cases on the ground of public interest litigation. It means that even people, who are not directly involved in the case, may bring to the notice of the Court matters of public interest. It is the privilege of the Court to entertain the application for public interest litigation (PIL). The concept of PIL was introduced by Justice P.N. Bhagwati.

PIL is important because justice is now easily available to the poor and the weaker sections of society. The Supreme Court on the basis of letters received from journalists, lawyers and social workers and even on the basis of newspaper reports has taken up a number of matters of public interest. Let us take some examples to know how PIL has helped the people to get justice.

Under PIL, the rights of under trials held under illegal detention have been restored. The Supreme Court ordered the release of many detainees without trial on the ground of their personal liberty, which could not be curbed due to judicial or bureaucratic inefficiency.

The Supreme Court has also taken up steps to free bonded labourers, tribals, slum dwellers, women in rescue homes, children in juvenile homes, child labour etc.

In case of environmental pollution, the Supreme Court has ordered closure of a few factories near Kanpur, Delhi and other places.

With more and more decisions coming from the Supreme Court, the scope of PIL has widened. Now a person can approach the Court through a letter and if the Supreme Court believes that the matter is of public interest, it can consider the letter to be a petition and direct the hearing of the matter so that public interest may be protected. The process of PIL has led to increased judicial activism.



Intext Questions 12.3

- i. What is judicial review?
- ii. What does PIL mean?
- iii. What power of the Supreme Court ensures protection of fundamental rights of people?



What You Have Learnt

The salient feature of Indian Judiciary is that it has a single integrated and unified judicial system.

The Supreme Court is the highest court of the country. It consists of a Chief Justice with 25 other judges. The President of India appoints them. Their names are decided upon and recommended by a Collegium of the Supreme Court judges. They remain in office till the age of 65. They can be removed only through a complicated process.

The Supreme Court hears cases under its original and appellate jurisdictions. It is guardian of the Constitution and protector of fundamental rights. It acts as a Court of Record and can punish for its contempt.

Under Judicial Review the Supreme Court can declare any law null and void if it goes



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against the law of the land. It interprets the Constitution to explain the provisions which are not very clear.

Public Interest Litigation is very helpful to the people in getting justice. It has resulted in judicial activism.



Terminal Exercises

1. Describe the composition of the Supreme Court.
2. How can a judge of the Supreme Court be removed from office.
3. Explain the original and appellate jurisdictions of the Supreme Court.
4. 'Supreme Court is the guardian of Indian Constitution and a protector of Fundamental Rights.' Explain.
5. Explain the importance of PIL in our day-to-day life.



Answers to Intext Questions

12.1

- (i) President
- (ii) 25
- (iii) 65
- (iv) Jurist

12.2

- (i) original
- (ii) not bound
- (iii) Supreme Court

12.3

- (i) Power of the Supreme Court to determine constitutional validity of a law
- (ii) Public Interest Litigation - hearing of matters of public interest
- (iii) Judicial Review

Hints for Terminal Exercises

1. Refer to sections 12.1 to 12.2.2.
2. Refer to section 12.2.1
3. Refer to sections 12.3.1 and 12.3.2
4. Refer to sections 12.4, 12.4.1 and 12.4.2
5. Refer to section 12.6.



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15

HIGH COURTS AND SUBORDINATE COURTS

You have already read about the role of India's highest Court called the Supreme Court. Just below the Supreme Court, there are High Courts which are the highest courts of law in States. The High Courts are part of the Indian judiciary, and function under the supervision, guidance and control of the Supreme Court. As highest court in the State, a High Court supervises the subordinate courts in the State. The High Courts are mainly courts of appeal. These Courts hear appeals from numerous subordinate courts working at district level. The system of appointment of judges, their qualifications and the working of subordinate courts is under the direct control and supervision of the High Court of the State concerned. In this lesson you will read about the State High Courts. You will also get an idea of subordinate courts, including the District and Session Courts.



Objectives

After studying this lesson, you will be able to

- describe the composition and organisation of the High Courts;
- explain the powers and jurisdiction of the High Courts;
- appreciate the role of the High Courts as protector of fundamental rights; and
- explain the working of the subordinate or lower courts.

15.1 The State High Courts

At present there are 21 High Courts for 28 States and seven Union Territories. The High Courts are the highest courts at State level, but being part of integrated Indian judiciary they work under the superintendence, direction and control of the Supreme Court.

15.1.1 Composition

There is a High Court for each State. However, there can be a common High Court for

two or more States. For example, the States of Punjab and Haryana and the Union Territory of Chandigarh have a common High Court situated at Chandigarh. Similarly, the High Court of Guwahati is common for seven northeastern States of Assam, Nagaland, Manipur, Meghalaya, Mizoram, Tripura and Arunachal Pradesh. Delhi, though not a State, has its own separate High Court. Every High Court has a Chief Justice and a number of judges. The number of judges varies from State to State. The number of judges of each High Court is determined by the President.

The judges of the High Courts are appointed by the President of India. While appointing Chief Justice of a High Court, the President has to consult the Chief Justice of the Supreme Court and the Governor of the State concerned. While appointing other judges, the President consults the Chief Justice of the Supreme Court, the Chief Justice of the High Court and Governor of the State concerned. The judges can be transferred from one High Court to another by the President. As mentioned earlier, consultation with the Chief Justice of the Supreme Court in respect of appointments and transfers of the judges of the High Court is also obligatory and binding for the President. While the constitutional status of the President remains intact, the actual selection of judges is made by a team of senior judges of the Supreme Court, headed by the Chief Justice of India in accordance with 1993 ruling as reinterpreted in 1999 by the Supreme Court. This is known as Collegium of the Supreme Court. Its recommendations are binding on the President.

15.1.2 Qualifications, Tenure and Removal of the Judges

In order to be appointed as a judge of a High Court, the person concerned should possess following qualifications:

- (i) He or she should be a citizen of India.
- (ii) He or she should have held a judicial office, at the district level or below for at least ten years.

OR

He or she should have been an advocate in one or more High Courts for at least ten years continuously without break.

Once appointed, the High Court judges hold office till they attain the age of 62 years. After retirement, they may be appointed judges of the Supreme Court or they may practise as advocates either in the Supreme Court or in any High Court other than the High Court in which they served as judges.

A High Court judge may be removed before he or she attains the age of 62 years, only on the ground of incapacity or proved misbehaviour. He or she may be removed if both the Houses of Parliament adopt a resolution by a majority of their total membership and by two thirds majority of members present and voting, separately in each House in the same session. Such a resolution is submitted to the President, who then can remove the concerned judge. This procedure is same as for removal of judges of the Supreme Court.



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**Intext Questions 15.1****Fill in the blanks :**

- (i) At present there are _____ High Courts in India. (18, 20, 21)
- (ii) The Union Territory of _____ has its own separate High Court. (Daman and Diu, Chandigarh, Delhi)
- (iii) The judges of the High Court are appointed by the _____ (Governor, President, Prime Minister)
- (iv) The retirement age of the judges of a High Court is _____ years. (60, 62, 65)

15.2 Powers and Jurisdiction of the High Court

The High Courts have the power to hear and decide cases which are brought directly to it. This power is called Original Jurisdiction. When a High Court hears an appeal against the decision of a lower court, it is called Appellate Jurisdiction. A High Court is mostly a court of appeal. Appeals in both civil and criminal cases are brought to it against the decisions of the lower courts.

15.2.1 Original Jurisdiction

The original jurisdiction of the High Courts is very limited. Cases of alleged violation of fundamental rights can be started in High Courts, or in the Supreme Court. The High Courts have the power to issue orders to restore the fundamental rights of the people. You will recall that these orders are called writs.

Power to Issue Writs: You have read in the 'Right to Constitutional Remedies' in the lesson on Fundamental Rights that the Supreme Courts and High Courts can issue **writs** to ensure that rights of the people are not violated either by State or otherwise. The Constitution has specifically given the power 'to issue certain **writs**' to the High Courts. These Courts can issue writs (which are binding directions of the Court) to any person or authority, including government of the State concerned. The writs in the nature of **Habeas, Corpus, mandamus, prohibition, quo warranto**, and **certiorari** (explained in lesson 6) for the enforcement of rights of the people. This power is exercised in the original jurisdiction of the High Court, and is not derogatory to similar power of the Supreme Court.

A High Court can hear election petition in its original jurisdiction, challenging the election of a Member of Parliament or State Legislative Assembly. It can set aside the election of a member if it finds that he or she used corrupt means in his or her election. All the lower courts function under the superintendence control and guidance of the High Court in the State.

High Courts hear appeals against the judgements of the subordinate courts. In civil cases, appellate jurisdiction extends to all such cases which involve an amount exceeding Rs. 5 lakh. Any party to a civil dispute, which is dissatisfied with the decision of the

District Court may appeal against the decision of the District Court in the High Court. It also hears cases relating to patents and designs, succession, land acquisition, insolvency and guardianship.

The High Courts hear and decide appeals against decisions of the sessions courts in criminal cases. An accused who is found guilty by a sessions court, and awarded a sentence may file an appeal against the verdict of the sessions court. Sometimes even State may appeal against a sessions court judgement for enhancement of punishment. The High Court may accept the decision of the sessions court, or alter it and increase or reduce the sentence, or change the nature of sentence, or may acquit an accused. However, if an accused is awarded death sentence by the sessions court, the sentence must be confirmed by the High Court before the person is hanged to death. Even if the accused does not file an appeal against death sentence, the State refers it to the High Court for confirmation.

15.2.2 Transfer of Cases to the High Court

If a High Court is satisfied that a case pending in a subordinate court involves a substantial question of law as to the interpretation of the Constitution, the High Court may withdraw such a case from the lower court. After examining the case, the High Court may either dispose it off itself, or may return it to the lower court with instructions for disposal of the case.

15.2.3 Superintendence of Subordinate Courts

A High Court has the right of superintendence and control over all the subordinate courts in all the matter of judicial and administrative nature. In the exercise of its power of superintendence, the High Court may call for any information from the lower courts; may make and issue general rules and prescribe norms for regulating the practice and proceedings of these courts; and it may issue such directions, from time to time, as it may deem necessary.

It can also make rules and regulations relating to the appointment, demotion, promotion and leave of absence for the officers of the subordinate courts.

15.2.4 Court of Record

A High Court is also a court of record, like the Supreme Court. Lower courts in a State are bound to follow the decisions of the High Court which are cited as precedents. A High Court has also the power to punish for its contempt or disrespect.



Intext Questions 15.2

1. Though not a state, _____ has High Court.
2. Which punishment awarded by lower courts cannot be implemented without confirmation by the High Court?

.....

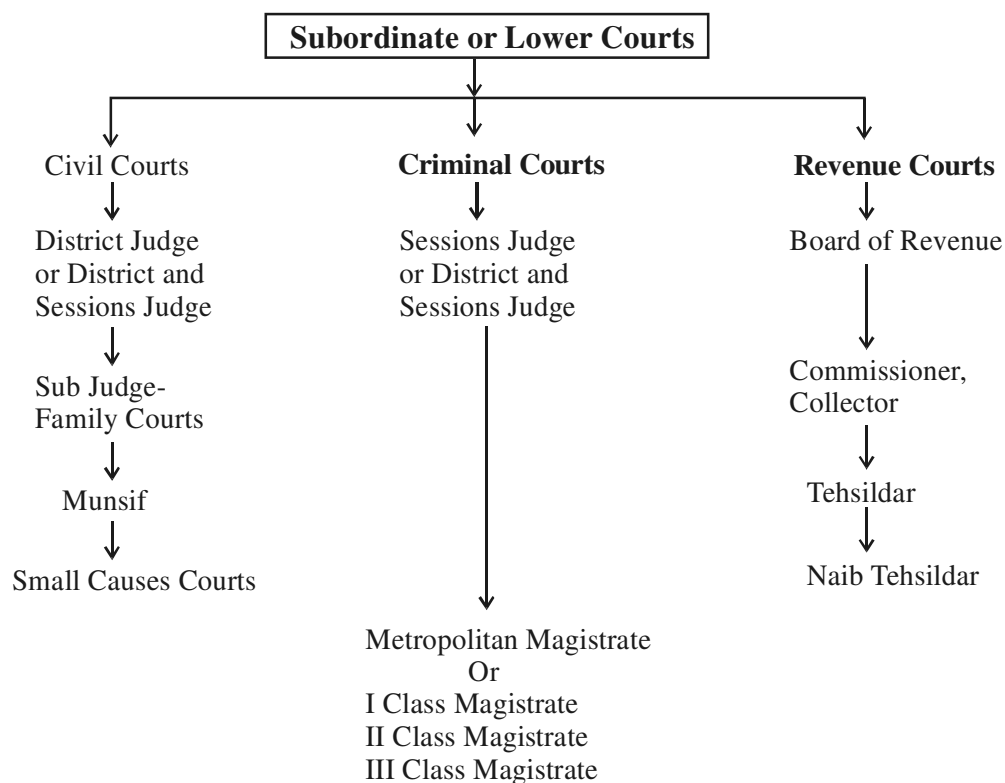
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15.3 Subordinate or Lower Courts in Districts



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In each district of India there are various types of subordinate or lower courts. They are civil courts, criminal courts and revenue courts. These Courts hear civil cases, criminal cases and revenue cases, respectively.

Civil cases pertain to disputes between two or more persons regarding property, breach of agreement or contract, divorce or landlord – tenant disputes. Civil Courts settle these disputes. They do not award any punishment as violation of law is not involved in civil cases.

Criminal cases relate to violation of laws. These cases involve theft, dacoity, rape, pick-pocketing, physical assault, murder, etc. These cases are filed in the lower court by the police, on behalf of the state, against the accused. In such cases the accused, if found guilty, is awarded punishment like fine, imprisonment or even death sentence.

Revenue cases relate to land revenue on agriculture land in the district.

15.3.1 Qualifications and Appointment of Judges

The judges of subordinate courts are appointed by the Governor in consultation with the Chief Justice of the High Court of the concerned State. These days, in most of the States judicial service officers including the magistrates are selected through competitive examinations held by the State Public Service Commission. They are finally appointed by the Governor.



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Any person who has been an advocate for at least seven years or one who is in the service of the State or the Central Government is eligible to be a judge of the District Court provided he/she possess the required legal qualifications.

15.3.2 Civil Courts

The Court of the District Judge is the highest civil court in a district to deal with civil cases. Very often the same court is called the Court of District and Sessions Judge, when it deals with both civil and criminal cases at the district level. The judge of this court is appointed by the Governor of the State.

Below the Court of District Judge, there may be one or more courts of sub judges in the district. Separate family courts, which are equal to courts of sub judge, have been established in districts to exclusively hear cases of family disputes, like divorce, custody of children, etc. Below them there are courts of munsifs and small causes courts which decide cases involving petty amounts. No appeal can be made against the decisions of the small causes courts. All these courts hear and settle civil disputes.

The Court of the District Judge (called the District Courts) hears not only appeals against the decisions of the courts of sub judges, but also some of the cases begin directly in the Court of District Judge itself. Appeals against the decisions of this court may be heard by the High Court of the State.

Civil Courts deal with cases pertaining to disputes between two or more persons regarding property, divorce, contract, and breach of agreement or landlord – tenant disputes.

15.3.3 Criminal Courts

The Court of the Sessions Judge (known as Sessions Courts) is the highest court for criminal cases in a district. Below this court, there are courts of magistrates of First, Second and Third class. In metropolitan cities like Delhi, Calcutta, Mumbai and Chennai, First Class Magistrates are called Metropolitan Magistrates. All these criminal courts are competent to try the accused and to award punishment, as sanctioned by law, to those who are found guilty of violation of law.

Criminal Courts hear criminal cases which are related to violation of laws. These cases involve theft, dacoity, rape, arson, pick-pocketing, physical assault, murder etc. In such cases the guilty person is awarded punishment. It may be fine, imprisonment or even death sentence.

Normally every accused is presented by the police before a magistrate. The magistrate can finally dispose off cases of minor crime. But, when a magistrate finds **prima-facie** case of serious crime he/she may commit the accused to the sessions court. Thus, sessions courts try the accused who are sent upto them by the magistrate concerned.

As mentioned above, an accused who is awarded death sentence by the sessions court, can be hanged to death only after his sentence is confirmed by the High Court.

15.3.4 Revenue Courts

Revenue courts deal with cases of land revenue in the State. The highest revenue court in the district is the Board of Revenue. Under it are the Courts of Commissioners, Collectors, Tehsildars and Assistant Tehsildars. The Board of Revenue hears the final appeals against all the lower revenue courts under it.

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Land Revenue: It is a sort of tax on agriculture land which the government collects from the farmers.



Intext Questions 15.3

1. Name the highest civil court of a district.
.....
2. Which is the highest criminal court in a district?
.....
3. Fill in the blanks:
 - (i) There can be no appeal against the decision of _____ Courts.
 - (ii) The highest revenue court in a State is the _____.



What You Have Learnt

The distinct feature of our judiciary is that it has a single integrated and unified judicial system.

The High Court is the highest court in a State. The number of judges varies from State to state. The President appoints them. They hold office up to the age of 62 years. They may be removed earlier by the President on receipt of a request from both Houses of Parliament.

It has original and appellate jurisdiction. It is the protector of the fundamental rights. It is also court of record, and can punish for its contempt.

There are 21 High Courts for 28 States and seven Union Territories.

In every district there are subordinate civil, family, criminal and revenue Courts. Appeals against the decisions of the lower courts are taken to the High Court of the State.



Terminal Exercises

1. Describe the composition of the High Court.
2. How can a judge of the High Court be removed from office?
3. Explain the original jurisdiction of the High Court.
4. Describe the appellate jurisdiction of the High Court.
5. How are the subordinate courts in a district organised?
6. In what way are the powers and functions of civil courts different from criminal courts in a district?



Answers to Intext Questions

15.1

- (i) 21
- (ii) Delhi
- (iii) President
- (iv) 62

15.2

- (1) Delhi
- (2) Death Sentence

15.3

- (1) Court of the District Judge (District Court)
- (2) Court of the Sessions Judge (Sessions Court)
- (3) (i) Small Causes Courts
(ii) Board of Revenue

Hints for Terminal Exercises

- (1) Refer to Section 15.1.1
- (2) Refer to Section 15.1.2
- (3) Refer to Section 15.2.1
- (4) Refer to Section 15.2.2
- (5) Refer to Section 15.3
- (6) Refer to Sections 15.3.2 and 15.3.3



Notes



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16

LOCAL GOVERNMENT: URBAN AND RURAL

In your day-to-day life you require such basic facilities as water supply, drainage, garbage disposal, public health and sanitation. You may have watched such activities as installation or repairing of street lights, construction or repairing of roads or say renovation of a village tank. Who does all this? It is not the Central or the State government which immediately comes to your mind. It is the local government with which you can immediately relate yourself.

In this lesson you will study about local government at various levels.



Objectives

After studying this lesson, you will be able to

- appreciate that the local government has an important role to play both in the rural as well as urban areas;
- describe the salient features of the 73rd and 74th amendments of the Constitution;
- describe the organisation and functions of the local bodies (Urban and Rural);
- identify the financial resources of local bodies;
- explain the functions of local bodies; and
- evaluate the performance of Panchayati Raj institutions as instruments of democratic decentralisation (grassroots democracy).

16.1 Urban Local Bodies

In our towns and cities, we have local government institutions that are called Municipalities and Municipal Corporations. An urban area is usually a compact and densely populated area. Municipal administration is necessary to provide basic civic facilities like water supply, drainage, garbage disposal, public health, primary education, construction and maintenance



of roads and sanitation. As local level democratic government, the municipal institutions that are elected by the local people, raise taxes and collect fees and fines from the public. They regulate city life by laying down regulations regarding buildings, road network and garbage disposal. There are many developmental activities undertaken by them like women and child development, slums improvement etc. Municipal government has made possible participative urban development and local management of civic facilities.

16.2 Reforms Introduced by the 74th Constitutional Amendment

The recommendations and suggestions of several commissions and committees appointed by the Central Government, from time to time, to improve the urban bodies resulted in the enactment of the Constitution (Seventy-fourth Amendment) Act, 1992. Earlier, State Governments were free to manage their local bodies as they wished. The Amendment made statutory provisions for the establishment, empowerment and functioning of urban local self-governing institutions. The main provisions of this Act can be grouped under two categories—compulsory and voluntary. Some of the compulsory provisions which are binding on all States are:

- (i) Constitution of nagar panchayats, municipal councils and municipal corporations in small, big and very big urban areas respectively;
- (ii) Reservation of seats in urban local bodies for Scheduled Castes / Scheduled Tribes roughly in proportion to their population;
- (iii) Reservation of seats for women up to one-third seats;
- (iv) The State Election Commission, constituted in order to conduct elections in the panchayati raj bodies (see 73rd Amendment) will also conduct elections to the urban local self- governing bodies;
- (v) The State Finance Commission, constituted to deal with financial affairs of the panchayati raj bodies also looks into the financial affairs of the local urban self-governing bodies;
- (vi) Tenure of urban local self-governing bodies is fixed at five years and in case of earlier dissolution fresh elections are held within six months;

Some of the voluntary provisions which are not binding, but are expected to be observed by the States are:

- (i) Giving voting rights to members of the Union and State Legislatures in these bodies;
- (ii) Providing reservation for backward classes;
- (iii) Giving financial powers in relation to taxes, duties, tolls and fees, etc;
- (iv) Making the municipal bodies autonomous and devolution of powers to these bodies to perform some or all of the functions enumerated in the Twelfth Schedule added to the Constitution through this Act and/or to prepare plans for economic development.

In accordance with the 74th Amendment, municipal corporations and municipalities (municipal boards or municipal committees) are now regulated in a fairly uniform manner in all the States. However you must remember that local self-government continues to be a subject in the State List. Thus, the 73rd and 74th amendments provide framework for the States in



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respect of local government. Thus, each State has its own Election Commission which conducts elections to all local bodies after regular intervals of five years. Each State has its Finance Commission to regulate finances of the local bodies. Seats are reserved in the corporations and municipalities for Scheduled Castes and Tribes. One-third seats are reserved for women in all local bodies – urban and rural.

16.3 Composition

The Municipal bodies are constituted of persons chosen by direct election from the territorial constituencies in the municipal area. However, the Legislature of a State may, by law, provide for the representation in a municipal body of persons having special knowledge or experience of municipal administration, the members of Rajya Sabha, Lok Sabha and the members of Legislative Council and Legislative Assembly of the State, representing constituencies, which comprise wholly or partly the Municipal area and the Chairpersons of Wards Committees.

Empowerment of weaker sections of society and women by reserving seats for such groups is one of the important constitutional provisions of the Constitutional Amendment. The offices of chairperson are also be reserved for SC/ST and women. Thus at least one year, out of five year duration of Municipal Corporation of Delhi, the office of Mayor is reserved for a women, and one year is reserved for a Councillor of Scheduled Caste. It gives a term of five years to the municipalities and if any of them is to be dissolved, it must be given an opportunity of being heard.

To be able to understand the composition of urban local bodies, we give below a very brief account of **Municipal Corporation of Delhi**. This Corporation covers entire area of Delhi, except small portion of New Delhi where seat of Union Government is situated. The Corporation has 134 elected members (Councillors). They are directly elected from single-member wards on the basis of universal adult franchise. Several seats are reserved for women and for Scheduled Castes. It is elected for 5 years. Besides, there are 15 persons nominated by the Delhi Legislative Assembly. The Corporation functions through various Committees – the standing committee being the most important. The political head of the Corporation is the Mayor, elected by the Councillor for one year. A civil servant, called the Municipal Commissioner is its administrative head. Most other Corporations are generally based on this pattern.

16.4 Function of Urban Local Bodies

It is a common practice to divide the organisation of a corporation or a municipality into two parts: (a) the deliberative, and (b) the executive part. The corporation, council or municipal board or council consisting of the elected representatives of the people constitutes the deliberative part. It acts like a legislature. It discusses and debates on general municipal policies and performance, passes the budget of the urban local body, frames broad policies relating to taxation, raising of resources, pricing of services and other aspects of municipal administration. It keeps an eye on municipal administration and holds the executive accountable for what is done or not done. For instance, if water supply is not being properly managed, or there is an outbreak of epidemic, the deliberative wing criticises the role of the administration and suggests measures for improvement. The executive part of municipal administration is looked after by the municipal officers and other permanent employees. In the corporations, the Municipal Commissioner is the executive head, and all other

departmental officers like engineers, finance officers, health officers etc. function under his/her control and supervision. In a large corporation such as Delhi or Mumbai Municipal Corporation the Commissioner is usually a senior IAS officer. In the municipalities, the executive officer holds a similar position and looks after the overall administration of a municipality.

Municipal functions are generally classified into obligatory and discretionary types. The obligatory (compulsary) functions are those that the municipal body must perform. In this category fall such functions as water supply; construction and maintenance of roads, streets, bridges, subways and other public works, street lighting; drainage and sewerage; garbage collection and disposal; prevention and control of epidemics. Some other obligatory functions are public vaccination and inoculation; maintenance of hospitals and dispensaries including maternity and child welfare centres; checking food adulteration; removal of slums; supply of electricity; maintenance of cremation and burial grounds; and town planning. In some States some of these functions may be taken over by State Government.

The discretionary functions are those that a municipal body may take up if funds permit. These are given less priority. Some of the discretionary functions are construction and maintenance of rescue homes and orphanages, housing for low income groups, organising public receptions, provision of treatment facilities, etc.

Municipal Corporations take up more functions than municipalities. There are corporations like Delhi, Mumbai, Vadodara, Pune, Ahmedabad which are known for their various city development activities in such areas as public transport, public parks and open spaces including municipal zoo, and even milk and electricity supply.

16.4.1 Financial Resources of Urban Local Bodies

Municipal corporations and municipalities raise their own resources from a variety of sources, as provided for in the respective municipal laws. Their own revenue sources are income from (i) taxes, (ii) fees and fines, and (iii) earning from municipal enterprises like land, tanks, markets, shops, etc. Besides these bodies receive grants from the State.

Property tax on land and buildings is the most important source of income of most urban local bodies. Other taxes levied by them are advertisement tax, professional tax etc. Octroi still remains an important source of income of municipalities in Western India. Now, the trend is toward abolishing this tax as it obstructs the free flow of traffic on highways. They also charge fines for breach of municipal rules and regulations. From municipal shops and markets and rest houses, municipalities often earn considerable sum of revenue. It is a general practice for States to give grants to their municipal bodies to improve their revenue position. State grants-in-aid may be on ad hoc basis; or, it can be on the basis of certain principles like size of population, slums concentration, location of town, etc.

Some of the taxes and rates collected by urban bodies are:

Property Tax; Water tax for water supplied; Seweraging Tax, Fire Tax; Taxes on animals and vehicles; Theatre Tax; Duty on transfer of Property; Octroi Duty on certain items brought into the city; Education Cess (Tax); and Professional Tax.

Some other sources of income are fines and fees such as Fees on Tehbazari on takhats and chabutras; licence fees – on cycle rickshaw, bicycles etc.; rent from municipal shops; and fines imposed for violation of municipal by laws.

**Notes**



Notes



Intext Questions 16.1

Fill in the blanks:

- Metropolitan (large) cities like Delhi and Mumbai have _____ as their urban local bodies.
(Municipal Corporation/Municipal Committee/Nagar Panchayat)
- _____ seats are now reserved for women in local bodies.
(Half/One-third/One-fourth)
- State Election Commission conducts election of _____.
(State Governor/Vidhan Sabha/Municipal Corporations and Committees)
- Normal tenure of urban local bodies is _____ years.
(three/four/five).
- The administrative head of a municipal corporation is designated as _____.
(Chairman/Mayor/Municipal Commissioner)
- _____ is an obligatory function of the urban local bodies.
(Maintenance of orphanages/construction of houses for low income group/supply of drinking water)
- _____ is the major source of income of urban local bodies.
(Property Tax/Fire Tax/Education Cess)

16.5 Panchayati Raj Institutions

The concept of panchayati raj is not only based on the ancient Indian belief that “God lives in the Panch”, or panch parmeshwar, but was very enthusiastically propounded by Mahatma Gandhi. He believed in the power to all sections of people, and in grassroots democracy. That is possible only through village panchayats.

Importance of Panchayati Raj

Right up to the British period, panchayats played a very important role in the social life of the village and also resolved minor disputes among villagers. Under the British rule, panchayats lost the respect and power which they had earlier enjoyed because of the new system of courts, laws and revenue collection. Though in independent India one of the Directive Principles of State Policy in the Constitution directed the Union and State Governments to try to take steps to organise village panchayats and give them such powers and authority as may be necessary to enable them to act as units of self-government panchayati raj was not taken up seriously by the states. However, they are now given Constitutional status.



Notes

16.5.1 Recommendations of The Balwant Rai Mehta Committee and The Ashok Mehta Committee

The Balwant Rai Mehta Committee (1957) suggested ways of democratic decentralisation in a *three-tier structure of panchayati raj*. This meant that panchayati raj should be set up at three levels. They should be furnished with sufficient powers and resources. These three tiers of panchayati raj are:

- zila parishad at district level;
- panchayat samiti at intermediate or block level;
- village or gram panchayat at village level.

In this scheme, panchayat samiti was to be the most important. These three bodies were interlinked as the lower body was represented in the higher body through its chairperson. Panchayati raj of the Balwant Rai Mehta Committee pattern was first introduced by Rajasthan in 1959. Later, other States also followed. Initially, both the people and the states were enthusiastic about Panchayati Raj. However panchayati raj institutions began to decline very soon owing to government indifference and political interference.

The Ashok Mehta Committee set up by the government to review panchayati raj submitted its report in 1978. This Committee felt that panchayati raj had inculcated political awareness among rural masses. However, it had not been successful in carrying out economic development. Unlike the Balwant Rai Mehta Committee, the Asoka Mehta Committee suggested a *two tier structure of panchayati raj*. These two-tiers were to be:

- zila parishad at district level;
- mandal panchayat, an administrative unit between village panchayat and panchayat samiti. In the two-tier system, the main emphasis was laid on zila parishad and not on panchayat samiti as in the case of the earlier committee report. However the recommendations of the Ashok Mehta Committee could not be implemented due to the collapse of the Janata Government in 1980.

The States like Bihar, Uttar Pradesh and Tamil Nadu did not hold elections to panchayats for long. At the same time, many new agencies were set up by the Central Government like District Rural Development Agency, to take up development programmes in collaboration with the State Governments, with panchayats having no role in these programmes. They themselves hardly had any funds to take up development projects in the villages.

16.5.2 Salient Features of 73rd Amendment

The 73rd amendment to the Constitution enacted in 1992 made statutory provisions for the establishment, empowerment and functioning of Panchayati Raj institutions. Some provisions of this amendment are binding on the States while others have been left to be decided by respective State Legislatures at their discretion. The salient features of this amendment are as follows:

Some of the compulsory requirements of the new law are:

- Organisation of Gram Sabhas;



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- creation of a three-tier Panchayati Raj Structure at the Zila, Block and Village levels;
- almost all posts, at all levels to be filled by direct elections;
- minimum age for contesting elections to the Panchayati Raj institutions be twenty-one years;
- the post of Chairman at the Zila and Block levels should be filled by indirect election;
- there should be reservation of seats for Scheduled Castes/ Scheduled Tribes in Panchayats, in proportion to their population, and for women in Panchayats up to one-third seats;
- State Election Commission to be set up in each State to conduct elections to Panchayati Raj institutions;
- the tenure of Panchayati Raj institutions is five years, if dissolved earlier, fresh elections to be held within six months; and
- a State Finance Commission is set up in each State every five years. (Please refer to 74th Amendment discussed above)

Some of the provisions which are not binding on the States, but only guidelines are:

- Giving voting rights to members of the Central and State legislatures in these bodies;
- providing reservation for backward classes; and
- the Panchayati Raj institutions should be given financial powers in relation to taxes, levy fees etc. and efforts shall be made to make Panchayats autonomous bodies.

16.6 Composition of Panchayats

The Panchayati Raj system, as established in accordance with the 73rd Amendment, is a three-tier structure based on direct elections at all the three tiers : village, intermediate and district. Exemption from the intermediate tier is given to the small States having less than 20 lakhs population. It means that they have freedom not to have the middle level of panchayat. All members in a panchayat are directly elected. However, if a State so decides, members of the State Legislature and Parliament may also be represented in district and middle level panchayats. The middle level panchayats are generally known as Panchayat Samitis. Provisions have been made for the inclusion of the chairpersons of the village panchayats in the block and district level panchayats. The provision regarding reservation of seats for Scheduled Castes/Scheduled Tribes has already been mentioned earlier. However it should also be noted here that one-third of total seats are reserved for women, and one-third for women out of the Quota fixed for Scheduled Castes/Tribes. Reservation is also provided for offices of Chairpersons. The reserved seats are allotted by rotation to different constituencies in a panchayat area. State Legislatures can provide for further reservation for other backward classes (OBC) in panchayats.

(i) Term

The Amendment provides for continuous existence of panchayats. The normal term of a panchayat is five years. If a panchayat is dissolved earlier, elections are held within six months. There is a provision for State level Election Commission, for superintendence,

direction and control of preparation of electoral rolls and conduct of elections to panchayats.

(ii) Powers and responsibilities of panchayats

State Legislatures may endow panchayats with such powers and authority as may be necessary to enable the panchayats to become institutions of self-government at grassroots level. Responsibility may be given to them to prepare plans for economic development and social justice. Schemes of economic development and social justice with regard to 29 important matters such as agriculture, primary and secondary education, health and sanitation, drinking water, rural housing, welfare of weaker sections, social forestry and so forth may be made by them.



Notes

16.7 Three-tier Structure of Panchayati Raj

(i) Panchayats at Village Level

This is the basic or grassroots level of panchayati raj. The panchayat for a village or a group of villages includes (a) Gram Sabha, the symbol of direct democracy; (b) Gram Panchayat and (c) Nyaya Panchayat.

(a) Gram Sabha

Recognition to Gram Sabha, an institution of direct democracy, is an important feature of the 73rd amendment. Gram Sabha consists of all adult residents within a village or group of villages. Thus it is the only institution of direct democracy in the country.

Generally, two meetings of Gram Sabha are held every year. In these meetings, the Gram Sabha as the general body of the people hear annual statement of accounts, audit or administrative report of panchayats. It also recommends new development projects to be undertaken by panchayats. It also helps in identifying poor people of the village so that they may be given economic assistance.

(b) Gram Panchayat

The lower tier of the panchayati raj system in the country is the village level panchayat. It is known in most of the States as Gram Panchayat: The members of a Gram Panchayat are directly elected by the people. The number of members of a Gram Panchayat is fixed on the basis of village population. Hence, it differs from panchayat to panchayat. Election is held on the basis of single-member constituency. As already mentioned, one-third of the total number of seats are reserved for women; and some for Scheduled Castes and Tribes including one-third for women of Scheduled Castes and Tribes.

Chairpersons of Gram Panchayats are called by different names in different States as 'Sarpanch, Pradhan or President. There is a Vice-Chairperson also. Both are elected by members of the panchayat. Gram Panchayats generally hold their meetings once a month. Panchayats at all levels constitute committees for transaction of their business.

(c) Nyaya Panchayat

These are judicial panchayats and reminder of ancient village panchayat that settled local disputes. They are set up to provide speedy and inexpensive justice. Jurisdiction of Nyaya Panchayat varies from State to State – one such panchayat is set up for five or more gram panchayats. Their tenure is between 3 and 5 years, as determined by State law. Nyaya Panchayats generally deal with petty civil and criminal cases, and can impose fine upto



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Rs. 100 only. There are no lawyers to plead the cases in Nyaya Panchayat. Parties to the disputes argue their own cases.

(ii) Panchayat Samiti

The second or middle tier of the panchayati raj is Panchayat Samiti which provides a link between Gram Panchayat and a Zila Parishad. The strength of a Panchayat Samiti also depends on the population in a samiti area. In Panchayat Samiti, some members are directly elected. Sarpanchs of gram panchayats are ex-officio members of Panchayat Samitis. However, all the sarpanchs of Gram Panchayats are not members of Panchayat Samitis at the same time. The number varies from State to State and is rotated annually. It means that only chairpersons of some Gram Panchayats in a Samiti area are members of Panchayat Samiti at a time. In some panchayats, members of Legislative Assemblies and Legislative Councils as well as members of Parliament who belong to the Samiti area are co-opted as its members. Chairpersons of Panchayat Samitis are, generally elected from among the directly elected members.

(iii) Zila Parishad

Zila Parishad at the district level is the uppermost tier of the panchayati raj system. This institution has some directly elected members whose number differs from State to State as it is also based on population. Chairpersons of Panchayat Samitis are ex-officio members of Zila Parishads. Members of Parliament, Legislative Assemblies and Councils belonging to the districts are also nominated members of Zila Parishads.

The chairperson of a Zila Parishad, called Adhyaksha or President, is elected from among the directly elected members. The vice-chairperson is also elected similarly.

Zila parishad meetings are conducted once a month. Special meetings can also be convened to discuss special matters. Subject committees are also formed.

Ex-officio: A person who holds an office, not because he/she is elected to that post, but by virtue of the fact that he/she holds another office.

16.7.1 Functions of Panchayati Raj Institutions

All panchayati raj institutions perform such functions as are specified in state laws relating to panchayati raj. Generally speaking the functions are as under:

(i) Functions of Gram Panchayat

Some States distinguish between obligatory (compulsory) and optional functions of Gram Panchayats while other States do not make this distinction. The civic functions relating to sanitation, cleaning of public roads, drains and ponds, public toilets and lavatories, primary health care, vaccination, supply of drinking water, constructing public wells, street lighting, social health and primary and adult education, etc. are obligatory functions of village panchayats. The optional functions depend on the resources of the panchayats. They may or may not perform such functions as tree plantation on road sides, setting up of breeding centres for cattle, organising child and maternity welfare, promotion of agriculture, etc.

After the 73rd Amendment, the scope of functions of Gram Panchayat was widened. Such important functions like preparation of annual development plan of panchayat area, annual budget, relief in natural calamities, removal of encroachment on public lands, implementation

and monitoring of poverty alleviation programmes are now expected to be performed by panchayats. Selection of beneficiaries through Gram Sabhas, public distribution system, non-conventional energy source, improved Chullahs, bio-gas plants have also been given to Gram Panchayats in some states.

(ii) Functions of Panchayat Samiti

Panchayat Samitis are at the hub of developmental activities. They are headed by Block Development Officers (B.D.Os). Some functions are entrusted to them like agriculture, land improvement, watershed development, social and farm forestry, technical and vocational education, etc. The second type of functions relates to the implementation of some specific plans, schemes or programmes to which funds are earmarked. It means that a Panchayat Samiti has to spend money only on that specific project. The choice of location or beneficiaries is, however, available to the Panchayat Samiti.

(iii) Functions of Zila Parishad

Zila Parishad links panchayat samitis within the district. It coordinates their activities and supervises their functioning. It prepares district plans and integrates samiti plans into district plans for submission to the State Government.

Zila Parishad looks after development works in the entire district. It undertakes schemes to improve agricultural production, exploit ground water resources, extend rural electrification and distribution and initiate employment generating activities, construct roads and other public works.

It also performs welfare functions like relief during natural calamities and scarcity, establishment of orphanages and poor homes, night shelters, welfare of women and children, etc.

In addition, Zila Parishads perform functions entrusted to them under the Central and State Government sponsored programmes. For example, Jawahar Rozgar Yojna is a big centrally sponsored scheme for which money is directly given to the districts to undertake employment-generating activities.

**Intext Questions 16.2****Fill in the blanks :**

1. The concept of panchayati raj was advocated by _____
(Mahatma Gandhi/Jawaharlal Nehru/Sardar Patel)
2. Three-tier system was first advocated by the Committee headed by _____
(Ashok Mehta/Balwant Rai Mehta/Suresh Mehta)
3. The middle-tier of Panchayati Raj is _____
(Zila Parishad/Panchayat Samiti/Gram Panchayat)

**Notes**

MODULE - 3

Structure of Government



Notes

Political Science

4. The 73rd Amendment has provided for a _____ to regulate the finances of local bodies.
(State Planning Board/State Election Commission/State Finance Commission)
5. The _____ is responsible for co-ordinating developmental activities in a Panchayat Samiti areas.
(District Magistrate/S.D.M./B.D.O.)
6. Petty disputes are settled in the rural areas by _____.
(Gram Panchayat/Nyaya Panchayat/Panchayat Samiti)
7. _____ is the symbol of direct democracy.
(Gram Sabha/Gram Panchayat/Zila Parishad)
8. Chairpersons of Panchayat Samitis are ex-officio members of _____.
(Nyaya Panchayat/Gram Sabha/Zila Parishad)

16.8 Sources of Income of Panchayats

Panchayats can discharge their functions efficiently only if they have sufficient financial resources. For resources, panchayats depend mainly on grants from State Government. They also have taxation powers and have some income from owned or vested assets. They may get a share in the taxes, duties, tolls and fees that are levied and collected by the State Government. Let us now see what financial resources panchayats have to perform their functions.

(i) Gram Panchayat

In most States the power of levying taxes is vested in gram panchayats. House tax, tax on cattle, immovable property, commercial crops, drainage tax, sanitation fee, tax on produce sold in village, fee for supply of water to households, lighting tax are some of the taxes and fees levied by panchayats. Panchayats can also levy entertainment tax on temporarily stationed theatres, taxes on animals and non-mechanically propelled vehicles plied for hire.

Gram panchayats also receive funds as income from property owned by them as common grounds, jungles, cattle ground etc. The sale proceed of dung, refuse and carcasses (dead bodies of animals) is also retained by gram panchayats. They also receive their share in land revenue from the State.

(ii) Panchayat Samitis

Panchayat Samitis can impose tax on facilities provided by them as water for drinking or irrigation purposes, lighting arrangements, tolls for bridges maintained by them. The property of Panchayat Samitis includes public buildings, public roads constructed or maintained out of their funds and all land or other property transferred to them by the government. Panchayats receive income from the property vested in them. They also receive grants from the State Governments. Funds are transferred by Zila Panchayats or State

Governments along with schemes to be implemented by the intermediate institutions of panchayati raj.

Toll tax is charged from those who use a facility. Thus, those who pass over a bridge may have a nominal amount of money as toll for the bridge.

(iii) Zila Parishads

Zila Parishads are also authorised to impose taxes. They may impose taxes on persons carrying on business in rural areas for six months, taxes on brokers, commission agents in markets established by them, also tax on sale of goods in these markets. Tax on land revenue can also be imposed by Zila Parishads. When development schemes are entrusted to them, necessary funds are also provided. They also receive grants from the State, donations from charitable institutions, and may also raise loans.

**Notes****16.9 Evaluation of Panchayati Raj**

The concept of grassroots democracy at both rural and urban levels has not flourished in the country. Some of the major reasons behind this failure are politicisation of administration, entry of criminal elements in the elected bodies, rampant corruption, caste and group division, priority to self interest over public welfare and electoral malpractices. The 73rd amendment seeks to radically alter the power relations in the villages by reserving seats for scheduled castes, tribes, backward classes and women. However, in the absence of proper education, training and economic independence, these groups are unable to assert themselves. Illiteracy poverty and unemployment are the major handicaps. Urgent steps need to be taken to effectively deal with these problems in order to facilitate participatory development. Though the provision for reservation of seats for women has been manipulated by their male counterparts – mostly their husbands – it has certainly empowered them to some extent. They are increasingly becoming aware of their rights and responsibilities and are asserting themselves in certain cases. This is definitely a very positive development.

The latest Constitutional Amendments have certainly broadened the financial resources of the local self-governing institutions. However they still remain starved of funds. Taxation powers have been given to them but they are unable to collect enough taxes. So due to scarcity of resources, panchayats are not able to fulfil their role as self-governing institutions or carriers of economic development in the countryside. Panchayats are subject to various controls by the State Governments. The State Governments are authorised to cancel their resolutions and even dissolve them. However the 73rd Constitutional Amendment has made it compulsory for the States to hold election of panchayati raj bodies within six months of their dissolution.

It is necessary that the people participate actively in democratically elected panchayats. This can be ensured through Gram Sabhas. Through Gram Sabhas, the people can question and demand explanation from panchayats. Gram Sabha can harmonise needs and priorities of people and also plan direction of village development. The Gram Sabhas can successfully play the role of securing democracy at the grassroots if they are endowed with sufficient authority.

The overall socio-economic and cultural development of rural areas depends on strong panchayats. Panchayats as the foundations of democracy at the grassroots can be



strengthened only by reposing faith in them, endowing them with adequate administrative and financial powers and encouraging vigilance and active participation of the people.

**Intext Questions 16.3**

Select the correct answer from the brackets given at the end of each question:

1. Who receives income from the sale of dung, refuse and carcasses?
(Zila Parishad/Panchayat Samiti/Gram Panchayat)
2. What is a toll tax?
(Tax on the sale of public property/tax for the use of bridges or roads/tax on electricity)
3. By whom are the taxes imposed on commission agents?
(Zila Parishad/Panchayat Samiti/Nyaya Panchayat)
4. What was the aim of reservation of seats for Women, Scheduled Castes/Tribes and other backward classes?
(To develop the economy/To alter the social structure of villages/To promote co-operation)
5. Why are the panchayats unable to fulfil their role as self-governing institutions.
(Scarcity of resources/Lack of participation by the youth/Interference by political class)
6. Which body can ensure participation of democratically elected representation.
(State Assembly/Zila Parishad/Gram Sabha)

**What You Have Learnt**

There are three types of urban local bodies: Municipal Corporations in big cities, Municipalities in medium and small towns and Nagar Panchayats in semi-urban localities. All types of urban local governments are democratically elected by the people on the basis of electoral wards. Urban local bodies frame policies for the cities and towns, raise revenue and pass their own budgets. The most important source of revenue of urban local bodies is the property tax imposed on land and buildings. Grants-in-aid from the Government constitute another major source of revenue. Urban local government is the major supplier of essential civic services and facilities in our urban areas and it represents grassroots democracy at the local level.

Panchayat is the most ancient institution at the village level in our country. Panchayats have been functioning as primary institutions of democracy at the grassroots level. The 73rd amendment gave them constitutional status. The task of rural development now rests on panchayati raj institutions. The involvement of hitherto underprivileged sections, scheduled castes, scheduled tribes, backward classes and women in the participatory process will further strengthen the grassroots institutions.

Although the panchayat raj system in the entire country is not the same but, by and large, most of the States have the three-tier structure: zila parishad at the district level, panchayat samiti at the intermediate or block level and gram panchayat at the bottom or village level. Active participation and vigilance on the part of the rural public is a must for the sustenance of democratic decentralisation.

**Terminal Exercises**

1. What is urban local government?
2. What were the major reforms introduced by the 74th Constitutional Amendment?
3. Identify the major functions of urban local bodies.
4. Mention the important sources of income of Urban Local Bodies.
5. Describe briefly the three-tier structure of Panchayati Raj.
6. Briefly discuss the salient features of the 73rd Amendment of the Constitution of India.
7. Analyse the recommendations of the Balwant Rai Mehta Committee.
8. Evaluate the functioning of panchayats as grassroots institutions of democracy.

EXTENDED LEARNING

Read 73rd and 74th (Constitutional Amendment) Acts, 1992.

Visit a nearby panchayat, talk to the leaders and try to find out what the panchayat is doing in the area. Also talk to the people and enquire whether they are aware of the panchayat schemes and their functioning. What has been the role of the panchayat in the development of your village or villages nearby.

**Answers to Intext Questions****16.1**

1. Municipal Corporation
2. One-third
3. Municipal Corporations and Committees
4. Five
5. Municipal Commissioner
6. Supply of drinking water
7. Property Tax

16.2

1. Mahatma Gandhi

**Notes**

MODULE - 3

Structure of Government



Notes

Political Science

2. Balwant Rai Mehta
3. Panchayat Samiti
4. State Finance Commission
5. B.D.O.
6. Nyaya Panchayat
7. Gram Sabha
8. Zila Parishad

16.3

1. Gram Panchayat
2. Tax for the use of bridges and roads
3. Zila Parishad
4. To alter the social structure of villages
5. Scarcity of resources
6. Gram Sabha

Hints for Terminal Exercises

1. Refer to Section 16.1
2. Refer to Section 16.2
3. Refer to Section 16.4
4. Refer to Section 16.4.1
5. Refer to Section 16.7
6. Refer to Section 16.5.2
7. Refer to Section 16.5.1
8. Refer to Section 16.9



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18

ELECTORAL SYSTEM IN INDIA

Elections enable every adult citizen of the country to participate in the process of government formation. You must have observed that elections are held in our country frequently. These include elections to elect members of the Lok Sabha, Rajya Sabha, State Legislative Assemblies (Vidhan Sabhas) Legislative Councils (Vidhan Parishad) and of, President and Vice-President of India. Elections are also held for local bodies such as municipalities, municipal corporations and Panchayati Raj justifications. If you have attained the age of 18, you must have voted in some of these elections. If not, you will have the opportunity to vote in the next round of elections. These elections are held on the basis of universal adult franchise, which means all Indians of 18 years of age and above have the right to vote, irrespective of their caste, colour, religion, sex or place of birth.

Election is a complex exercise. It involves schedules rules and machinery. This lesson will give you a clear picture of the voting procedure, as also about filing of nominations, their scrutiny and the campaigns carried out by the parties and the candidates before actual polling. In this lesson you will read about the Election Commission, electoral system in India and also some suggestions for electoral reforms.



Objectives

After studying this lesson, you will be able to

- describe the composition of the Election Commission of India;
- enumerate the functions the Election Commission and explain its role;
- recall the procedure of election from the announcement of schedule, to the declaration of the result;
- mention various stages in the electoral process;
- recognise the poll-related officers and describe their functions;
- identify the drawbacks and need for electoral reforms;
- suggest the electoral reforms and those already carried on.



Notes

18.1 Election Commission of India

The architects of the Indian Constitution attached special significance to an independent electoral machinery for the conduct of elections. The Constitution of India provides for an Election Commission of India which is responsible for superintendence direction and control of all elections. It is responsible for conducting elections to both the Houses of Parliament and State Legislatures and for the offices of President and Vice-President. Besides, it is also responsible for the preparation revision, updation and maintenance of lists of voters. It delimits constituencies for election to the Parliament and the State Legislatures, fixes the election programme and settles election disputes. It performs many other functions related to elections.

18.1.1 Composition

The Election Commission consists of the Chief Election Commissioner and such other Election Commissioners as may be decided by the President from time to time. Ever since the first Chief Election Commissioner was appointed in 1950, there was no other Election Commissioner till 1989. The Chief Election Commissioner was assisted by a larger number of officials. The Election Commission became a multi-member body on 16 October 1989 when the President appointed two more Election Commissioners. The senior of the two Election Commissioners is appointed as the Chief Election Commissioner.

18.1.2 Tenure and Removal

Chief Election Commissioner and other Election Commissioners are appointed for a term of six years, or till the age of 65 whichever is earlier. It is important that Chief Election Commissioner and other Election Commissioners should be free from all political interferences. Therefore, even if they are appointed by the President, they cannot be removed by him. And no changes can be brought in the conditions of service and the tenure of office after their appointment. The Chief Election Commissioner cannot be removed from office, except on the grounds and in the manner on which the Supreme Court judges can be removed. However, since the other Election Commissioners and the Regional Election Commissioners work under the Chief Commissioner, they may be removed by the President on his recommendations.

18.2 Powers and Functions of The Election Commission

The primary function of the Election Commission is to conduct free and fair elections in India. For this purpose, the Election Commission has the following functions:

18.2.1 Delimitation of Constituencies

To facilitate the process of elections, a country has to be divided into several constituencies.

Constituency	It is territorial area from where a candidate contests elections
---------------------	--

The task of delimiting constituencies is generally performed by the Delimitation Commission consisting of five serving or retired judges of the Supreme Court and the Chief Election Commissioner who is its ex-officio member. All secretarial assistance (at all levels, national, state, district) is provided to the Delimitation Commission by the Election Commission. The Delimitation Commission is constituted by the Government from time to time.

18.2.2 Preparation of Electoral Rolls

Each constituency has a comprehensive list of voters. It is known as the Electoral Roll, or the Voters' List. The Commission prepares the Electoral Roll for Parliament as well as Legislative Assembly elections. The Electoral Roll of every constituency contains the names of all the persons who have right to vote in that constituency. The electoral roll is also revised from time to time generally before every general election, by-election and mid-term election in the constituency.

General Election	Election to constitute a new Lok Sabha or Assembly is called General Election.
By-Election	If at any time there is a mid-term vacancy due to the death or resignation of a member either in Lok Sabha or Legislative Assembly only one seat falls vacant. The election for that seat is known as by-election.
Mid-term Election	If the Lok Sabha or State Assembly is dissolved before completion of five years and the election is held to constitute new Lok Sabha or new State Assembly, etc. is called mid-term election.

The revision is carried out from house to house by the enumerators appointed by Election Commission and all eligible voters are registered. A person can be registered as a voter if he/she fulfils the following conditions:

1. He/she is a citizen of India.
2. He/she is 18 years of age.
3. He/she is resident of the constituency.

18.2.3 Recognition of Political Parties

One of the important functions of the Election Commission is to recognise political parties as all India (National) or State (Regional) Political Parties. If in a general election, a particular party gets four percent of the total valid votes polled in any four states it is recognised as an all India (National) Party. If a party gets four percent of the total valid votes in a state, it is recognized as a State or regional party. (You will read in details about Political Parties in the following Lesson No.19). The Indian National Congress, the Bharatiya Janata Party (BJP), the Communist Party of India (CPI), The Communist Party of India (Marxist) the Bahujan Samaj Party (BSP) and the Nationalist Congress Party are at present (2006) major recognised national parties.

18.2.4 Allotment of Symbol

Political Parties have symbols which are allotted by the Election Commission. For example, Hand is the symbol of the Indian National Congress, Lotus is the symbol of the Bharatiya Janata Party (BJP) and Elephant is the symbol of Bahujan Samaj Party. These symbols are significant for the following reasons:

1. They are a help for the illiterate voters who cannot read the names of the candidates.
2. They help in differentiating between two candidates having the same name.



Notes



Notes

18.3 Officers on Election Duty

To ensure that elections are held in free and fair manner, the Election Commission appoints thousands of polling personnel to assist in the election work. These personnel are drawn among magistrates, police officers, civil servants, clerks, typists, school teachers, drivers, peons etc. Out of these there are three main officials who play very important role in the conduct of free and fair election. They are Returning Officer, Presiding Officer and Polling Officers.

18.3.1 Returning Officer

In every constituency, one Officer is designated as Returning Officer by the Commission in consultation with the concerned State government. However, an Officer can be nominated as Returning Officer for more than one constituency. All the nomination papers are submitted to the Returning Officer. Papers are scrutinised by him/her and if they are in order, accepted by him/her. Election symbols are allotted by him/her in accordance with the directions issued by the Election Commission. He/she also accepts withdrawal of the candidates and announces the final list. He/she supervises all the polling booths, votes are counted under his/her supervision and finally result is announced by him/her. In fact, the Returning Officer is the overall incharge of the efficient and fair conduct of elections in the concerned constituency.

18.3.2 Presiding Officers

Every constituency has a large number of polling booths. Each polling booth on an average caters to about a thousands votes. Every such booth is under the charge of an officer who is called the Presiding Officer. He/she supervises the entire process polling in the polling booth and ensures that every voter gets an opportunity to cast vote freely. After the polling is over he/she seals all the ballot boxes and deliver them to the Returning Officer.

18.3.3 Polling Officers

Every Presiding Officer is assisted by three to four polling officers. They check the names of the voters in the electoral roll, put indelible ink on the finger of the voter, issue ballot papers and ensure that votes are secretly cast by each voter.

[*Indelible ink* – This ink cannot be removed easily. It is put on the first finger of the right hand of the voter so that a person does not come again to cast vote for the second time. This is done to avoid impersonation.]



Intext Questions 18.1

Tick mark (✓) the appropriate alternative out of the four alternatives.

1. Responsibility for conducting free and fair elections rests on:

- a) The Chief Justice of India
- b) The Election Commission
- c) The President
- d) The Comptroller and Auditor General

MODULE - 4

Structure of Government



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Political Science

2. The Chief Election Commissioner is appointed by:

- a) The Chief Justice of India
- b) The President
- c) The Law Minister
- d) The Prime Minister

Fill in the blanks :

3. The Chief Election Commissioner is appointed for _____ years. (four/five/six)
4. The procedure for the removal of Chief Election Commissioner is the same as that of the _____. (Speaker of the Lok Sabha/Judge of the Supreme Court/The Prime Minister of India)
5. Match the following symbols with the respective Political Parties:
- | | |
|-----------------------------|-------|
| a) BJP | Cycle |
| b) Indian National Congress | Lotus |
| c) Telgu Desam | Hand |
6. Which of the following is referred to as Mid-term election ?
- a) the election held in middle of the year
 - b) the election held out of schedule
 - c) the election held any time during the term when ruling party loses a vote of confidence.
7. Which of the following is essential to be voter?
- a) the person should be 21 years of age
 - b) the person should be a citizen of India
 - c) the person should have passed secondary examination

18.4 Electoral Process

Elections in India are conducted according to the procedure laid down by law. The following process is observed.

18.4.1 Notification for Election

The process of election officially begins when on the recommendation of Election Commission, the President in case of Lok Sabha and the Governor in case of State Assembly issue a notification for the election. Seven days are given to candidates to file nomination. The seventh day is the last date after the issue of notification excluding Sunday. Scrutiny of nomination papers is done on the day normally after the last date of filing nominations. The candidate can withdraw his/her nomination on the second day after the scrutiny of papers. Election is held not earlier than twentieth day after the withdrawal.



Notes

18.4.2 Filing of Nomination

A person who intends to contest an election is required to file the nomination paper in a prescribed form indicating his name, age, postal address and serial number in the electoral rolls. The candidate is required to be duly proposed and seconded by at least two voters registered in the concerned constituency. Every candidate has to take an oath or make affirmation. These papers are then submitted to the Returning Officer designated by the Election Commission.

18.4.3 Security Deposit

Every candidate has to make a security deposit at the time of filing nomination. For Lok Sabha every candidate has to make a security deposit of Rs.10,000/- and for State Assembly Rs. 5,000. But candidates belonging to Scheduled Castes and Scheduled Tribes are required to deposit Rs. 5,000/- for if contesting the Lok Sabha elections and Rs. 2,500/- for contesting Vidhan Sabha elections. The security deposit is forfeited if the candidate fails to get at least 1/6 of the total valid votes polled.

18.4.4 Scrutiny and Withdrawal

All nomination papers received by the Returning Officer are scrutinised on the day fixed by the Election Commission. This is done to ensure that all papers are filled according to the procedure laid down and accompanied by required security deposit. The Returning Officer is empowered to reject a nomination paper on any one of the following ground:

- (i) If the candidate is less than 25 years of age.
- (ii) If he/she has not made security deposit.
- (iii) If he/she is holding any office of profit.
- (iv) If he/she is not listed as a voter anywhere in the country

The second day after the scrutiny of nomination papers is the last date for the withdrawal of the candidates. In case that day happens to be a holiday or Sunday, the day immediately after that is fixed as the last day for the withdrawal.

18.4.5 Election Campaign

Campaigning is the process by which a candidate tries to persuade the voters to vote for him rather than others. During this period, the candidates try to travel through their constituency to influence as many voters as possible to vote in their favour. In the recent times, the Election Commission has granted all the recognised National and Regional Parties, free access to the State-owned electronic media, the All India Radio (AIR) and the Doordarshan to do their campaigning. The total free time is fixed by the Election Commission which is allotted to all the political parties. Campaigning stops 48 hours before the day of polling. A number of campaign techniques are involved in the election process. Some of these are:

- i. Holding of public meetings
- ii. Distribution of handbills, highlighting the main issues of their election manifesto (election manifesto is a document issued by political party. It is declaration of policies and programmes of the party concerned – about this you will read in details in the following Lesson 19.



- iii. Door to door appeal by influential people in the party.
- iv. Broadcasting and telecasting of speeches by various political leaders.

18.4.6 Model Code of Conduct

During the campaign period the political parties and the contesting candidates are expected to abide by a model code of conduct evolved by the Election Commission of India on the basis of the consensus among political parties. It comes into force the moment schedule of election is announced by the Election Commission. The code of conduct is as follows :

- (i) Political Parties and contesting candidates should not use religious places for election campaign.
- (ii) Such speeches should not be delivered in a way to create hatred among different communities belonging to different religions, castes and languages, etc.
- (iii) Official machinery should not be used for election work.
- (iv) No new grants can be sanctioned, no new schemes or projects can be started once the election dates are announced.
- (v) One cannot misuse mass media for partisan coverage.

18.4.7 Scrutinisation of Expenses

Though the Election Commission provides free access for a limited time to all the recognised National and State parties for their campaign, this does not mean that political parties do not spend anything on their elections campaign. The political parties and the candidates contesting election spend large sum of amount on their election campaign. However, the Election Commission has the power to scrutinise the election expenses to be incurred by the candidates. There is a ceiling on expenses to be incurred in Parliamentary as well as State Assembly elections. Every candidate is required to file an account of his election expenses within 45 days of declaration of results. In case of default or if the candidate has incurred (expenses) more than the prescribed limit, the Election Commission can take appropriate action and the candidate elected may be disqualified and his election may be countermanded.

18.4.8 Polling, Counting and Declaration of Result

In order to conduct polling, large number of polling booths are set up in each constituency. Each booth is placed under the charge of a Presiding Officer with the Polling Officers to help the process.

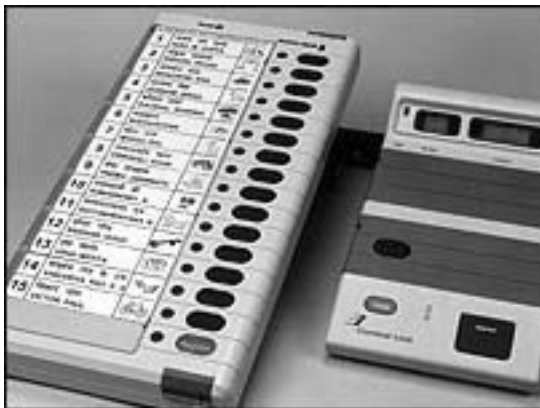
A voter casts his/her vote secretly in an enclosure, so that no other person comes to know of the choice he/she has made. It is known as secret ballot.

After the polling is over, ballot boxes are sealed in the presence of agents of the candidates. Agents ensure that no voter is denied right to vote, provided the voter turns up comes within the prescribed time limit.

18.4.9 Electronic Voting Machines (EVMs)

The Election Commission has started using tamper proof electronic voting machines to

ensure free and fair elections. Each machine has the names and symbols of the candidates in a constituency. One Electronic Voting Machine (EVM) can accommodate maximum of 16 candidates. But if the number exceeds 16, then more than one EVM may be used. If the number of candidates is very large, ballot papers may be used. The voter has to press the appropriate button to vote for the candidate of his/her choice. As soon as the button is pressed, the machine is automatically switched off. Then comes the turn of the next voter. The machine is easy to operate, and with this the use of ballot paper and ballot boxes is done away with. When the machine is used, the counting of votes becomes more convenient and faster. The EVMs were used in all the seven Lok Sabha constituencies in Delhi in 1999, and later in all the State Assembly constituencies. In 2004 General Elections EVMs were used all over the country for Lok Sabha elections.



Electronic Voting Machine (EVM)

The sealed ballot boxes or EVMs are shifted in tight security to the counting centre. Counting takes place under the supervision of the Returning Officer and in the presence of candidates and their agents. If there is any doubt about the validity or otherwise of a vote, decision of the Returning Officer is final. As soon as counting is over, the candidate securing the maximum number of votes is declared elected (or returned) by the Returning Officer.

Re-poll – If at the time of polling, a booth is captured by some anti-social elements, the Election Commission may order holding of re-poll in either the entire constituency or particular booths.

Countermanding of Election. If a duly nominated candidate belonging to a recognised party dies at any time after the last date of nomination and before the commencement of polling, the Election Commission orders countermanding the elections. This is not just postponement of polling. The entire election process, beginning from nominations is initiated afresh in the concerned constituency.



Intext Questions 18.2

1. Who issues the notification for elections?
 - a) Election Commission
 - b) Returning Officer

MODULE - 4

Structure of Government



Notes

MODULE - 4

Structure of Government



Notes

Political Science

- c) President
- 2. Which day is the last date for filing nominations?
 - a) 4th day
 - b) 5th day
 - c) 7th day
- 3. Election schedule is spread over:
 - a) 7 days
 - b) 20 days
 - c) 1 month
- 4. Nomination papers should be duly proposed and seconded by:
 - a) 2 voters of the concerned constituency.
 - b) 3 voters of any constituency
 - c) 4 voters of the concerned constituency.
 - d) 6 voters of the concerned constituency.
- 5. Campaigning is stopped
 - a) 12 hours before the polling.
 - b) 24 hours before the polling.
 - c) 48 hours before the polling.
- 6. The polling booth is manned by the
 - a) Polling Officers
 - b) Returning Officer
 - c) Presiding Officer
- 7. The Electronic Voting Machine can accommodate a maximum of:
 - a) 10 candidates
 - b) 16 candidates
 - c) 20 candidates

18.5 Shortcomings of Indian Electoral System

There has been universal appreciation of the Indian electoral system. People have hailed the manner in which elections have been conducted in India. But there are its weaknesses. It has been seen that in spite of the efforts of Election Commission to ensure free and fair election, there are certain shortcomings of our Electoral system. Some notable weaknesses are discussed below:



Notes

18.5.1 Money Power

The role of unaccounted money in elections has become a serious problem. The political parties collect funds from companies and business houses, and then use this money to influence the voter to vote in their favour. The business contributions are mostly in cash and are not unaccounted. Many other corrupt practices are also adopted during election such as bribing, rigging or voters intimidation, impersonation and providing transport and conveyance of voters to and fro the polling stations. The reports of liquor being distributed in poor areas are frequent during election.

18.5.2 Muscle Power

Earlier the criminals used to support the candidates by intimidating the voter at a gunpoint to vote according to their direction. Now they themselves have come out openly by contesting the elections leading to criminalisation of politics. As a result violence during elections has also increased.

18.5.3 Caste and Religion

Generally the candidates are given tickets by the political parties on the consideration whether the candidate can muster the support of numerically larger castes and communities and possesses enough resources. Even the electorates vote on the caste and communal lines. Communal loyalties of the voters are used at the time of propaganda campaign.

18.5.4 Misuse of government machinery

All the political parties do not have equal opportunity in respect of access to resources. The party in power is always in advantageous position than the opposition parties. There is widespread allegation that the party in power accomplishes misuse of government machinery.

All these features lead to violence, booth capturing, rigging bogus voting, forcible removal of ballot papers, ballot boxes burning of vehicles, etc. which result into loss of public faith in elections.

18.6 Electoral Reforms

In order to restore the confidence of the public in the democratic electoral system, many electoral reforms have been recommended from time to time by Tarkunde Committee and Goswami Committee which were particularly appointed to study and report on the scheme for Electoral Reforms in the year 1974 and 1990 respectively. Out of these recommendations some have been implemented. In fact, it was under the chairmanship of the then Chief Election Commissioner, T.N. Seshan, that Election Commission initiated many more measures to ensure free and fair elections. Some of the reforms which have been implemented so far are as follows:

1. The voting age has been lowered from 21 years to 18 years. This has helped increase the number of voters and response confidence in the youth of the country.
2. Another landmark change has been the increase in the amount of security deposit by the candidate to prevent many nonserious candidates from contesting elections with a ulterior motive.

MODULE - 4

Structure of Government



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Political Science

3. The photo identity cards have been introduced to eradicate bogus voting or impersonation.
4. With the introduction of Electronic Voting Machine (EVM) the voting capturing, rigging, and bogus voting may not be possible. The use of EVM will in the long run result in reducing the cost of holding elections and also the incidence of tampering during counting of votes.
5. If a discrepancy is found between the number of votes polled and number of total votes counted, the Returning officer may report the matter forthwith to Election Commission. Election Commission on such report may either declare the poll at the particular polling station as void and give a date for fresh poll or countermand election in that constituency.

There is no doubt that India needs drastic poll reforms but still the fact remains that Indian elections have been largely free and fair and successfully conducted. It gives the country the proud distinction of being the largest democracy in the world.



Intext Questions 18.3

1. Some of the notable shortcomings of the Indian Electoral system are
(a) _____ (b) _____
(c) _____ (d) _____
2. The most significant electoral reforms implemented in India are:
(I) _____
(II) _____
(III) _____
(IV) _____



What You Have Learnt

In order to conduct free and fair elections in India, Election Commission as an impartial body has been established by the Constitution itself. It is a three-member body. The main functions of the Election Commission are to delimit the constituencies, recognise the political parties, allot the symbols, and appoint officials to conduct and supervise the elections. The electoral process begins with the issue of notification by the President. The Election Commission releases the schedule for election and, issues model code of conduct to be followed during elections. The contesting candidates file their nomination papers. Their papers are scrutinised by the concerned Returning Officers after which they are either accepted or rejected. The candidates can also withdraw their nominations. During the election campaign, political parties and their candidate release their respective Election Manifestos. A large number of public meetings, and door-to-door campaign are organised

and the electronic media, TV and Radio etc. are used to win the people's confidence. On the polling day the Election Commission ensures that voters cast their votes in free and fair manner. The candidate who secures highest number of votes in a constituency is declared elected.

Recently Electronic Voting Machine has been introduced, it has replaced the use of ballot papers and ballot boxes. This change has yielded positive outcomes, as no bogus voting, rigging or booth capturing can happen now, and the counting can be completed in no time.

Though Election Commission tries its best to conduct free and fair elections our electoral system is faced with the problems like use of money and muscle powers, and other corrupt practices. To avoid all this certain electoral reforms have been introduced from time to time.

**Notes****Terminal Exercises**

1. What are the functions of Election Commission of India?
2. Explain briefly the electoral process followed during Lok Sabha or Assembly Elections.
3. Write in brief the shortcomings of electoral system in India. Suggest reforms for improving the system.

**Answers to Intext Questions****18.1**

1. b)
2. b)
3. Six
4. Judge of the Supreme Court
5. a – Lotus; b – Hand; c – Cycle
6. c)
7. b)

18.2

1. c)
2. c)
3. c)
4. a)
5. c)
6. a)
7. b)

18.3

1. a) Money power
b) Muscle power
c) Role of Caste and religion
d) Misuse of government machinery
2. i) Lowering of voting age
ii) Increasing the amount of security deposit

- iii) Introduction of Photo Identity Card
- iv) Introduction of Electronic Voting Machines

Hints for Terminal Exercises

1. Refer to Section 18.2
2. Refer to Section 18.4
3. Refer to Sections 18.5 and 18.6



Notes



Let us ponder over adolescence issues

How can I know whether or not I am in a healthy relationship/friendship?

These are the things, which makes a relationship healthy:

- Mutual respect
- Trust
- Honesty
- Support
- Fairness and equality
- Separate identities
- Good communication

Also there are warning signs of a relationship including friendship.

Ask yourself the following questions:

Is your partner/friend trying to control you, make you feel bad about yourself, isolate you from the rest of the world, or harm you physically or sexually?

If yes, then it's time to speak to ones partner and if this does not help on must definitely reconsider this relationship/friendship. Let a trusted adult know what's going on, and make sure that you are safe from this person. Even if you know that the person hurting you loves you, it is not healthy at all.





NATIONAL POLITICAL PARTIES

In the previous lessons you have read about the methods of representation and the electoral process. In this lesson you will study about political parties. Political parties exist in every democratic society and even in authoritarian systems. In a political system, parties act as the carrier of ideas, opinions and approaches to social needs and national goals. Parties provide a link between the citizens and the government, between the electorate and the representative institutions. In fact a successful democracy requires a healthy party-system for its sustenance. Political parties are instruments through which citizens choose those who constitute the government. They explain merits and dangers of alternate policies and provide political education to the citizens.



Objectives

After studying this lesson, you will be able to

- recognise the importance of political parties;
- identify the different types of party system;
- recall the features of Indian party-system;
- distinguish between national and regional parties;
- describe the ideals and objectives of major national parties;
- appreciate the role of these national parties in sustaining India's democratic system.

19.1 Meaning and Role of Political Parties

Human beings have always organised themselves in groups and larger formations. Political parties have emerged as one of these human organisations. In modern age the ideal form of government is run through one or the other method of representative institutions. All representative governments and representative institutions require the existence of political parties.

A political party is an organised body of people who share certain common principles and goals regarding the political system of a country. The main purpose of political parties is to

**Notes**

acquire and retain political power. Political parties which run the government are called the ruling party. In a coalition government, there may be more than one ruling party. Those who sit in the opposition and criticise and analyse the performance of the ruling party/ parties generally or on specific issues are called opposition parties. A political party as such should have the following essential features:

- i) it must be an organised body of people with a formal membership;
- ii) it must have clearly spelt out policies and programmes;
- iii) its members should agree with its ideology, policies and programmes;
- iv) it must aim at getting power through the democratic process;
- v) it must have a clear and acceptable leadership; and
- vi) it must focus on broad issues and major areas of government policies.



Intext Questions 19.1

Fill in the blanks:

- a) A political party is an organised body of people whose main aim is to _____ (acquire and retain power/ pressurise government)
- b) Members of a political party _____ common principles, goals and philosophy (share/don't share).
- c) Parties serve as a link between the _____ and the government (citizens/institutions).

19.2 Types of Party System

India has a multi-party system. Indian politics is dominated by several national and regional parties. There are countries where there is one-party system or two-party system. Erstwhile Soviet Union and Yugoslavia had single party systems. Similarly, China has one-party system. Earlier in Germany there existed only one-party – the Nazi Party; so was the case in Italy where the only party was known as the Fascist Party. In a two party or bi-party system there are two main political parties. The United Kingdom (UK), the United States of America (USA), Australia and New Zealand have bi-party systems. There may exist other parties but their role is generally insignificant. For example in UK, there are two main parties, the Conservative Party and the Labour Party. In the USA the two main parties are the Republican Party and the Democratic Party. Japan, France, Germany and Switzerland have multi-party systems.



Intext Questions 19.2

Fill in the blanks:

- a) Erstwhile Soviet Union had _____ (one-party system/ multi-party system).

- b) Germany has a _____ (bi-party system/ multi-party system).
- c) Two main parties of the UK are _____ (Conservative and Labour Parties/Democratic and Liberal parties).



Notes

19.3 Evolution of Party System in India

The evolution of Indian party system can be traced to the formation of the Congress, as a political platform in 1885. Other parties and groups originated later. The Indian National Congress was formed as a response to the colonial rule and to achieve independence from the British rule.

After independence and with the adoption of a democratic Constitution, a new party system emerged in the wake of the first general elections based on universal adult franchise in 1952. In preceding lesson you have learnt about the universal adult franchise in detail. During the post-independence period, the party system passed through various phases.

The first phase is known as the phase of one-party dominance because with the exception of Kerala during 1956–59, the ruling party both at the Centre and in the states was the Congress. The second phase (1967–1975) saw the emergence of a multi-party system in India. In the Assembly elections in 1967, Congress was defeated in eight States. For the first time non-Congress parties formed governments in these states. These parties formed coalition governments. Then came the split in Congress into Congress (O) and Congress (N). However, the Congress again became a dominant force at the Centre after winning 1971 mid-term poll. Then came the emergency period (1975–77) which is known as the authoritarian period of Indian democracy.

With the lifting of emergency, the dominance of Congress ended. In the general elections of 1977 Congress was defeated by the Janata Party. Janata Party came into existence as a result of the merger of many opposition parties. But again in 1980 general elections Congress came back to power and remained in power till 1989.

Janata Party emerged out of the merger of Congress (O) led by Morarji Desai, Bharatiya Lok Dal led by Ch. Charan Singh, Congress for Democracy (CFD) led by Jagjivan Ram and H.N. Bahuguna, the socialists led by George Fernandes and Jana Sangh led by L.K. Advani.

In 1989 elections, the National Front joined government with the support of BJP and the Left Front. But this formation could not last its tenure and elections for the tenth Lok Sabha were held in May-June, 1991. Congress again formed government at the Centre. In 1996 general elections BJP emerged as the single largest party and was asked to form government at the Centre. Since it could not prove its majority within the given time it had to resign. The United Front which was a combination of thirteen parties, formed the government at the Centre with the external support of the Congress and the CPI(M). But this government also could not last its full term. Although the coalition government formed under the leadership of BJP after 1998 elections was defeated in Lok Sabha, the 1999 elections again provided them the opportunity to form government which lasted its full term under a multi-party coalition, known as National Democratic Alliance (NDA).

In the 14th general elections held in 2004, Congress emerged as the single largest party. It formed alliance with like minded parties and formed government at the Centre. The phase

of Indian party system which began in 1989 and is still continuing has been aptly called a phase of coalition politics. No single party has been able to form government on its own at the Centre.



Intext Questions 19.3

Fill in the blanks:

1. The phase 1952–1967 in the Indian Party System is known as _____.
2. From 1975 to 1977 was known as the _____ period.
3. From 1977 to 1988 is known as the Janata Party phase of _____ politics.
4. The United Front government was a combination of _____ parties.

19.4 National Parties and Regional Parties

India has two types of political parties – national parties and regional parties. National parties are those which generally have influence all over the country. It is not necessary that a national party will have equal strength in all the states; it varies from State to State. A party is recognised as a national party by the Election Commission on the basis of a formula. The political party which has secured not less than four percent of the total valid votes in the previous general elections at least in four states, is given the status of a national party.

The number of national parties has been changing. In the year 2006, Indian National Congress, Bharatiya Janata Party, Communist Party of India (Marxist) [CPI(M)], Communist Party of India (CPI), Bahujan Samaj Party, and the Nationalist Congress Party were national parties.

However, there are other parties in India, which do not enjoy national influence. Their activities and influence are restricted to particular states or regions. Sometimes these parties are formed to voice demands of a specific region. These parties are neither weak nor short-lived. Sometimes they prove to be very powerful in their respective regions. These are known as regional parties. Major regional parties are AIADMK and DMK in Tamil Nadu, Telugu Desam in Andhra Pradesh, Akali Dal in Punjab, National Conference in Jammu and Kashmir, Jharkhand Mukti Morcha in Jharkhand, Asom Gana Parishad in Assam and Nationalist Congress Party and Shiv Sena in Maharashtra. About the regional parties you will read in the following lesson.



Intext Questions 19.4

Fill in the blanks:

- a) National Party should have secured four percent valid votes in at least _____ states (four/five).
- b) CPI is a _____ party (national/regional).
- c) DMK is a _____ party (national/regional).

d) National conference is a _____ party (national/regional).

19.5 Major National Parties in India

1. Indian National Congress

As you have already read, Indian National Congress was formed in the year 1885 in Bombay. W.C. Bonnarjee was the first President of the Indian National Congress. To begin with, Congress was an organisation of middle class intellectuals who were primarily concerned with political reforms in the British colonial rule. In the twenties under the leadership of Mahatma Gandhi, the Congress became a mass based organisation. The party started enjoying the support of the common people and played a very significant role in the freedom struggle.

After independence Jawahar Lal Nehru became the Prime Minister and led the Congress till his death in 1964. As already mentioned in an earlier paragraph, this was known as the 'Nehru era'. The Congress party won first five general elections in 1952, 1957, 1962, 1967 and 1971. In 1975 national emergency was declared which went on till 1977. In the elections of 1977, the Congress was defeated. However, in 1980 general elections, the Congress Party led by Indira Gandhi came back to power. Indira Gandhi was assassinated in 1984 and during 1985 general elections, Rajiv Gandhi was the leader of the party. Congress won the 1985 general elections with a larger majority. In 1989 though Congress could not get absolute majority, it was the single largest party. In the tenth general elections in 1991, Congress again emerged as the single largest party and formed the government at the Centre. In the 1996, general elections Congress could not form government at the Centre. In the 12th general elections in 1998, Congress could get only 140 Lok Sabha seats. In the 1999 general elections Congress's strength was further reduced to 112. But in the 14th general elections Congress entered into alliance with other secular parties and secured the number of seats that provided it an opportunity to form a coalition government.



Intext Questions 19.5

1. Indian National Congress was formed in the year _____ (1885/1895/1975).
2. Under Mahatma Gandhi's leadership Congress became an organisation of the _____ (common people/moderate/rich).
3. National emergency was declared in _____ (1975/1976/1977).

2. The Bharatiya Janata Party (BJP)

The Bharatiya Janata Party (BJP) was formed in 1980. Since then it has extended its influence in the Hindi belt, Gujarat and Maharashtra. Since 1989, it has been trying to extend its base in South India also.

Since its formation in 1980, the BJP has been increasing its number of seats in the Lok Sabha gradually. In 1984, general elections it secured only two seats. In 1989 the number of seats increased to 88. In 1991 general elections BJP's strength in the Lok Sabha increased to 122 which rose to 161 in the 1996 elections. In 1998 it won 180 seats and in 1999 its



Notes



Notes

number in Lok Sabha increased to 182. In the 1999 general elections, BJP contested as an alliance partner in the National Democratic Alliance (NDA). In the recent 2004 general elections BJP as an alliance of NDA could not get the required majority. It is playing the role of the opposition party. The BJP has emerged as a significant national party but its support base as yet is limited to certain areas, rather than spread all over India.

3. The Communist Parties

The two communist parties are the Communist Party of India (CPI) and the Communist Party of India (Marxist) [CPI(M)]. Next to the Congress, the Communist Party is the oldest in India. The communist movement began in the early twenties and the Communist Party was founded in 1925. The communists participated in the national movement, though often they had serious differences with the Congress. The communists assert that the people should be economically equal and the society should not be divided into classes of rich and poor. The workers and peasants and other toiling people who do most of the productive work for the society, should be given due recognition and power.

The communists were the main opposition in the Lok Sabha throughout the Nehru Era. In the first Lok Sabha they had 26 members, in the second and the third Lok Sabha, they had 27 and 29 members respectively. In 1957, the CPI won absolute majority in the Kerala Assembly and formed the first Communist government in India. In the early sixties specially after the Chinese aggression of 1962 there were serious differences among the members of the Communist Party. As a result, the party split into two. Those who broke away from CPI, formed CPI(M) in 1964. The CPI(M)'s main support base has been concentrated in West Bengal, Kerala and Tripura, though it has registered its presence in Andhra Pradesh, Assam, Bihar, Maharashtra, Orissa and Punjab. The CPI has its pockets of influence in states like Andhra Pradesh, Assam, Bihar, Manipur, Orissa, Pondicherry, Punjab, etc. Moreover CPI has been a part of the left front coalition in Kerala and West Bengal. In the Lok Sabha elections of 2004, both the CPI and the CPI (M) were alliance partners of the Congress. They are supporting the United Progressive Alliance (UPA) government at the Centre from outside.

4. Bahujan Samaj Party (BSP)

The BSP acquired the status of a national party in 1996. The BSP champions the cause of those sections which belong to low castes, deprived groups and minorities. In fact, these sections of Indian society (the Bahujan Samaj) form the majority of the Indian population. The BSP believes that this 'samaj' should be freed from the exploitation of the upper castes and by forming their own government. BSP's influence lies in states like Madhya Pradesh, Uttar Pradesh and Punjab. In 1995 and 1997 BSP was a partner in the coalition governments in Uttar Pradesh.



Intext Questions 19.6

Fill in the blanks:

- In the 1984 general elections BJP secured _____ seats (2, 3, 4).
- CPI formed its first state government in the state of _____ (Kerala, West Bengal, Andhra Pradesh).
- BSP's influence lies in the state of (Uttar Pradesh, Andhra Pradesh, West Bengal).

**What You Have Learnt**

In this lesson you have learnt about the political parties in India. Meaning and role of political parties in sustaining Indian democracy has been described. Different types of political parties have also been touched upon in order to give the right perspective about the party system. Evolution of party-system in India has been narrated. After giving a brief definition of national and regional parties, highlights of major national parties like the Congress, the BJP, the Communist Parties and the Bahujan Samaj Party have been given.

**Terminal Exercises**

1. Describe the essential features of a political party.
2. Discuss about the major National Political Parties of India.

**Answers to Intext Questions****19.1**

- (a) get power
- (b) share
- (c) citizens

19.2

- (a) one-party system
- (b) multi-party system
- (c) conservative and labour parties

19.3

- (a) one-party dominance
- (b) authoritarian
- (c) coalitional politics
- (d) thirteen

19.4

- (a) four
- (b) national
- (c) regional
- (d) regional

**Notes**

19.5

- (a) 1885
- (b) common people
- (c) 1975

19.6

- (a) 2
- (b) Kerala
- (c) Uttar Pradesh

Hints for Terminal Exercises

1. Refer to Section 19.3.
2. Refer to Section 19.5.

**Notes****Let us ponder over adolescence issues****How can we enhance our life skills?**

- Understand and feel good about yourself. Have faith in yourself and understand your own strengths and weaknesses. It is essential to have a sense of self-respect.
- Be positive in your attitude towards life. Be ready to learn from experiences even if they are not pleasant.
- In difficult situations, try to identify the cause of problem. Find best solutions available.
- Share your concerns with others and seeking timely help when needed.
- Have a healthy lifestyle and make responsible decisions.
- Seek reliable information and make informed choices and decisions.
- Think of the consequences of your decisions and actions.
- Learn from the experience of others – we can benefit from the mistake of others.
- Manage your stress by sharing your concerns and seeking help from persons like parents, teachers, friends and counsellors.
- Have the courage to say 'NO' to peer pressure.
- Try to be caring and empathetic with persons who need special care and people living with HIV/AIDS.
- Share information on sensitive reproductive health issues.





REGIONALISM AND REGIONAL PARTIES

One of the notable features of the Indian Party System is the presence of a large number of regional parties. By regional party we mean a party which generally operates within a limited geographical area and its activities are confined only to a single or handful of states. Further as compared to the broad ranging diverse interests of national parties, the regional 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. They merely seek to capture power at the state or regional level and do not aspire to control the national government. It is noteworthy that in India, the number of regional parties is much larger than the national parties and some of the States are being ruled by the regional parties, viz., Andhra Pradesh, Tamil Nadu, Karnataka, Assam, Jammu & Kashmir etc.



Objectives

After studying this lesson, you will be able to

- analyse the factors responsible for the growth of regionalism;
- determine the factors instrumental for the growth of regional parties;
- create awareness about the role of regional parties;
- distinguish a regional party from a national party.

20.1 What is Regionalism

The term 'regionalism' has two connotations. In the negative sense, it implies excessive attachment to one's region is preference to the country or the state. In the positive sense it is a political attribute associated with people's love for their region, culture, language, etc. with a view to maintain their independent identity. While positive regionalism is a welcome thing in so far maintaining as it encourages the people to develop a sense of brotherhood and commonness on the basis of common language, religion or historical



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background. The negative sense regionalism is a great threat to the unity and integrity of the country. In the Indian context generally the term regionalism has been used in the negative sense.

The feeling of regionalism may arise either due to the continuous neglect of a particular area or region by the ruling authorities or it may spring up as a result of increasing political awareness of backward people that have been discriminated against. Quite often some political leaders encourage the feeling of regionalism to maintain their hold over a particular area or group of people.



Intext Questions 20.1

Fill in the blanks:

1. In the positive sense Regionalism is people's love for their _____ and _____.
2. Regional party means a party who operates will in a limited _____ area.
3. In India we have _____ number of regional parties

20.2 Different Forms of Regionalism

Regionalism in India has assumed various forms like:

(a) Demand for State Autonomy: Regionalism has often led to the demand by states for greater autonomy from the center. Increasing interference by the Centre in the affairs of the states has led to regional feelings. Demand for autonomy has also been raised by regions within some states of the Indian federation.

(b) Secession from the Union: This is a dangerous form of regionalism. It emerges when states demand separation from the Centre and try to establish an independent identity of their own.

Disputes between 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. Migration of people from backward state to a developed state for employment opportunities have often resulted in a hostile attitude against the migrants for example, problems going on in Karnataka and A.P.

20.3 Development of Regionalism in India

Regionalism is not a new phenomenon in the Indian political system. In the pre-independence days it was promoted by the British imperialists and they deliberately encouraged the people of various regions to think in terms of their region rather than the nation as a whole, with a view to maintain their hold over India during the national movement. After Independence the leaders tried to foster a feeling among the people that they belonged to one single nation. The framers of the constitution sought to achieve this by introducing single citizenship for all. With the same objective a unified judiciary, all Indian services, and a strong Central government was provided. But in view of the vastness of the country and

cultures regionalism soon made its appearance in India.

The first manifestation of regionalism was the demand for reorganisation of states on linguistic basis, but the most effective play of regionalism was the victory of the DMK against Congress in Tamil Nadu in 1960s. Initially the central leadership felt that regionalism was a peripheral political factor confined to Tamil Nadu and hence did not pose any threat to national unity. However, that assessment was ill-founded. Soon in Punjab the Akali movement gained momentum, while in Jammu and Kashmir Sheikh Abdullah revived the National Conference. During these initial years all the Indian political parties continued to adjust with these regional forces on the plea that they would ultimately succeed in making inroads into the bases of the regional parties and absorb them in their organisations.

The Indian National Congress which enjoyed monopoly of power between 1947–1967 and followed a policy of blowing hot and cold toward the regional forces, also contributed to the growth of regionalism in India. It accommodated the regional forces when it was convenient and raised a hue and cry against them when it was pitted against them. The local Congress leaders also encouraged the growth of regionalism and strengthened their hold on local party organisation, with a view to increase their bargaining power with the central leaders. In fact a close link developed between central and regional leadership. This close link between the central and regional leadership greatly encouraged the growth of regionalism.

**Notes****Intext Questions 20.2**

True or False

1. Regionalism has often led to the demand by states to greater autonomy from the center. (True/False)
2. Disputes regarding sharing water, primacy or language of majority have also given rise to feelings of regionalism. (True/False)

20.4 Causes for Growth of Regionalism

In India a number of factors have constituted to the growth of regionalism.

1. Regionalism made its appearance as a reaction against the efforts of the national government to impose a particular ideology, language or cultural pattern on all people and groups. Thus the States of South have resisted imposition of Hindi as official language because they feared this would lead to dominance of the North. Similarly, in Assam anti-foreigner movement was launched by the Assamese to preserve their own culture.
2. Continuous neglect of an area or region by the ruling parties and concentration of administrative and political power has given rise to demand for decentralization of authority and bifurcate of unilingual states. On occasions sons of soil theory has been put forth to promote the interests of neglected groups or areas of the state.
3. The desire of the various units of the Indian federal system to maintain their sub cultural regions and greater degree of self-government has promoted regionalism and given rise to demand for greater autonomy.



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4. The desire of regional elites to capture power has also led to rise of regionalism. It is well known that political parties like DMK, AIADMK, Akali Dal, Telugu Desam Asom Gana Parishad etc., have encouraged regionalism to capture power.
5. The interaction between the forces of modernisation and mass participation have also largely contributed to the growth of regionalism in India. As the country is still away from realising the goal of a nation state, the various groups have failed to identify their group interests with national interests, hence the feeling of regionalism has persisted.
6. The growing awareness among the people of backward areas that they are being discriminated against has also promoted feeling of regionalism. The local political leaders have fully exploited this factor and tried to feed the people with the idea that the Central Government was deliberately trying to maintain regional imbalances by neglecting social and economic development of certain areas.

20.5 Role of The Regional Parties

Though the regional parties operate within very limited area and pursue only limited objective, they have played significant role both in the State as well as national politics. The regional political parties formed governments in several states and tried to give concrete shape to their policies and programmes. Some of the important regional parties which formed governments in various states include DMK and AIADMK in Tamil Nadu; National Conference in Jammu and Kashmir, Telugu Desam in Andhra Pradesh, Asom Gana Parishad in Assam; Maharasthrawadi Gomantak Party in Goa; Mizo National Front in Mizoram; Sikkim Sangram Parishad in Sikkim; All Party Hill Leaders Conference in Meghalaya and Indian National Lok Dal (INLD) in Haryana. Some of the regional parties were also partners in the coalition governments formed in several States after the fourth general elections of 1967. At the Centre also, of late the Regional Parties have been able to play critical role in helping formation of Congress government. DMK, a regional party, supported Mrs. Indira Gandhi's government after split in the party in 1969 and enabled her to carry on government despite loss of majority in the Parliament. Telugu Desam was the pillar of strength for the United Front and later the National Democratic Alliance. The representatives of the regional parties focus the attention of the Parliament on issues in their region and try to influence the policies of the Government to promote their own interests.

But probably the greatest service rendered by the regional political parties is that they have focused the attention of the people in remote areas on various political and economic issues and contributed to their political awakening. Above all, the regional parties have been able to impress on the national political parties that they cannot put up with their attitude of indifference towards regional problems and have compelled them to take keen interest in the resolution of their problems.

In short it can be said that the regional political parties have not only profoundly influenced the regional politics but also left tremendous impact on the national politics.



Intext Questions 20.3

Fill in the blanks :

- _____ is not a new phenomenon in the Indian Political System.
- Indian National Congress enjoyed monopoly of power between_____.
- The close link between the _____ and _____ leadership encouraged the growth of regionalism.
- Continuous neglect of a region by the ruling parties is a _____ of regionalism.



Notes

20.6 Measures for Correcting Regional Imbalances

Regionalism has been an important aspect of Indian politics. Sometimes, it has posed threat to the unity of the country. Hence it is necessary to take steps to reduce such tendencies. Some such measures can be

- To promote even development of the hitherto neglected areas so that they feel a part of the national mainstream.
- The central government must not interfere in the affairs of the State unless it is unavoidable for national interest.
- Problems of people must be solved in a peaceful and constitutional manner. Politicians must not be allowed to misuse the issue of regional demands.
- Except for issues of national importance, the states should be given freedom to run their own affairs.
- Changes are necessary in the Central-State relations in favour of the states, and for introducing a system of national education that would help people to overcome regional feelings and develop an attachment towards the nation.



Intext Questions 20.4

Multiple Choice Questions

- A party which generally operates within a limited geographical area is called:-
 - Political Party
 - National Party
 - Regional Party
 - All the above
- Factors which have contributed to the growth of regional parties are:-
 - Social
 - Ethnic
 - Cultural and geographical
 - All the above

**Notes****What You Have Learnt**

Regionalism means strong attachment to a particular region or a state as against the country as a whole. This feeling arises either due to the continuous neglect of a particular area or because the people of a particular region become politically aware and seek to fight perceived discrimination. Regionalism is a problem because it threatens the unity and integrity of the country.

The two prominent manifestations of regionalism are:

- (a) agitation for separate statehood. Examples, demand for Telengana, Bodo-land (Assam), Gorkha land etc., and
- (b) Secession from the Indian Union, for example – demand for Khalistan, demand for Nagaland, etc.

**Terminal Exercises**

1. Explain the meaning of regionalism? Why is it dangerous?
2. Discuss the different forms of regionalism?
3. Discuss the role of regional parties?

**Answers to Intext Questions****20.1**

- (1) Region, Culture, Language
- (2) Geographical
- (3) Larger

20.2

- (1) True
- (2) True

20.3

- (1) Regionalism
- (2) 1947–1967
- (3) Central, Regional
- (4) Cause

20.4

- (1) c
- (2) d

Hints for Terminal Exercises

1. Refer to section 20.1
2. Refer to section 20.2
3. Refer to section 20.5



PUBLIC OPINION AND PRESSURE GROUPS



The views, interests and aspirations of the people constitute the core of the democratic system. There are certain groups or associations that try to influence the decision-making or policy formulation by the government in accordance with their specific interests. Such groups are called pressure groups. The government that represents the people carries on administration in accordance with the public opinion expressed by the people. In fact, democracy derives its authority from the people. It seeks people's opinion on various issues of common interest. Infact, no government whether it is democratic or not, can afford to ignore the public opinion and pressure groups. Every government respects the feelings of the public. It is always keen to know their response to various issues that are directly or indirectly related to them. In any political system, public opinion and pressure groups play a very significant role. We shall discuss various aspects of public opinion and pressure groups in this lesson.



Objectives

After studying this lesson, you will be able to

- explain the meaning and characteristics of public opinion ;
- recognize the significance and role of public opinion ;
- learn about various agencies that contribute to the formation of public opinion ;
- identify the hindrances to the formation of healthy public opinion ;
- appreciate the significance of pressure groups in India ;
- differentiate between a pressure group and a political party ;
- evaluate public opinion and pressure groups with special reference to India.

21.1 Meaning and Characteristics of Public Opinion

Public opinion is generally understood as the opinion of public, common people or the voice

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of the people. But public exactly does not mean people. There is no single public. In fact, there are several 'public'. The total people as a whole do not constitute one single homogeneous public, having similar views or opinion. The public is not a fixed body of individuals. The term 'public' means a section of society, sharing common interests. It holds similar views and opinions on matters of public concern.

It is therefore, not necessary that public opinion will be the opinion of all the people. It is not even the opinion of the majority. As there are many publics, there are also different opinions and different problems. Public opinion necessarily reflects diversity of opinion.

It is also important to understand that public opinion is not the opinion of an individual, though he or she may be a highly respected person. It is not a private opinion. It is also not an expert opinion, irrespective of the wisdom of the expert. Public opinion is an organised and considered opinion of a section or many sections of the people on any public issue or concern. It is genuinely both public and opinion. It is neither a propaganda nor a public relations exercise.

CHARACTERISTICS OF PUBLIC OPINION

Public opinion is not the unanimous opinion but there is a general agreement on the issue.

It may change with the circumstances, time and new information.

Public opinion is not always related to political matters. It may even be formulated on economic, social and cultural matters.

Public opinion is logical and considered view of a section of society.

Public opinion is subject to process of modifications, consolidation and clarification until it takes a definite shape.

Public opinion necessarily reflects diversity of opinion.

There is no fixed territory or area for public opinion.

Public opinion ensures democratic communication.



Intext Questions 21.1

Fill in the blanks:

- A public is a section of society, sharing _____ (common/specific) interests.
- Public opinion is an _____ and opinion of a section or many sections of people on any public issue. (organised and considered/ private and expert)
- Public opinion _____ unanimous opinion of the entire people. (is/is not)
- There _____ fixed territory or area for public opinion. (is/is no)



Notes

21.2 Significance and Role of Public Opinion

Public opinion is considered to be the essential element for successful working of democratic communication in the system. Public Opinion is the expression of the views of citizens. No government can afford to ignore it. A sound and effective public opinion can even shake the structures of dictators. The strength of democratic system lies in respecting the mind power of the people. There should be free and fair interaction of thoughts for solving the collective problems. Public opinion acquires great relevance in realising this democratic goal. It promotes wider awareness and invites citizens to examine issues from different points of view. The significance and role of public opinion can be explained as follows:

(a) Guide to the Government: Public opinion acts as the guide to the government in respect of policy formation. Government functions in general on the basis of mandate received in elections and tries to win over the masses to fulfil the promises made during elections.

(b) Helping in Law Making: Government is always under pressure of public opinion and takes note of the same in formulating laws for the common good. Governmental policies are invariably affected by people's opinion on various issues. Public opinion helps the government to enact laws in the given situation.

(c) Acts as a Watchdog: Public opinion acts as a watchdog. It controls and checks the government from becoming irresponsible. While criticizing the wrong policies of the government, public opinion always keeps the government alert. Government is always conscious of the fact that people would not vote for it or bring it back to power again if it goes against the wishes of the people.

(d) Protects the Rights & Liberties: Public opinion acts as the protector of rights and liberties of citizens. In a democratic country, people have the right to criticize or support the government in their own way. More effective and positive use of this right not only encourages or motivates the government but also keeps the government alive towards the rights and liberties of the people.

(e) Acts as a Powerful Force in International Sphere: - Public opinion has acquired worldwide importance. In fact, international relations are influenced by public opinion. In the age of globalization, the issues like promotion and protection of human rights, environment and discrimination based on race, religion or sex, prevention of child labour, terrorism etc. hold international community answerable to public opinion. Therefore, the governments remain conscious of such international public opinion also. Infact, no democratic government can afford to ignore public opinion.



Intext Questions 21.2

I. Fill in the blanks :

- Government takes serious note of _____ while formulating policies and enacting laws. (Public opinion/ opinion of political parties)
- Public opinion acts as a _____ to the government.(watchdog/friend)
- Governments today _____conscious of international public opinion. (are/ are not)

II. Mark True or False :

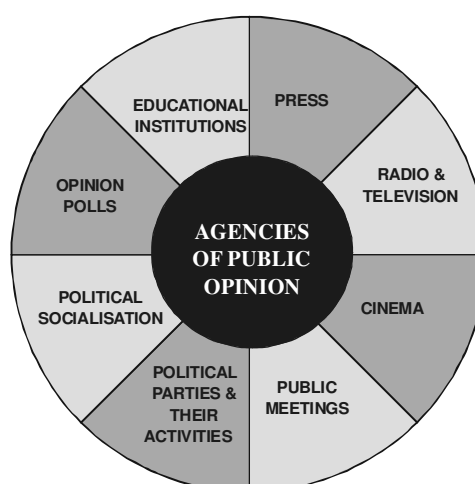
- The government can easily afford to ignore public opinion. (True/False)
- Public opinion keeps a check on the arbitrary acts of the government. (True/False)
- Public opinion has no impact on protection of rights and liberties. (True/False)
- International relations are influenced by public opinion. (True/False)

21.3 Formation of Public Opinion

There is no definite and automatic process for the formation of public opinion. Whenever an issue of public concern emerges, various sections of society express their views. In the process some views receive larger attention and emerge as public opinion. There are informal and formal processes that mould public opinion.

23.3.1 Political Socialisation

Political socialisation is the basic process through which every individual is oriented with respect to political issues. A human being lives and grows in family, neighbourhood, friends, the locality and the region. The orientation of attitudes, beliefs and values towards the political system acquire shape in association of their groups. The most influential in personality formation and character building are the family and the peer group. They provide the basic mould in influencing the ideas and opinions of the individual. The orientation of individuals through this process determines their views and reactions towards political issues.



**Notes**

21.3.2 Press

The print media includes newspaper, periodicals, pamphlets, journals, leaflets etc. Press or print media supplies the news regarding all political and social happenings in the world. It throws a flood of light on current issues. In fact press is regarded as the watchdog of democracy by carrying the voice of the public to the government. People express their criticism or support in the form of articles, or comments through press. Hence, make the government responsible and answerable. In fact, government also propagates its policies and programmes through media. It tries to highlight its achievements to make public opinion in its favour.

21.3.3 Radio and Television

Electronic media i.e. radio and television act as a mirror of social life. Print media influences only the educated. The electronic media plays an important part in collecting the information and moulding the thoughts of the uneducated masses also. The audio-visual media is used as a powerful means for bringing about social transformation and setting up a new social order free from social evils. It is used to educate the masses on certain sensitive issues like casteism, communalism violence etc. Through radio and television masses communicate their feelings and opinions towards various government policies and programmes.

21.3.4 Cinema

Cinema has been the traditional medium of entertainment and awareness. The cinema caters to the artistic and intellectual needs of the people. It cultivates new ideas and norms in the society on political and social problems. Feature films and documentary films have their natural impact on the thinking of the people. This audio visual method can even influence the illiterates.

21.3.5 Public Meetings

Public meetings or platforms are effective means of moulding public opinion for different social, cultural, intellectual and political activities. They address the public issues and are able to gather huge crowd through lectures, seminars, symposia, workshops and conferences. They try to establish personal and emotional bond with the public and motivate them towards positive and healthy steps.

21.3.6 Political parties and their activities

Political parties formulate and organize public opinion. They are called mobilisers of opinion. Political parties not only make the people aware of various public issues. Their purpose is to make the people politically conscious to think about public problems. Political parties publish journals, pamphlets, leaflets, manifestoes, posters etc. to mould the public opinion in their favour.

21.3.7 Opinion Polls

Opinion polls serve to indicate public opinion at the time of their being taken. They are a very effective way of gathering information about public attitude and opinion on various political, social, cultural, economical etc. matters. They are normally conducted by professional agencies selecting representative samples of population. Of late they are becoming a very useful and popular method to understand and analyse public opinion.

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There have been instances when these opinion polls have not been able to analyse the situation correctly and the results or predictions have been falsified. But they surely have significant influence on public opinion.

21.3.8 Educational Institutions

They include schools, colleges, literary clubs, study circles, universities and libraries etc. They can mould public opinion to a great extent. The adolescents get easily swayed by the opinion of others. Therefore the right kind of training is very important for this age group. Eminent leaders, scholars and educationists help in moulding their leadership qualities and help in creating public opinion through Debates, Talks, Seminars etc. Various co-curricular activities like Drama, Symposium, Painting/Slogan writing competition etc. also prove very effective in sensitizing the students on important national and international issues.

There are certain limitations on the use of public opinion. It is believed that the public takes interest in local and national affairs. The public is reasonably well informed. The public thinks, with reason and logic and arrives at the rational conclusion. The opinion of the public is expressed through the elections/polls. Public opinion always keeps the government on its toes and the alert government makes the laws based on social and moral principles expressed by it. Public opinion is the voice of interested spectators of action.

Public opinion reflects the plurality and diversity of opinions. Sometimes it is taken very casually. It is more a matter of interpretation. Fault does not lie with the opinion but with the interpretation. At times, sample may also not be appropriate. In modern mass societies people read, listen and see so much that it is not always easy for them to sift facts from fiction. Hence, it poses a great challenge to people to make intelligent discrimination of news and views. However, the fact remains that public opinion is very effective means of communication between the government and the citizens.



Intext Questions 21.3

I. Tick (✓) the correct answer :

- (a) Family and home are the informal agencies of influencing public opinion. (True/False)
- (a) Public opinion does not reflect the diversity of opinions. (True/False)
- (c) The adolescents do not get swayed by the opinion of the others. (True/False)
- (d) Opinion poll is the barometer to check the satisfaction of public towards government. (True/False)
- (e) Electronic media acts as a mirror of social life. (True/False)
- (f) Public does not take interest in local and national affairs. (True/False)

II. Fill in the blanks :

- (a) Television and Radio play an important part in moulding the opinion of the _____ masses also. (educated/uneducated)

- (b) Cinema and documentary films have their _____ impact on the thinking of the people. (natural/unnatural)
- (c) Public meetings establish a personal contact between the speaker and the _____. (audience/spectators)



Notes

21.4 Hindrances in The Formation of Sound Public Opinion

Public opinion will not be a true reflection of the ideas of public until the following hindrances are eradicated :

(a) Indifferent Attitude: Generally, people like to keep themselves away from political activities. They do not take interest in public affairs. Generally they think that their involvement in political decision making is not required. There is a need to change the indifferent attitude and adopt participatory approach. People should be motivated to take interest in the affairs of their own country. People have to be sensitized towards important issues related to unity, integrity and development of the nation.

(b) Illiteracy: Educated and enlightened people are expected to be good voters and citizens. Illiterate people on the other hand, have a limited knowledge and they do not understand the political problems. They are not capable of forming an intelligent and rational opinion and are guided by passion and sentiments. Ignorance born of illiteracy is a curse for social life. A sound public opinion can be formulated only in the environment of knowledge and education.

(c) Poverty: The poor are always isolated from politics. They do not find time to devote their attention to public affairs. They get easily influenced by the tall talks of the political leaders and cast or even sell their votes. The government, non-governmental organisation and pressure groups have to play their effective role. The wide gap between the rich and the poor has to be minimized and the distribution of wealth must be equitable. Sound and healthy public opinion is possible only by alleviating poverty.

(d) Disharmony amongst various castes and communities: The people and political parties, in democracy have to rise above the feelings and emotions of casteism and communalism. They should not divide themselves into narrow walls of religion and sect. Religion and politics should be kept separate. Social harmony in the country would provide a better platform for sound and healthy public opinion.

(e) Free Press: Unbiased, objective and independent press and fearless media play a very significant role in the formation of healthy opinion. Press should not be influenced by religious capitalist or regional interests. Free press should present the authentic and impartial report.



Intext Questions 21.4

Fill in the blanks :

- (a) For sound public opinion, the press has to be _____ (partial/impartial) and _____. (free/biased)

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- (b) The people and political parties in democracy have to rise above the feelings of _____ and _____. (castes and communities / secularism and patriotism)
- (c) Sound and healthy public opinion demands economically _____ society. (balanced/imbalanced)

21.5 Pressure Groups

You have learnt about public opinion that how does it help in influencing government policies. Besides political parties, there are some voluntary groups that exist to protect the special interest of the individuals in the society.

Pressure or interest groups are organized groups, having common and social interests, concerned with influencing decision making by putting pressure from outside. Pressure groups have voluntary membership and are found in every country.

These pressure groups have a limited and narrow focused issue. They have an informal, closed and unrecognized character. They, unlike political parties, do not contest elections. They put pressure on the government through various techniques so are called pressure groups. Despite this, they play an important role in the politics of the country. The pressure groups contribute to the political activities of the political parties and help in mobilizing the public opinion.

Different types of party systems give rise to different forms of pressure group activities. The method and style of work of the pressure groups vary in different political systems. It is controlled mainly by five factors: –

- (i) the pattern of political institutions,
- (ii) the nature of party system,
- (iii) the political culture and attitudes of leaders and people,
- (iv) the nature of the issues and problems confronted and
- (v) the character and type of the concerned interest groups.



Intext Questions 21.5

Fill in the blanks :

- (a) Pressure groups are called pressure groups because they put _____ on the government. (pressure/criticism)
- (b) Pressure groups are different from _____ as they do not contest election. (political parties, non voluntary groups)
- (c) Pressure groups help in mobilizing the _____. (public opinion/ political parties)
- (d) The method and style of work of the pressure groups _____ (vary/ is same) in different political systems.
- (e) The political culture and attitudes of leaders and people _____ (affect/ do not affect) the working of the Pressure Groups.

21.6 Classification of Pressure Groups in India

As you have already read that there are pressure groups in every country, India is no exception. They influence decision making to serve their own interests. Broadly they can be put into four categories according to their aims and objectives which are given below :

Profession Pressure Groups	Socio-Cultural Pressure Groups
Institutional Pressure Group	Pressure Groups Ad-hoc

(a) Professional Pressure Groups: - This category includes the pressure groups that are formed by the employees of a particular occupation or profession for the protection of their interests. The big business houses with their vast outlay of resources, availability of technical and managerial personnel and due to close links elite groups in government, media, administration and opposition parties have always had the most organized and powerful pressure groups at their command.



Federation of Indian Chambers of Commerce and Industry

Several big business houses have a powerful lobby in the parliament and in the legislature. They also have representatives and Public Relations Officers who keep in touch with administration and top bureaucracy. The largest and the most influential organization of private capital in India is the FICCI. It represents more than 40,000 firms. It has a large business corporate world with it. The political parties are dependent on it for funds. In turn they serve their interests in giving them the concession in the form of trade, tariff, investment tax etc. In the contemporary scenario of globalisation and liberalization, the role of FICCI is all the more important. The government seeks the suggestions and advice of this group particularly on major policy issues of economical and commercial nature.

The other known business groups like ASSOCHAM i.e. Associated Chambers of Commerce, Confederation of Indian Industries.(CII) the Tatas, Birlas, DCM, Dalmia and Hindustan Lever etc. They all try to influence the industrial policies and laws of the government.



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Professional pressure groups also includes Trade Unions, Peasant organizations, Teachers and students organizations and also other association like All India Medical Association, All India Postal & Telegraph Workers Union etc. Thus, the influence of big business on financial, industrial and commercial politics of the country over the years has been considerable.

The history of Trade Unions and Peasant Organisations dates back to the period before independence. All India Trade Union Congress (AITUC) was formed in 1920 with the objective to promote socio economic interests of the working class. Hind Mazdoor Sangh, Centre of India Trade unions (CITU) are the examples of these types of Trade Unions. The other trade unions in other parts of the country in electricity, water, banks, insurance etc. are somewhat affiliated to the All India organisations.

It has been observed that political parties have been exploiting the farmers and the peasants for their own interests. So there was a call for them to unite to get their interests fulfilled. They all want their interest in the field of agriculture should be duly protected. Their chief objectives include getting higher prices for agriculture products, subsidy for fertilizers availability of loans and manures etc. Farmer's organizations like Bhartiya Kisan Union in Haryana, U.P. and Punjab, Karnataka Rajya Sabha etc. influence the decisions of the government in the agricultural field. They also contribute to the sharpening of national awareness and class- consciousness. They do not have the money power of the capital but have the will and solidarity to work for the upliftment of the downdrodden.

In the educational field also the students, the teachers, non-vocational staff (school, college, university) have their unions to mobilize the public opinion and also to influence the government for their protection of their interests like, P.F., Gratuity, Bonus, LTC Facility, Leaves opening of more professional institutions, adequate transporation facilities, fee structure etc. e.g. National Students Union of India, Bhartiya Janata Yuva Morcha, All India Teachers Association, All India Students Union, Delhi University Students Union etc.

(b) Socio Cultural Pressure Groups: There are various kinds of socio cultural pressure groups which are concerned with community service and the promotion of the interests of the whole community. Also there are a few for the promotion of their language and religion. Examples are given below:

Arya Pratinidhi Sabha, Jan Sewa Sangh, Rama Krishna Mission, Arya Samaj, Jamat-I-Islami, Rashtriya Sawayam Sewak Sangh, Vishwa Hindu Parishad, Shiromani Gurudwara Prabandhak Committee, Parsee Anymans, Young Men Christian Association, Bajrang Dal, Sanskrit Sahitya Academy, Panjabi Academy, Marathi Sangh, Bhartiya Adim Jati Sangh, Sernarhi of People Society.

(c) Institutional Pressure Groups: There are certain pressure groups that are working within the governmental machinery itself. They influence the government policies in their favour without directly getting involved in the political system. The pressure groups like Civil Services Association, Police Welfare organization, Gazetted Officers Union, Defence Personnel Association, Army Officers organizations Red Cross Society etc. all came under this category. The decision on matters such as transfers-leave rules, adequate D.A. due to inflation, allocation of duties etc. are influenced by these pressure groups. Although their activities are public, they remain very active within the system.



(d) Adhoc pressure Groups: Some pressure groups come into existence for a very short period with the objective of pressuring the government for a specific task. Once the purpose is served, they cease to exist. In case of any urgency, natural calamity or adversity, these pressure groups pressurize or influence the government policies in their interest. The pressure group like Orissa Relief Organisation, Bhoodan Anuyojna, Kaveri Water Distribution Association, Gujrat Relief Association etc.

21.7 Role of Pressure Groups

Pressure group activity has been referred to as 'Lobby'. Lobby is originally an American term, but now used not only in European democracies but also in Japan and other parts of the world as well. It refers to lobbies in Parliament where the MPs or Legislators meet and discuss matters in relation to the business of the house.

Pressure Groups play a very important role in the Indian political system. They act as a link and source of communication between the masses and the political parties. They sensitize the public towards various socio economic issues thereby educating them politically. They produce very effective leadership and also as a training platform for future political leaders. It also bridges the gap between various traditional values in the society. Establishment of unity and integrity are the key results of the pressure groups. Therefore it is very clear that pressure groups influence both the government and the administrative policies. You have already learnt earlier about various pressure groups working in India.

Political institutions of a country determine the activities of pressure groups and their main targets. In U.K., U.S.A. France and other democracies, the pressure groups have more opportunities of influencing the governmental decisions. In Britain, since the cabinet and the civil services are more effective, rather than MPs, it is more useful to get access to the former rather than the latter. It is more profitable to cultivate members of the cabinet and civil service than lobby in the House of Commons. In the USA, with the strong congressional committee system, and its powerful chairman it is more advantageous to concentrate on them. In U.S.A. the chamber of commerce and manufacturers organizations are supposed to be very powerful pressure group. In France the administration, rather than the National Assembly, is the target of the interest groups.

Although several Pressure Groups and lobbies in USA keep a distant relationship with the political parties yet the powerful trade unions have close ties with the political parties – for example the AFL-CIO-American Federation of Labour Congress of the Industrial organization with Democratic Party, British Trade Union with Labour Party, Roman Catholic Church with Christian Democratic Parties of Germany and Italy.



Intext Questions 21.6

Fill in the blanks :

- (a) Pressure Groups sensitize public towards various _____ issues. (public/private)
- (b) They act as a link between the _____ and the _____. (government, citizens/ government, political parties)
- (c) _____ of a country determine the activities of pressure groups and their main targets. (political institutions/social institutions)



Notes

21.8 Methods of Pressure Groups

It is the constant endeavour of the pressure groups to establish links with the government officials and ministers. The pressure groups adopt various methods to influence the process of the government. These methods are dependent on the nature of political system and the type of society in the country. They send petitions and request letters for the fulfillment of their demands. They are always making efforts of keeping public opinion in their favour. The mass media both electronic and print, is very commonly used by the pressure groups for conveying their feelings and opinions to the government. They try to mould or influence the public opinion by using various publicity measures. The pressure groups, through lobbying try to exert their pressure on the government. The pressure groups have opportunities of influencing the judiciary also to some extent. They try to influence the selection of judges and launch campaigns to influence the judicial decisions. Therefore it can be established that pressure groups have become an integral part of every democratic political system. They also maintain the democratic spirit and ethos of a nation. Pressure groups have also been criticized on certain grounds specially of their uncalled for tactics and double standards to corrupt the bureaucracy. The powerful groups manage to get their demands fulfilled while the weak groups are not even heard. Sometimes, the trade unions and the other associations get even unjust demands fulfilled due to their influence. Actually, the influence of a pressure group depends on the factors like its own organizational strength, discipline, commitment of its members, capacity to collect the people's sympathy and support and financial position and above all its access to decision making bodies.

The pressure groups working for the political cause, persons etc. adopt some extremist measures like rallies, dharnas, demonstrations and hunger strike etc.

The pressure groups working for human causes like peace, environment protection and human rights etc. adopt a method of building enlightened public opinion and creating a good sense of compassion and reasoning. They work through organizing occasional national campaigns and international solidarity activities. Movement against AIDS, Terrorism, nuclear bomb etc. are the examples of such campaigns.



Intext Questions 21.7

Fill in the blanks :

- The pressure groups adopt _____ methods to pressurise the government. (liberal/extremist)
- The _____ pressure groups are able to get their demands fulfilled. (strong/weak)
- The pressure groups try to mould the public opinion by using various _____ methods. (publicity/confidential)



What You Have Learnt

In this chapter, you have learnt about the public opinion and pressure groups in India. Public opinion is a social product due to the interaction of many minds. It has been defined as the collectivity of individual opinions of a designated public. Public opinion may change

**Notes**

with the circumstances, time and new information. Public opinion is considered to be the essential element for successful working of democratic communication in the system. The governmental policies are invariably affected by public opinion on various issues. The agencies like electronic and print media, opinion polls, political socialization, political parties etc. play a very effective role in the formation of public opinion. Public opinion will not be a true reflection of the ideas of public until the hindrances like indifferent attitude, illiteracy, poverty, dishonest and partial press are removed.

You have read that unlike political parties, there exist some voluntary organised groups to protect the special interests of the individuals in the society. They put pressure on the government through various techniques and are called pressure groups. The method and style of work of the pressure groups depend on the pattern and nature of party system in the country. You have read about the pressure groups like FICCI, Trade Unions etc. in India and also in other countries. The pressure groups adopt various democratic and undemocratic methods to set their demands fulfilled by the government. But they play significant role in moulding the policies of the government.

**Terminal Exercises**

1. Define Public Opinion.
2. Examine the role of public opinion in the democratic system of India.
3. Describe the various agencies of public opinion.
4. Analyse the hindrances in the formation of sound public opinion.
5. On what basis do we classify the pressure groups in India?
6. Discuss the role of pressure groups.
7. Evaluate the methods adopted by the pressure groups in India.

**Answers to Intext Questions****21.1**

- (a) common
- (b) organised and considered
- (c) is not
- (d) is no

21.2

- I. (a) public opinion
- (b) watchdog
- (c) are
- II. (a) False

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- (b) True
- (c) False
- (d) True

21.3

- I
 - (a) True
 - (b) False
 - (c) False
 - (d) True
 - (e) True
 - (f) False
- II.
 - (a) uneducated
 - (b) natural
 - (c) audience

21.4

- (a) impartial and free
- (b) castes and communities
- (c) balanced

21.5

- (a) pressure
- (b) political parties
- (c) public opinion
- (d) vary
- (e) affect

21.6

- (a) public
- (b) government and citizens
- (c) political institutions

21.7

- (a) extremist
- (b) strong
- (c) publicity

Hints of Terminal Exercises

1. Refer to section 21.1
2. Refer to section 21.2
3. Refer to section 21.3
4. Refer to section 21.4
5. Refer to section 21.6
6. Refer to section 21.7
7. Refer to section 21.8



Notes



Let us ponder over adolescence issues



By **Peer** we mean a group of people of approximately the same age, status, and interests and **Peer Pressure** is a term describing a person's changes, or temptations to change, in attitude, behaviour and morals as directly influenced by their peer group.



ENVIRONMENTAL AWARENESS

MODULE - 5

Major Contemporary Issues



Notes

Environment includes all living and non-living objects. We live in the environment and use the environmental resources like air, land and water to meet our needs. Development also means meeting the needs of the people. While meeting the ever-growing needs, we put pressure on the environment. When the pressure exceeds the carrying capacity of the environment to repair or replace itself, it creates a serious problem of environmental degradation. If we use any environmental resource such as ground water beyond its limit of replacement, we may lose it forever. Therefore, there is a need to create 'awareness' about Environmental protection. While efforts are being made at the national and international level to protect our environment, it is also the responsibility of every citizen to use our environmental resources with care and protect them from degradation. In this lesson we will discuss the meaning and causes of environmental degradation and the importance of environmental conservation.



Objectives

After studying this lesson, the learner will be able to

- explain the concept of environmental degradation ;
- identify various factors causing environmental degradation ;
- recognize the growing awareness about Environmental degradation ;
- explain the concept of sustainable development ;
- recognize the national and international commitment to the protection of Environment.

23.1 Environmental Degradation

Environment constitutes a very important part of our life. To understand life without studying the impact of environment is simply impossible. The need to protect environment can be ignored only at our peril. We use environmental resources in our day to day life. These resources are renewable and non-renewable. We have to be more cautious in consuming non-renewable resources like coal and petroleum, which are prone to depletion. All human activities have an impact on environment. But in the last two centuries or so, the human influence on environment has increased manifold due to the rapid population.



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growth and the fast development in science and technology. These two are the major factors in reducing the quality of environment and causing its degradation.

The environmental degradation poses a great danger to man's own survival. It should be realized, sooner than later, that conservation and improvement of the environment are vital for the survival, and well being of mankind. Natural resources of land, air and water have to be used wisely as a trust to ensure a healthy environment for the present and future generations.

23.1.1 Environmental Problem

Some of the notable problem of environment can be identified as under: -

a. Land Air And Water : pollution of land and water has affected plants, animals and human beings. The quality of soil is deteriorating resulting in the loss of agricultural land. The loss is estimated to be about five to seven million hectares of land each year. Soil erosion, as a result of wind and/or water, costs the world dearly. The recurring floods have their own peculiar casualties like deforestation, silt in the river bed, inadequate and improper drainage, loss of men and property. The vast oceans, after being turned in to dumping grounds for all nuclear wastes, have poisoned and polluted the whole natural environment.

b.Population Growth : population growth means more people to eat and breathe, and putting an excessive pressure on land and forest, and ultimately disturbing the ecological balance.

Our growing population is putting pressure on land, leading to poor quality of productivity, deforestation (the loss of forest land so necessary for ecological balance and extinction of wild life leading to imbalance in the ecological order, loss of wild life heritage and ultimately dwindling of several species. The growing population is not only a problem for the natural environment; it is a problem for any other aspect of environment, say, for example social, economic, political etc.

c. Urbanization : Urbanization is no less a source of pollution, and therefore, a threat to the environment. Urbanization means maddening race of people from villages to the cities. The net result of urbanization is dirt, disease and disasters. In a state of growing urbanization, environmental problem like sanitation, ill-health, housing, water-supply and electricity keep expanding. On the other, the environmental degradation is caused in the rural life due to indiscriminate collection of firewood, overgrazing and depletion of other natural resources.

d. Industrialization : Industrialization coupled with the development of the means of transport and communication has not only polluted the environment, but also has led to the shrinking of the natural resources. Both ways, the loss is really heavy. Increasing level of heat fluxes, carbon dioxide and particulate, radioactive nuclear wastes and the like create environment hazards. On the other hand, the consumption of conventional source of energy leads to the loss of natural resource. We are building a world without caring for future generations.



Intext Questions 23.1

Identify The True and False statement

1. Coal is a renewable resource.



2. The fast development in science and technology is a major factor contributing to the environmental degradation.
3. The growing population in India does not contribute to the environmental degradation.
4. Trees are a good example of non-renewable resource.

23.2 Awareness about Environmental Protection

In the past two decades, environment has attracted the attention of decision makers, scientists and even laymen in many parts of the world. They are becoming increasingly conscious of issues such as famines, droughts, floods, scarcity of fuel, firewood and fodder, pollution of air and water, problems of hazardous chemicals and radiation, depletion of natural resources, extinction of wildlife and dangers to flora and fauna. People are now aware of the need to protect the natural environmental resources of air, water, soil and plant life that constitute the natural capital on which man depends.

The environmental issues are important because the absence of their solutions is more horrible. Unless environmental issues are not solved or not taken care of the coming generations may find earth worth not living. The need of the planet and the needs of the person have become one.

There is no denying the fact that environment has to be protected and conserved so to make future life possible. Indeed, man's needs are increasing and accordingly the environment is also being altered, indeed, nature's capacity is too accommodating and too regenerative yet there is a limit to nature's capacity, especially when pressure of exploding population and technology keep mounting. What is required is the sustenance, conservation and improvement of the changing and fragile environment.

23.3 The Concept of Sustainable Development

The world commission on environment and development (the Brundtland commission) submitted its report entitled "Our common future" in 1987. This report highlighted and popularised the concept of 'sustainable development'. Sustainable development has been defined on meeting the needs of the present generation without compromising the need of future generations. All developmental activities involve some amount of environmental degradation. What is required is to take into account the damage to environment as a result of development, and strike a balance between development and environmental protection. The aim should be to achieve sustainable levels of people's welfare and development. The primary concern is how many people can ultimately be supported by environment and at what level of quality of life.

The mainstream greens scholars like Carr, Brown, Dala, Schumacher. Does not make sense and others, all lay stress on "sustainability" of environment together with development. The emphasis of the mainstream green' are not on pollution, but on (1) energy and its resource may be renewed, and be kept renewing, (2) the waste be changed into raw-material, raw-material into waste, waste into raw- material: recycling of waste into raw-material; (3) gross national product and its growth targets need not be sought, but what should be sought is the satisfaction of real human needs'. The greens say that growth means cancer, a cancer that threatens to spread worldwide, and destroy all life. They

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accept industry if it is on small scale and is for purpose of self-sufficiency. They advocate extensive decentralization.

The concept of sustainable development is more about environment and less about development; more about stability and less about change; more about restricting one's wants and less about the continuing material development more about the non-exploitative attitude towards environment and less about harnessing it; more about small communities and less about the larger ones. It is not a concept of development with environment, but is environment without growth.

Indeed, ecological degradation should stop. But why should the pace of development stop? A disciplined uses of environmental benefits go a long way for all round development. Scholars and activists assert that environmental degradation can be controlled and reversed only by ensuring that the parties causing the damage should be made accountable for their action and that they should participate in improving environmental conditions. What is needed is a set of norms, which bring the demands of development and the compulsion of environment closer to each other.

23.4 National and International Efforts

In India, the environmental awareness gained importance since 1970s after the UN sponsored conference on environment in Stockholm (1972). Indian government took many environment friendly activities. Ministry of environment and forest was established and laws were enacted on environment protection in 1986.

The objective of India's National Environment policy, here, are worth stating.

- 1) Conserve and develop safe, healthy, productive, and aesthetically satisfying environment ;
- 2) Upgrade, develop and manage rural and urban settlement to enhance the quality of life ;
- 3) Plan development on sound ecological principles with environmental impact assessment and incorporating appropriate environmental safeguards ;
- 4) Promote environmental safety-technologies, recycling of resources and utilization of wastes ;
- 5) Conserve the biotic diversity in the country by creating nature reserves and sanctuaries for specific habitats such as mountains, rain forests, pastures, deserts, wet lands, lakes, beaches, mangroves, estuaries, lagoons and island ;
- 6) Safeguard the environment within the national maritime Exclusive Economic Zone ;
- 7) Evolve environmental norms and establish effective mechanism for monitoring surveillance and collection and dissemination of information ;
- 8) Preserve science landscapes, as well as historic and cultural monuments and their environs ;
- 9) Promote environmental education at all level and create public awareness ;
- 10) Encourage research in environmental science and technological and social investigation to conserve and improve the environment and



- 11) Develop adequate manpower within the country, of ecologists, environmental scientists, planners and managers of the highest quality and recognize their work as an important component of national development.

23.5 National and International Commitment to The Protection of Environment

The growing awareness about environmental protection has resulted in new measures across the world. The late Prime minister Mrs. Indira Gandhi was the only Head of Government, attending the 1972 Stockholm conference, which was called the “U.N. Conference on Human environment”. The Rio Conference 20 years later was called the “U.N. Conference on Environment and Development”. It was Mrs. Gandhi who first pointed out that poverty was the greatest polluter and unless it was eliminated through national and international efforts it was futile to talk about protecting the planet from environmental disaster. UNDP, the World Bank and other institutions of the U.N. system are now advocating the elimination of poverty as the central task in sustainable development. Indeed environmental and development policies are seen as complementing each other. The conflict between the requirement of long-term environmental interests and the immediate compulsions of development is certainly to be resolved. But any world order cannot be sustainable if three-fourths of its population continues to live in poverty. Environmental rights and developmental rights together constitute the democratic and human rights of all the people of the world.

The Montreal convention and the conventions on climate change; bio-diversity and forest adopted at Rio are important landmarks in the world movement for sustainable development and environmental protection. India has accepted these conventions and is taking systematic measures to implement them. An environmental action programme funded by U.N.D.P. is under implementation. There are 31 schemes for industrial pollution control approved by the World Bank, involving of US. \$ 105 million. On the anvil are common effluent plants for small industries located in a cluster, the big plants being looked after individually. Seventeen grossly polluting industries have been identified for environment control within a time schedule. For certain categories of industries, prior environment clearance is compulsory before they can be set up. In regard to transport pollution apart from conservation measures, pollution free engines are being designed, some of which have already been introduced for two-wheelers, three-wheelers and some of the popular cars. A National Forestry Plan is in progress. Environmental Brigades, Afforestation Brigades and Ecological task Force have been organized by Non-government organizations (NGOs.) India's wild life conservation projects have met with remarkable success. India has a protected network of 75 national parks and 421 wild life sanctuaries. The Tiger project has been a great success. India also has an elaborate laws relating to the prevention of pollution of water, soil and air and a system of environmental audit of most industrial projects. While this is voluntary for most countries, India has a mandatory rule in this regard. India is also engaged in serious and systematic efforts to develop alternative and renewable sources of energy like solar, wind and wave energy which are environment friendly. Emphasis is laid on solar energy on which some significant technological progress has been made. India is taking all these measures partially with international assistance.

23.6 Some Measures taken by Indian Government to Check Environmental Pollution

- 1) **Environmental Courts:** Special courts are being set up to ensure speedy justice of the poor against factories that pollute the Environment.
- 2) **Environment Friendly Products :** The government is setting stringent standards for all products in the market. Those, which meet these standards of production and performance will be given the label of excellence like the ISI mark.
- 3) **Unleashing Of Petrol :** Refineries are being persuaded to make their petrol lead free. Indian petrol has the highest lead content, which creates major pollution through automobiles.
- 4) **Ban On Harmful Pesticides:** Eight chemical pesticides, of which DDT, BHC, Aldrin and Malathion are the main culprits have been isolated. There are now plans to replace them with safe biopesticides.
- 5) **National Waste Management Council:** The main task is to convert 40 million tones of flyash, that lie as a mountain near thermal power plants into bricks, city garbage into energy and sewage into fertilizer.
- 6) **Public Liability Insurance:** This makes it mandatory for all companies to take out a public liability insurance to be paid in 48 hours.
- 7) **Pollution By Motor Vehicles :** Anti-pollution measures against motor vehicles are being strictly enforced. Vehicles not adhering to the standards prescribed are fined heavily and may even be asked to be off the road.
- 8) **Hotel Near Sea Shore:** Action has been taken against a large number of hotels which encroach beaches in flagrant violation of laws.
- 9) **National River Action Plan:** The proposal is to set up a National river authority which will plan policy for water use and waste management at the national level.
- 10) **Solar Energy Commission:** Since the energy sector is the major polluter, the idea is to create decentralized energy at the village level, instead of multiplying the mainstream producer.
- 11) **No Smoking In Public Places:** A ban is proposed on smoking in public places. The Delhi government has taken a lead in this direction.



Intext Questions 23.2

1. Identify two most important international conferences on Environment.
 - i) _____
 - ii) _____



2. Give the name of the world commission which popularized the concept of sustainable development
 - i) _____
3. Identify any three objective of India's National Environment Policy.
 - i) _____
 - ii) _____
 - iii) _____
4. Identify any three measures taken by the Government of India to check Environmental Pollution.
 - i) _____
 - ii) _____
 - iii) _____

**What You Have Learnt**

- Environment is the surrounding we live in.
- Unplanned human activities cause environmental degradation.
- Sustainable development is a concept, which says that development should be environment oriented, i.e., it should be such that it does not harm natural order.
- Different types of pollution such as carbon dioxide, carbon monoxide, pesticides, sewage, smoke, noise cause environmental degradation.
- Awareness is now growing to conserve the nature. To conserve or to perish has become the slogan of the hour.
- The United Nations, through its agencies is making all efforts to conserve the environment, so that future generations do not face consequences of what the present generation is doing.
- The India Government has also introduced laws and has taken measures which go on to promote environmental awareness and also helps in preserving the nature.

**Terminal Exercises**

1. Describe the meaning of environment and environmental degradation.
2. Discuss any two environmental problems.
3. What is sustainable development? Explain.

4. Outline the various efforts made by the Indian Government towards creating a better natural Environment.



Answers to Intext Questions

23.1

- I. False
- II. True
- III. False
- IV. False

Let us ponder over adolescence issues



How do we know if someone is a drug addict?

Following are the symptoms of a drug addict:

- Loss of interest in daily routine;
- Loss of appetite/weight;
- Reddening and puffiness of eyes, unclear vision;
- Slurring of speech;
- Fresh/numerous injection sites on body and blood stains on clothes;
- Presence of needles, syringes and strange packets at home;
- Nausea, vomiting and body pain;
- Drowsiness or sleeplessness, lethargy and passivity;
- Acute anxiety, depression, profuse sweating;
- Changing mood, temper, tantrums;
- Depersonalization and emotional detachment; and
- Impaired memory and concentration.





GOOD GOVERNANCE

MODULE - 5

Major Contemporary Issues



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Every one of us expects and aspires that our government should be good and effective. In fact, we also know that it was for the purpose of securing conditions for safe and happy life that the state came into existence and its continuity is justified in terms of promoting and preserving the quality of life. Kautilya considered it as the bounden duty of the government to act in a manner that realizes the material, mental, moral and cultural well being of the people. It is in this context that the study of good governance has become very important in the study of political science. The lesson explains the meaning of good governance, governance and measures to overcome these hindrances as well as the role of citizens to ensure good governance.



Objectives

After studying this lesson, you will be able to

- explain the concept of good governance ;
- describe the major components or characteristics of good governance like Accountability, Openness, etc. ;
- discuss major hindrances to good governance like corruption, population growth and culture of violence ;
- appreciate the role of citizens in the process of good governance ;
- describe the ways to promote good governance like use of computers, the right to information and citizens' charter.

24.1 Meaning of Good Governance

In order to understand the concept of good governance we shall first have to know the meaning of governance. What is governance? It has been defined as the use of power and authority by those in government to provide goods and services to the people to uphold the common good and fulfill the aspirations and needs of the common man. Governance, therefore, is concerned with power, strategies, policies, plans and projects that aim at improving the substance or quality of life. The people expect their government to proceed

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with its tasks in a way that maximum results follow with minimum cost or investment. Governance becomes good when the decisions and actions of the government are based on peoples' consent, legitimacy and accountability. Thus good governance is concerned with high quality in governance. All sections of the society today judge their government by their governance. Earlier, coercive state was considered to be most effective instrument of good governance. In ancient and medieval India a king, though authoritarian, was supposed to be conscientious and responsive to the needs of the subjects.

In modern times, good governance implies enlightened citizenship as well as accountable and constitutional government. Good governance is also a key developmental concept today. The debate only relates to the question of how to bring about development. It is a concept that is inclusive and positive in nature. It is inclusive in so far as it aims at involvement of people in the process of development. Thus development is not merely people-oriented but people-centered. It is positive to the extent of building up new levels of skills, knowledge and support for development. Let us now discuss some of the features or characteristics of good governance.

24.2 Features of Good Governance

The next important question in the discussion on good governance is: what are the basic features or elements of good governance? A number of reports and studies have sought to identify a number of features. In the scheme of Kautilya, for instance, the following features formed part of good governance:

- Law and order
- People caring administration
- Justice and rationality as the basis of decision
- Corruption free governance

The World Bank in its reports of 1989 and 1992, the Organization for Economic Cooperation and Development (OECD) Commission on Global Governance (1995), United Nations Development Programme (UNDP) 1997 have all dealt with the attributes of good governance extensively.

These concerns of good governance have been very clearly voiced in Asian Development Basic report in the shape of the following questions :

- Do people fully participate in governance?
- Are people fully informed?
- Do people make decisions or can they at least hold the decision makers accountable?
- Are the women equal partners with men in Governance?
- Are the needs of the poor and disadvantaged met?
- Are peoples' human rights guaranteed?
- Are the needs of the future generation taken into account in current policies?
- Do people own their structures of governance?



24.2.1 Accountability

It has been emphasized almost unanimously that governance has to be based on the principle of accountability of those who are responsible for it. Accountability, in fact, implies that the bureaucracy should be answerable for what they do or don't do? This is sought to be administered in a parliamentary system through questions, debates, discussions, budgetary approvals, committees and such other methods by parliament. The executive is to be responsive to the people through their representatives. It is, however, also true that this mechanism has increasingly proved to be ineffective for reasons of decline in the quality and character of debates and the representatives, transformation of parliamentary system into a cabinet system of government, criminalization of politics and fragmentation of society and politics. Secondly, accountability is also ensured through judicial review of the governmental decisions or laws. The citizens are also seeking judicial intervention through Public Interest Litigation (PIL) for prompt action on certain issues affecting the common life. Such practices are in vogue, directly or indirectly in several countries like New Zealand, Canada, Australia and India. Recently, a more effective mode of public accountability is the system of citizens' charter. The idea is to change the bureaucratic culture to include people friendly attitudes instead of patriarchal, indifferent, casual and callous behavior to citizens. The old feudal value must give place to modern democratic values in bureaucracy.

An accountable system of governance, thus, presupposes the following functional and behavioral traits of the civil servants:

- Achievement oriented behaviour,
- Judicious use of authority,
- Pursuit of happiness of the people,
- Use of reason and experience as the basis of decision,
- Shirking of work to be identified and punished,
- Time bound implementation of Policies and Plans,
- Strength of character, intelligence, perseverance and extensivity of civil servants,
- Uprightness, friendliness and firmness of devotion in dealing with others,
- Capacity for doing a work which should be supplemented by the skill-in-action and question for perfection.

In every country a number of institutional and legal arrangements have been made to secure the prevalence of the characteristics of an accountable administration. For example, in India setting up of institutions like Central Vigilance Commission and national commissions for Women, Schedules Tribes, Schedules Castes, Minorities and Backward Classes, National Labour Commission, National Commissions for Human Rights and Minorities, and Comptroller and Auditor General of India are some such efforts or steps to administer social, legal constitutional and systemic commitments in bureaucracy. It seeks to remove the tendencies of administrative bias, corruption, alienation and secrecy. The aim is to make administration poor-sensitive, gender-sensitive, and more sensitive to the demands and grievances of the public. The purpose is to prevent undesirable acts or behavior and to promote efficiency and integrity of public servants. The Governments have also initiated a number of other measures to see the actual operations of accountability in administration.

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Major Contemporary Issues



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A reference can be made to the following :

- Management by Objective (MBO)
- Machinery for the redress of public grievances
- Recognition of the Right to Information
- E Governance and Information Technology use
- Democratization and Decentralisation of power
- Empowerment of the marginalized groups, especially women
- Fair Competition between public and private sectors
- Review of a number of laws, rules and regulations

In order to establish accountability at the level of local Government and empowerment of the marginalized groups, Indian Parliament passed 73rd and 74th Amendment Acts in 1992 providing for among other things 33.3% reservation for women and for scheduled castes/tribes in proportion to their population, decentralized development planning, enhancing financial abilities through increased financial powers and support to the local bodies. Decentralization and democratization thus are made benchmarks of development administration. Moreover, 79 ministries and departments of the central government are operating the structure of citizens' charter. This charter is an account of :

- Time limits and standards for services
- Avenues of grievance redressal and
- Putting in place monitoring system and independent scrutiny of implementation of the charter.

A number of States and Union Government have created special agencies and units to deal with the grievances of the public emanating mainly from non-reachability of the officials, absence of a time frame for disposal of the cases and unsympathetic attitude of public officials. Accountability is related to the system of openness and transparency. If the decisions are not taken in a transparent and open manner, one can question the impartiality of such a decision. There shall be much less place for favouritism, nepotism and prejudice in the treatment of the citizens. Indian Parliament has enacted the Right to Information Act to facilitate openness in government. Central ministries and departments have set up facilitation counters with wide publicity for the purpose of information and making complaints.



Intext Questions 24.1

Fill in blanks :

1. Governance is concerned with formulation of _____ to improve _____ of life of the people.
(strategy/ Revenue Collection Scheme; Quality/ Family Relations)
2. Kautilya's scheme of good governance is based on _____ administration.
(People caring/ Authoritarian and arbitrary).



3. The concept of good governance became popular in administrative discussion with the publication of _____ (World Bank Report 1989 & 1992/ Machiavelli's the Prince).
4. Governance is good if it based on _____ (People's consent/Guardian Like behaviour of the civil servants).

24.3 Hindrances to Good Governance

Countries at the international and national levels have shown much seriousness about good governance. But how is it that they have not been finding it so easy to provide to all their citizens a just, equal and free social order. What are the factors that are blocking the road to good governance? There are a number of factors responsible for the failure to achieve the desired ends, but the following are the major threats to good governance :

- (A) Corruption
- (B) Population Growth
- (C) Culture of Violence

24.3.1 Corruption

Corruption is an illegal use of authority for personal gains. Corruption is a universal disease causing harm to the people and government almost everywhere in the world. However, in the countries like India it has assumed the shape of a cancer. Since the days of Kautilya the issue of ethics and integrity in government has been a major concern. At times the political leaders have expressed their helplessness to contain corruption by arguing that corruption is a worldwide phenomenon. But the question of probity and corruption is getting a little more attention than earlier. The exposure of the scams and the demand for action against the corruption is now increasing. But no step to fight corruption will be effective unless all forms of corruption – political, economic, moral and administrative are fought with a sense of commitment and will. In order to meet the threat of corruption to good governance, the following steps are necessary:

1. Breaking the nexus between politicians, bureaucrats and criminals.
2. Ensuring a cost-effective administration of justice.
3. Setting up of Public interest litigation courts at the national, state and local levels.
4. Making right to information more effective.
5. Strengthening law enforcement agencies in terms of autonomy, skills, attitudinal change and awareness of the social problems.
6. Forfeiture of the properties of the corrupt immediately after the charges are framed. Such a property can be released only after the person is proved innocent.
7. Improving bureaucratic functioning by way of simplification of rules, regulations and procedures of work.
8. Mobilizing the society to support the system of rule of law.
9. Putting an end to the system of patronage and nepotism from government organizations.

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24.3.2 Population Growth

Good governance is concerned not merely with effective laws, procedures and practices, but also concerned with mobilization and utilization of country's social and economic resources in a manner that benefits all the members of the society. However, one finds that development efforts have failed to eliminate poverty, unemployment and illiteracy and to secure to all 'citizens equitable access to even primary education and health, food, water and a house. From a population of about 35 crores at the time of India's Independence to more than 100 crores now is a cause for concern. Though some states in India such as Kerala, TamilNadu, Goa and Manipur have already achieved population stabilisation, there are still some states like Uttar Pradesh, Madhya Pradesh, Rajasthan and Bihar which will take a long time to stabilize their population. The phenomenal growth in numbers requires resources to sustain them. There is an increasing demand on land, air and water resources. Providing adequate educational and health facilities, food, shelter and employment to the growing numbers is a difficult task before any government in India. Look at our large cities where concentration of a very large population poses many problems of health and sanitation, water supply, roads, and electricity. In fact, in many respects cities like Mumbai, Calcutta and Delhi are increasingly becoming ungovernable. The rapidly increasing population is, in fact, a means to a breakdown of good governance. Population can be stabilized through spread of education, awareness, health education, people's involvement and development etc.

24.3.3 Culture of Violence

Resort to illegal force is considered to be a law and order problem. But when one looks at it from the point of view of the principles of good governance, it becomes clear that peace and order is the first step to development. Strikes, riots, terror attacks onerant of this harmful culture of violence. The government can focus on economic, social and political development if it is free from the concerns of threat to public safety and security in terms of life and property. Moreover, terrorism is also the greatest threat to the rule of law because terror replaces the law or seeks to subvert the law. Terrorism is a hindrance to progress. No industrialist would be willing to invest in an area, which is affected by violence and terrorist activities. This produces an adverse impact on employment, health, education and the provision of other services to the people in the long run. The social life also comes to a halt and people become almost in house prisoners or suffer from mental agonies of different types if they live under the shadow of violence and terrorism. The issue of human rights also comes to the fore. Terrorists seldom respect the human rights of the common man. But when the government uses brutal force to contain terrorism, at times human rights of common citizens are violated by the state police. It requires a clear vision, courage and understanding to deal with this menace through dialogue with the violators of law, redressal of their genuine grievances, involvement of the neighbours and wider international governments in the fight against terrorism.



Intext Questions 24.2

Fill in the blanks :

1. Corruption is an _____ use of authority for personal benefits (legal/ illegal).
2. Corruption is concerned with _____ in public life (secrecy/ probity)



3. Corruption can be reduced by _____ (simplification/ reviving of Rules and Regulations)
4. Population has been stabilized in _____ (Uttar Pradesh/ Kerala)
5. Violence is the greatest threat to _____ (Rule of Law/ Police).

24.4 Measures to Establish Good Governance

One can draw a long list of the measures to realize the goals of good governance. Let us discuss two measures viz. ensure people's participation and the use of computers and information technology, for an efficient, effective, honest, transparent and law abiding system of governance.

24.4.1 Peoples Participation for Good Governance

People's participation is given increasing priority in the scheme of governance. It is recognized that people's involvement in decision-making and decision implementation would act as :

- a check on indifferent and inefficient bureaucracy. In other words people could act as pressure on administration to act and act in time.
- Instruments for a responsive and accountable administration.
- a medium of development administration and self-government.
- a mobiliser and user of local resources for local development.

The people can perform this role either by becoming a member of any social organization or interest and pressure groups or welfare organization or a political party or by becoming a part of bureaucracy and government at national, regional or local levels. The governments are seeking to involve people by the democratic decentralization-the panchayats and municipalities or by association in advisory or consultative committees and institutions. People also organize themselves to demand a policy to meet the expectations of the citizens. They organize as groups to support a people friendly decision of the government as they also oppose anti people measures taken by it. One can mention the name of organizations like: Narmada Bachao Andolan, Bachpan Bachao Andolan, Peoples' Initiative, Help Age India, Common Cause Shiksha Bachao Andolan etc. in this context. People, thus, can play a significant role as opinion makers both in favour and against the government and administration. At times, individuals tend to work for the resolution of conflicts within the society or between the society and the state. Individuals can also act as a link between the people and the bureaucracy by supplying the information about the action / reaction of the people and their roles. By such feedback the civil servants can remedy the situation. Since the levels of education, information, knowledge of the government, political and the economic status condition people's participation, a large number of local people remain outside the system of governance. Therefore, our country has made deliberate attempt to include the poorer sections in the process of decision-making and development. Reservation of 33.3% seats for women in the panchayati raj and the urban local government is one such step. There is a provision for reservation of seats for SCs/STs in the proportion to their population in the areas of local government. For instance, if there are 20% Scheduled Castes in a district then 20% seats shall be reserved for them in the Zila parishad. Similarly, if the

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number of Scheduled tribes in 1% in a village than 1% seats shall be reserved for the Scheduled Tribes in the Gram Panchayat. Reservation for the backward classes has been left to the state government. It may not be wrong, however, to state that there is still a gap between what is provided and what is implemented in the area of the people's participation in governance, especially in the local governments. It is only a handful of people who appear to be empowered.

24.5 Role of Computer and Information Technology (IT) as means of good governance

From the discussion held so far you must have noted that the essence of good governance is being people-friendly and power-sharing system on the one hand and being responsive, accessible, moral, transparent and corruption free system on the other. The use of computers and information technology is visualized as a very effective tool of good governance. It seeks to improve.

- Delivery of services to the people at low cost.
- Empowerment of people through dissemination of information.
- Openness and transparency in the working of government.
- Innovations and introduction of new ideas and concepts in the performance by the government and the people.
- Effective linkages between citizens and the administration
- Comprehensive monitoring and assessment of the performance of the government.

Computers, thus, can increase people's reach to the information relating to rules, regulations or procedures or about the welfare and development scheme of the government or about the welfare and development scheme of the government or information about weather and climate that can be used by farmers and citizens. It is said corruption is the product of face-to-face meeting between the giver and receiver of a decision. Computers can reduce their personal contacts to curb corruption. For example, a farmer can get his land record copy on the computer, a citizen can pay any bill or tax without actually going to the cash counter and suffering the agony of long queue or losing the earnings of the day. The Gyandoot programme being implemented in Dhar district of Madhya Pradesh in India provides the number of services like online registration, copies of land record, agriculture produce auction center to the people at a nominal price. The list may further include facilities like eligibility rules and application for loans; prices of seeds, fertilizers and tools, the power cut schedule, availability of diesel etc. Such a system would cut the administrative delays, which is another source of corruption. It would reduce time and financial cost of the facility as the citizens would get them through computer at their doorsteps. The government of Karnataka is using computers for transparency in educational admission and recruitment, transfers and payment of salaries of teachers. Computers are also used to know the implementation of the instructions or orders of the chief minister. It is also being used for the management of the constituency and prepare summarized data on major projects in health, housing and other social welfare schemes.

In Kerala a computerized project known as FRIENDS (Fast, Reliable, Instant, Efficient Network for disbursement of services) is working to provide a range of public services



through computers to the people. The central government in India has also introduced computerized system of administration in various departments and ministries like Railways, Human Resource Development, Rural Development, Planning Commission and UGC.

**Intext Questions 24.3**

Fill in the blanks :

1. Good governance can be secured through _____ (people's involvement/ Civil Service alone).
2. Use of the computer makes the delivery of the services _____ (costly / cheap).
3. Madhya Pradesh in India provides a number of services to the people through _____ (Gyandoot Programme/ Gyan Darshan)

**What You Have Learnt**

You have studied in the lesson the meaning and the concepts of good governance, the features or attributes of good governance, the extent or level of their existence at the national and other lower levels. You have also reflected on the problems in implementing the ideals or goals of good governance, mainly posed by the population explosion, violence, terrorism and corruption. The ways adopted by different governments to overcome their hindrances has also been a part of your study. The special focus again is on the people's participation, prevention of corruption and computer use as means of promoting good governance.

**Terminal Exercises**

1. Discuss the meaning and the concept of good governance.
2. Identify three features of good governance. Explain the importance of accountability in good governance.
3. Discuss the main hindrances to good governance.
4. Describe measures for good governance, the government of India has taken.

**Answers to Intext Questions****24.1**

1. (A) strategy (B) Quality
2. People caring
3. World Bank Report 1989 & 1992
4. People's consent

**Major Contemporary
Issues**

24.2

1. Illegal
2. Probity
3. Simplification
4. Review
5. Rule of Law

24.3

1. People's involvement
2. Cheap
3. Gyandoot Programme

Hints for Terminal Exercises

1. Refer to Section 24.1
2. Refer to Section 24.2
3. Refer to Section 24.3
4. Refer to Section 24.4

Let us ponder over adolescence issues

What are HIV and AIDS?

HIV IS:
**Human
Immunodeficiency
Virus**

AIDS IS:
**Acquired
Immunodeficiency
Syndrome**

HIV weakens the body's defence or immune system. AIDS is the late stage of HIV infection, when the immune system of the infected person has been completely destroyed, and when the person contracts a variety of diseases and infections. AIDS is thus not one particular isolated disease but a syndrome, which means that it shows a variety of symptoms related to different disorders and diseases. AIDS may develop as early as 6 months after HIV infection in a severe case, or as late as 8–10 years after infection.



HUMAN RIGHTS

MODULE - 5

Major Contemporary Issues



Notes

The basic fact to remember about human rights is that they are not the gift or bounty of any political sovereign through legislation or any edict, but are rights inherent in human existence. The purpose of any law dealing with these rights is merely to recognize them, to regulate their exercise and to provide for their enforcement, and the related matters. Inviolability of some basic rights in a civilized society is based on this premise. Human rights are considered to be universal, indivisible and interdependent.

‘Human rights’ in practice have been defined to include all aspects of dignified human existence which make every human being an equal member of the human family. Human dignity is the essence of human rights. It is the wide understanding of this aspect and appreciation of the range of dignity of the individual which defines the true scope of human rights.



Objectives

After studying this lesson, you will be able to

- Explain the basic concept of human rights ;
- Classify the main categories of human rights ;
- Recall the major landmarks in the development of human rights ;
- Trace the evolution of human rights in India ;
- Recognize the role of non-governmental organizations in the promotion and protection of human rights.

25.1 Basic Concept of Human Rights

There have been a number of ways of classifying human rights. Some of the categories are given below :

25.1.1 Classical

These have been defined to include civil and political rights and generally restrict the powers of the state in respect of actions affecting the individual.

25.1.2 Fundamental and Basic Rights

With the recent increase in the number of human rights, a concern has arisen that some rights will become watered down. Consequently, the term fundamental rights tends to be used to indicate more importance of certain rights. Some rights are so important that they must always be given precedence in national and international policy. They include all the rights pertaining to individual dignity as well as to their material needs.

25.1.3 Collective and Individual Rights

In general, most human rights relate to the individual. It will, however, become apparent that some of them can only be exercised by groups. This is especially so when the ability to exercise rights is linked to membership of a particular group.

25.1.4 First, Second and Third Generation Rights

Clearly, this classification follows the historical development of rights. First are the civil and political rights and second are the social, economic and cultural ones. In recent years, academics have started to talk about the existence of a third generation of rights which are solidarity rights, for example the right to peace, the right to development, the right to food and to a clean environment. Human rights are necessarily dynamic.

25.2 Six Features of Human Rights

From the above discussion we can conclude that there are certain common features of all the categories of human rights. We can identify at least six features which are basic to the concept of human rights.

25.2.1 People have rights simply because they are human

All people have the right to lead a dignified and human life, and work towards achieving this for all people. These rights cannot be denied on the basis of caste, colour, religion and gender.

25.2.2 Human rights are universal

They take no account of nation, race, sex or colour. People of all nations, colour, race, religion have same rights everywhere. The developed and developing countries in all continents of the world must guarantee same rights to all their citizens.

25.2.3 Human rights treat all people as equal

This follows the idea that “all human beings are born free and equal in rights and dignity” and therefore deserve the same opportunities and treatment, whilst simultaneously respecting their different cultures and traditions, political persuasion, sexuality, social origin, status etc. Governments must therefore work to create the same opportunities for all the people in the country and this may involve extra work to make those opportunities the same for certain sections in society e.g. women, children, and the disabled.

25.2.4 These rights belong primarily to individuals

This means that they are concerned with the relationship between an individual and the state. Consequently, it is for the government to create a society where each individual can

**Notes**



enjoy and freely exercise his or her rights to the full.

25.2.5 Human rights encompass the fundamental principles of humanity

These rights are considered to be basic for the development of human personality and for the sake of human dignity. Examples of such rights are the right to life, freedom from slavery and freedom from torture.

25.2.6 The promotion and protection of human rights is not limited to national boundaries but rather stipulates certain ideals that apply the world over

Human rights hold nations accountable for meeting the conditions which satisfy the promotion, protection and respect for these rights.



Intext Questions 25.1

1. Tick (✓) the correct answer:

- (a) Human Rights are inherent in human existence. (True/False)
- (b) Classical Rights include civil and political rights. (True/False)
- (c) The promotion and protection of human rights is limited to national boundaries. (True/False)

2. Fill in the blanks :

- (a) Human rights are _____. (universal, local).
- (b) Human rights are necessarily _____. (static, dynamic, closed)
- (c) Human Rights encompass the _____ principles of humanity. (oldest, medieval, fundamental)

25.3 Major Landmarks in the Development of Human Rights

Incorporation of a Bill of Rights in some early national charters and constitutions in Europe indicates that the concept is not of recent origin.

Early European charters supporting the idea of certain fundamental freedoms were the *Magna Carta* of 1215, the *Union of Utrecht* in 1579 (Netherlands), and the *British Bill of Rights* in 1689.

These charters specified certain freedoms that one could claim if one held a particular *status* and were not all-encompassing, but rather conferred upon an individual. Over the next few centuries, the idea of liberty gradually separated from status and was viewed as a right pertaining to all human beings.

This was also the time when the British colonies in North America strove for independence and drew up their own *Declaration of Independence* in 1776, based on the idea of



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universal equality, and the existence of certain inalienable rights. These documents were eventually incorporated into the *American Bill of Rights* which is a part of the U.S. Constitution. The international growth of the concept can be demonstrated by the *French Declaration of the Rights of Man in 1789*.

The rights of the 18th and 19th centuries can be termed as ‘*classic*’ rights, relating to the freedom of the individual and were incorporated in many national constitutions. Today, governments provide new category of rights in the fields of employment, education, health and welfare. These are termed as *social* rights.

The social rights were first embodied in international regulations for example, the *International Labour Organisation* (ILO) was founded in 1919 and was the originator of various labour regulations.

Important Dates for Human Rights

- 1215 Magna Carta
- 1776 American Declaration of Independence and Bill of Rights
- 1787 Constitution of the United States
- 1789 French Declaration of the Rights of man
- 1946 UN Commission on Human Rights
- 1948 Universal Declaration of Human Rights
- 1949 Geneva Conventions
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms
- 1961 European Social Charter
- 1966 International Covenant on Economic, Social and Cultural Rights (ICESC); the International Covenant on Civil and Political Rights (ICCPR); and the (First) Optional Protocol to the Covenant on Civil Inhuman or Degrading Treatment or Punishment (UNCAT)
- 1993 Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights.

The tremendous atrocities of the Second World War can be said to mark the start of the current ‘era of human rights’, for they ended the view that it was up to the individual state to determine how to treat its citizens.

The Preamble to the Charter of the United Nations reaffirms *faith in fundamental human rights.....*”. Article 1 of the UN Charter states that promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion is one of the purposes of the United Nations. Thus, human rights are a legitimate concern of the international community. Signatories to the UN Charter undertake the responsibility of promoting human rights individually and collectively.

In 1946, the *UN Commission on Human Rights* was established and in less than two



years it had drafted the *Universal Declaration of Human Rights* which was adopted by the *UN General Assembly* (UNGA) in 1948.

In 1966 the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. Together with the *First and Second Optional Protocols to the International covenant on Civil and Political Rights*, these five documents comprise the *International Bill of Human Rights*.

Thus internationally recognized human rights have become a new international '*standard of civilization*'. After the Second World War there has developed a body of international human rights code reaffirming the morally appealing idea of adherence to shared standards of justice to qualify for membership of the international community. It has become a factor of political legitimacy. These standards of civilized behaviour link national and international legitimacy.

The visible rise of universal human rights culture depicts moral progress and is an effective response to major threats to human dignity posed by modern political and economic trends. Viewing development with the '*rights*' perspective for sustainable development appears to be gaining ground. That we are all equally human seems to be more acceptable now, with the current slogans: '*All human rights for all*' and '*The world is one family*'. To us Indians, it is nothing new. We have for long believed: '*Sarve Bhavantu Sukhinah*', and '*Vasudhaiv Kutumbakam*'.



Intext Questions 25.2

1. Tick (✓) the correct answer:

- (a) The Universal Declaration of Human Rights was adopted in 1949. (True/False)
- (b) Atrocities of Second World War mark the start of current era of human rights. (True/False)
- (c) Human Rights like Fundamental Rights are enforceable. (True/False)

2. Fill in the blanks :

- (a) Human Rights have now become _____ (local, national universal)
- (b) The world leaders gathered in _____ for the World Conference on Human Rights (Vienna, Geneva, New York)
- (c) The rights of the 18th and 19th centuries can be termed as _____ rights (individual, social, classic)

25.4 Human Rights in the Indian Constitution

The Constitution of India duly recognizes the importance of human rights and guarantees certain Fundamental Rights in Part-III which include the right of equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights and the right to constitutional remedies. Article 32 gives the right to constitutional remedy in the form of original jurisdiction of the Supreme Court of India for the enforcement of these

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Fundamental Rights. This is the protection of individuals against invasion of their human rights.

Part-IV of the Indian Constitution contains Directive Principles of State Policy which are the principles fundamental in governance, to be observed by the State in the formulation of its policies. These include the duty of the State to secure a social order for the promotion of the welfare of the people, social justice, right to work, to education and social security, provision for just and humane conditions of work, promotion of interests of the weaker sections, duty to raise the level of nutrition and the standards of living and to improve public health, protection and improvement of environment, ecology and wild life etc.

In addition, the Fundamental Duties of every citizen covering a wide range to strengthen the guarantee of Fundamental Rights are in Article 51A (Part IVA of the Constitution). In addition to Article 32 empowering the Supreme Court to enforce the Fundamental Rights, the High Court is empowered by Article 226 for the same purpose to exercise its powers. The primary duty of the higher judiciary to protect and enforce human rights is the constitutional mandate. Rule of law is a basic feature of our Constitution, as is judicial review.

The role of the Supreme Court of India is commendable in expanding the human rights and it has found Article 21 of the Constitution as the most fruitful article. In several cases the Indian Supreme Court has said that compensation is to be given for violation of rights under the article, such as, right to human dignity, right to healthy environment, right to social security, right to protection of childhood etc.

The impact of the 1948 Universal Declaration of Human Rights on the drafting (Parts III and IV) of the Indian Constitution is felt throughout. India has acceded to the Universal Declaration of Human Rights as well as to both the Covenants with certain reservations.

25.5 National Human Rights Commission

The Protection of Human Rights Act, 1993 was enacted in India to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in States for better protection of human rights and for matters connected therewith or incidental thereto. '*Human rights*' are defined in Section 2(1)(d) of the Act to mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. The functions of the Commission are enumerated in Section 12 which include a wide area to enable the Commission not only to enquire into the violations or negligence in prevention of violation of human rights but also to promote the human rights culture and perform any function necessary for the promotion of human rights.

Ever since its constitution in 1993, the National Human Rights Commission has been discharging a role complementary to that of the Supreme Court of India by performing those tasks which by their very nature the NHRC can perform better e.g. monitoring any situation or functioning of an institution. The dependence between these institutions has considerably improved the mechanism for the protection of human rights in the country, which is primarily a state responsibility.

The interpretation of the fundamental rights, particularly, Article 14 (right to equality) and Article 21 (right to life) by the Supreme Court has considerably enlarged the meaning and scope of human rights in India.



The National Human Rights Commission has also interpreted its functions enumerated in Section 12 of the Act especially to include therein monitoring of the functioning of the institutions of governance with a view to ensure better protection of human rights and to prevent their violation. The NHRC visualizes its role as that of a catalyst to improve the quality of governance with the firm belief that good governance in accordance with the Constitution and the rule of law alone can be effective for better protection of human rights. The linkage between the two is direct and clear.

The nature and extent of State's responsibility for the protection of human rights was indicated by the NHRC in its orders made in the case of recent Gujarat communal disturbances. The Commission observed :

“It is the primary and inescapable responsibility of the State to protect the right to life, liberty, equality and dignity of all of those who constitute it. It is also the responsibility of the State to ensure that such rights are not violated either through overt acts, or through abetment or negligence. It is a clear and emerging principle of human rights jurisprudence that the State is responsible not only for the acts of its own agents, but also for the acts of non-State players acting within its jurisdiction. The State is, in addition, responsible for any inaction that may cause or facilitate the violation of human rights”.

The National Commission on Human Rights has investigated several cases of gross violation of human rights by official agencies and also terrorist groups. The commission while inquiring into the complaint of the violation of human rights may call for information or report from the Central Government or any State Government or any other authority or organisation subordinate there to, within such time as may be specified by it. When after the inquiry the Commission comes to the conclusion that violation of human rights has occurred, it may take the following steps :

1. where the inquiry discloses that violation of human rights or negligence in the prevention of human rights by a public servant, it may recommend to initiate proceedings for prosecution by the concerned government or authority.
2. approach the Supreme Court or the High Court concerned for directions.
3. recommend to the concerned government or authority for the grant of immediate interim relief to the victim or the members of his family.

Whenever a complaint of violation of human rights is made against a member of the Armed Forces the commission is required to follow a different procedure, It may seek a report from the Central government and may make its recommendations. The Commission took notice of reports dated 22 March 2000, which appeared in all leading newspapers, concerning the killing of 35 members of the Sikh community in a village of Anantnag District during the night of 21 March 2000 by armed militants. It was stated that all those killed were men, aged between 16 and 55. Later, a woman died of shock on seeing the bodies of those killed. At least two families lost all of their male members. The incident occurred a few hours before the President of the United States of America was to begin an official tour to India. The Commission issued notice to the Chief Secretary and Director General of Police, Government of J&K as well as to the Secretary, Ministry of Home Affairs, Government of India calling for detailed reports.

On 15 April 1996 six naxalites were killed by the police at Murumdag village, Daltonganj, Bihar. The Peoples Union for Civil Liberties at Palamau which had earlier enquired into

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the matter stated that an armed group came to the village to settle a dispute. On receipt of information: the police came and encircled the members of the armed group who surrendered to the police. Thereafter, the members of the group were made to stand at different places and fired at by the police. In all six persons were killed as a result of the firing by the police. The PUCL found that the allegation of the police that the naxalite group had attacked the police party with bombs and firearms and that the police returned fire in self-defence resulting in the death of six persons to be untrue. The armed group came in plain clothes but after their post mortem they were dressed in khaki uniforms which had neither any holes nor bullet marks on them. The dead bodies were thrown away but when there was a protest by the people, six bodies were transported in a police van and cremated by the police. As the police attached to the same police station were involved in the firing resulting in the killing, the Commission recommended that the case should be made to an independent investigation agency, namely, CID and to complete the investigation within four months. If the investigation called for launching of prosecution, steps for speedy trial be taken. The Commission expressed the hope that compensation would be awarded by the State if the case ended in conviction.

The Commission took notice of a matter reported in the newspaper 'Indian Express' dated 27 January 1999 captioned "Bihar: old script, new victims, and upper caste Ranbir Sena kills 21 Dalits in Jehanabad". According to the report, the Ranbir Sena, a private army of upper caste landlords in Bihar, armed with sophisticated weapons, had killed at least 21 people including 6 children and 5 women on 25 January 1999 in Rukhsagar Bigha village under the Mehandia Police Station in Jehanabad district of Bihar. The victims were all from the backward castes and included several Dalits. The Commission, while taking cognizance of the matter on 27 January 1999 expressed shock at the news of the killing of 21 Dalits in Jehanabad and effectively investigate and bring to book the guilty persons, and to ensure that there was no recurrence of such incidents. It further directed the State Government to grant relief and succour to the members of the families of the deceased and to the injured victims.

National Human Rights Commission neither does render decisions the way a Court of law does, nor can its recommendations be enforced like judgements of the Courts. The recommendations of the Commission receive wide publicity and have a tremendous impact politically and socially. The role played by the Commission in the campaign against TADA is worth mentioning. It has a temporary legislation which expired on 23 May 1995. When TADA lapsed a substitute legislation by the government was not cleared by Parliament.

25.6 Role of Non-Governmental Organizations (NGOs)

The impact of human rights has brought about a profound change on the notions of State sovereignty. Today, no nation can say that the way it treats its citizens is purely a domestic concern. Globalisation of human rights with the modern concept of a global village has resulted in the human rights situation anywhere in the world becoming a matter of international concern. Voluntary organizations, which are also called non-governmental organizations, all over the world have begun to support and promote human rights in all societies.

The actions of international non-governmental organizations like the Amnesty International and the Human Rights Watch, and organizations like the People's Union for Civil Liberties with regard to massive human rights violations in the former Yugoslavia (Kosovo, Bosnia etc.), Rwanda, East Timor, Sierra Leone, Sudan, and Gujarat in India, and the number of



other places of conflict are obvious examples of this concern. The activities of such organizations are coordinated at the international level through the Human Rights Commission established by the General Assembly of the United Nations in 1946.

As a result of these activities of the non-governmental organizations it has now become familiar requirement for States to submit reports to a statutory organ (Human Rights Committee, Children's Committee, Women's Committee, Committee on Elimination of Racial Discrimination etc.) about their internal implementation of human rights obligations.

Half a century back it would have appeared unthinkable that sovereign States would periodically submit a report to an international body about their internal matters involving treatment of their citizens by the government, and then the State's participation in a discussion of the report with members of an international body drawn from all over the world. Such is the power of the idea of human rights today. Impact of non-governmental organizations with regard to protection and promotion of human rights is no longer debatable. The impact is clear and visible. Along with the genuine human rights agencies, official or non-governmental, the human rights movement in India is quite strong. One great stumbling block in preventing violation of human rights is poverty.



What You Have Learnt

- 'Human rights' in practice have been defined to encompass every aspect of dignified human existence which makes every human being an equal member of the human family.
- Human dignity is the essence of human rights. It is the wide comprehension of this aspect and appreciation of the range of dignity of the individual which must define the true scope of human rights.
- The core values of our constitutional philosophy indicated in the Preamble and in the chapter on Fundamental Rights to the Constitution of India are '*dignity of the individual*' and '*unity and integrity of the nation*'. These represent both the social and individual aspects of human rights.
- The National Human Rights Commission protects the basic human rights of the individuals. It examines and investigates the complaints and cases of gross violations of human rights in India.



Terminal Exercises

1. How can we classify human rights?
2. What are the six basic features of human rights?
3. Discuss the significance of human rights in the Constitution of India.
4. Write short notes on:
 - (a) Universalisation of Human Rights
 - (b) Role of the National Human Rights Commission in India.

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(c) Role of Non-governmental organizations in the promotion and protection of human rights.



Answers to Intext Questions

25.1

- (a) True
(b) True
(c) False
- (a) universal
(b) dynamic
(c) fundamental

25.2

- (a) False
(b) True
(c) False
- (a) Universal
(b) Vienna
(c) Classic

Hints for Terminal Exercises

- Refer to Section 25.1
- Refer to Section 25.2
- Refer to Section 25.4
- Refer to Section (a) 25.3 (b) 25.5 (c) 25.6



Let us ponder over adolescence issues

DO PEOPLE LIVING WITH HIV/AIDS (PLWHA) HAVE SPECIAL RIGHTS?

PEOPLE LIVING WITH HIV/AIDS HAVE A RIGHT TO LIVE WITH DIGNITY. IT IS THEIR RIGHT TO DECIDE WHETHER OR NOT TO DISCLOSE THEIR HIV STATUS.

ALL CITIZEN ENJOY CERTAIN FUNDAMENTAL RIGHTS GUARANTEED UNDER THE CONSTITUTION THAT PROTECT THEM AGAINST ALL KINDS OF DISCRIMINATION. PEOPLE LIVING WITH HIV/AIDS HAVE THE SAME RIGHTS AS NON-INFECTED PEOPLE. THEY ALSO HAVE THE RIGHT TO EDUCATION, EMPLOYMENT, HEALTH CARE, TRAVEL, MARRIAGE, PRIVACY,





INDIA'S FOREIGN POLICY



Every sovereign country has its foreign policy. India too has one. Foreign policy refers to the sum total of principles, interests and objectives which a country promotes while interacting with other countries. Even though there are certain basic features of a foreign policy it is not a fixed concept. The thrust of foreign policy keeps on changing according to changing international conditions. India's foreign policy is shaped by several factors including its history, culture, geography and economy. Our Prime Minister, Jawaharlal Nehru, gave a definite shape to the country's foreign policy.



Objectives

After studying this lesson, you will be able to

- identify the basic principles of India's foreign policy ;
- explain the meaning and significance of non-alignment ;
- analyse the relevance of non-alignment in the post cold war period ;
- explain the major concerns in India's foreign policy in the post cold war period ;
- recognise India's contribution to UN efforts for peace and disarmament ;
- explain India's participation in UN peace keeping and its claim for a permanent seat in the Security Council.

26.1 Basic Objectives and Principles of Foreign Policy

Preservation of national interest, achievement of world peace, disarmament, independence for Afro-Asian nations have been important objectives of India's foreign policy. These objectives are sought to be achieved through some principles viz. Panchsheel; non-alignment; anti-colonialism, anti-imperialism, anti-racism, and strengthening the UN. It would be befitting to expand these principles.

26.1.1 Panchsheel

Nehru was a believer in world peace. He understood the linkage between peace for

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development and survival of mankind. He had seen the destruction caused by the two world wars and therefore realized that for the progress of a nation a long spell of peace was needed. In its absence social and economic priorities relating to development tend to get pushed to the background. The production of nuclear weapons strengthened Nehru's faith in the peaceful philosophy even more. Hence he gave utmost importance to world peace in his policy planning. India's desired peaceful and friendly relations with all countries, particularly the big powers and the neighbouring nations, while signing an agreement with China, on April 28, 1954, India advocated adherence to five guiding principles known as Panchsheel for the conduct of bilateral relations. It includes the following:

- Mutual respect for each other's territorial integrity and sovereignty.
- Mutual non-aggression
- Mutual non-interference in each other's internal affairs
- Equality and mutual benefit
- Peaceful co-existence.

The Panchsheel agreement enumerates best the principles of peaceful co-existence with neighbours. It is an important component of India's foreign policy.

26.1.2 Non-alignment

Non-alignment has been regarded as the most important feature of India's foreign policy. Non alignment aimed to maintain national independence in foreign affairs by not joining any military alliance formed by the USA and Soviet Union in the aftermath of the Second World War. Non-alignment was neither neutrality nor non-involvement nor isolationism. It was a dynamic concept which meant not committing to any military bloc but taking an independent stand on international issues according to the merits of each case. The policy of non-alignment won many supporters in the developing countries as it provided an opportunity to them for protecting their sovereignty as also retaining their freedom of action during the tension ridden cold war period.

India played an important role in forging the non-aligned movement (NAM). The concept of NAM emerged through a gradual process. Nehru took the initiative to convene the Asian Relations Conference in New Delhi in 1947. Later on a Conference, of 29 countries of Asia and Africa was held in Bandung (Indonesia) in 1955. This was the first gathering of its kind which pledged to work together for colonial liberation, peace, cultural, economic and political cooperation. Bandung to Belgrade in 1961 where the first NAM conference was held was a logical process to project an alternative to cold war bloc politics and assertion of newly independent countries of their independent and sovereign rights.

Cold War was intense rivalry between USA and Soviet Union without fighting a direct war to attract allies in Africa, Asia and Latin America. It started soon after the Second World War and continued for forty five years. These two big countries became two opposite poles known as East and West. The world politics revolved around these two poles. Thus the world became *bipolar*.

Among the non-aligned, Nehru had evolved special relationship with President Tito of Yugoslavia and Nasser of Egypt. These three are regarded as the founding fathers of the Non-Aligned Movement. The non-aligned movement was a group of the newly independent states who refused to accept the dictates of the former colonial masters and decided to

act according to their own judgement on issues of international concern. Non-aligned movement is anti-imperialist in approach. India as the prime architect of non-alignment and as one of the leading members of the non-aligned movement has taken an active part in its growth.

The Non-Aligned Movement is providing all member states, regardless of size and importance, an opportunity to participate in global decision making and world politics. India hosted the Seventh NAM Summit at New Delhi in 1983. India hoped NAM take up the cause of development, disarmament and the Palestine question.

Since NAM was a product of the cold war scenario and the bipolar world, many scholars have questioned the relevance of NAM after the end of cold war and demise of the Soviet Union. However, even in the present scenario NAM has a significant role to play. First, with the disintegration of Soviet Union, the world faces threat from unipolar world. The NAM can act as a check against US dominance. Secondly the developed (North) and developing (South) world are divided over several economic issues. The NAM remains a very relevant forum for third world countries to engage the developed nations in a productive dialogue. Moreover, the NAM can prove to be powerful instrument for South-South cooperation. Such a thing is essential if the third world countries are to increase their bargaining power vis-a-vis the developed world. India continues to take active part in the non-aligned movement even after the end of cold war. Finally, the developing countries united under the forum of NAM have to fight for the reform of UN and change it according to the requirements of 21st century.

26.1.3 Anti Imperialism, Anti Racism, Anti Colonialism

India has always opposed colonialism and racism. Whenever any injustice happened, India raised her voice, for instance in favour of Indonesia's nationality fighting the Dutch colonialism in 1947, against South Africa's illegal occupation of Namibia and the infamous apartheid policy in South Africa India fully supported inclusion of communist China in the United Nations.

26.1.4 Strengthening of UN

India has always viewed UN as a vehicle for peace and for peaceful change in world politics. Apart from this, India has always expected UN to actively involve countries to moderate their differences through talks or negotiations. Further, India has advocated active role for UN in development effort of Third World countries. India has pleaded for a common united front of the third world countries in the UN. It believes that the non-aligned world by virtue of its massive number could play a constructive and meaningful role in the UN by stopping the superpowers from using this world body for their own designs. As early as 1950 India linked the reduction of armaments with the larger goal of development.

The UN has in fact played a key role in preserving world peace by helping in the decolonization process, by providing humanitarian and developmental assistance and through peacekeeping.

Decolonization – refers to achievement of independence from colonial rule. After the Second World War many colonies of achieved freedom in Asia and Africa.

**Notes**



Intext Questions 26.1

1. Fill in the blanks :

- _____ was the main architect of India's foreign policy.
- The Afro-Asian Conference, 1955 was held at _____.
- The first NAM Conference was held at _____ in the year _____.
- The Panchsheel agreement was signed between _____ and _____.
- India hosted NAM Summit in _____.

2. Tick (✓) the correct answer :

- Non-alignment and neutrality can be treated as same. (True/False)
- India opposed the policy of apartheid as practised by the government of South Africa. (True/False)
- Nehru along with Tito and Nasser played a major role in the founding of NAM. (True/False)

26.2 Major Concerns in India's Foreign Policy in the Post Cold War Period

The end of cold war in 1989 has brought about significant changes in the international scene and hence new policy problems for the various states in the developing world including India. The new situation is made by greater uncertainty and complexity.

For India, disintegration of the Soviet Union has meant uncertainty on several aspects viz. supply of weapons system, supply of spare parts, diplomatic support on Kashmir and other politico-strategic issues in and outside the United Nations and as a counter weight to US in South Asia. During the last one decade and a half international politics has undergone major changes. The cold war has ended, the world has become unipolar, a number of states have disintegrated, cold war military blocs have lost their significance, some such blocs have dissolved and new regional economic blocs are shaping up. Globalisation has given rise to new set of problems such as terrorism, money laundering, proliferation of weapons, global warming etc. These problems are not endemic to any region but affect all the countries to some extent or the other. This has forced many nation states which were hitherto enemies to cooperate with each other to solve problems which are universal in nature. In this changed international scenario it has become imperative for UN to restructure and reform itself if it is to effectively respond to emerging challenges.

Militancy in Kashmir has emerged as the foremost challenge to our foreign policy. Pakistan and the Western countries blamed India for violating human rights and denial of rights to self determination. Gradually, India brought the situation under control.

Because of the Kashmir dispute, India's relations with Pakistan sharply deteriorated. India accused Pakistan of fanning trouble through cross border terrorism in Kashmir and other parts of our country. India conducted nuclear weapon tests in 1998, followed by Pakistan's



tests. Pakistan resorted to further mischief by secretly sending its soldiers into Kargil in order to cut off the Kashmir valley from the rest of India. India handled the challenge firmly and effectively. Now engaging Pakistan in a constructive and composite dialogue process remains a challenge to India's foreign policy, because there is a great deal of push from the United States

Spread of terrorism to corners beyond Kashmir is a challenge as well as opportunity for our foreign policy now a days. India is interested in forging anti-terrorism coalition with as many countries as possible.

Keeping old friendship and looking for new friendships is another challenge for our foreign policy after the cold war has ended. For example, India is interested in strengthening its relations without damaging its relations with Arab countries. Similarly, India's foreign policy is tackling new tasks like deepening economic and security cooperation with the United States, while at the same time opposing unilateral actions against Iraq and Yugoslavia. Finally, India is realizing the growing importance of economic aspects of foreign policy. Hence, it is trying to establish a new basis for its relations with neighbouring countries in South Asia, China and the South East Asian countries.



Intext Questions 26.2

Q. 1. Tick (✓) the correct answer :

- (a) International relations in the post cold war period is based upon the bipolar model. (True/False)
- (b) Kashmir issue became the biggest foreign policy problem for India in 1990s. (True/False)
- (c) India's foreign policy after cold war wants to neglect Arab countries and embrace Israel. (True/False)
- (d) India is trying to forge a coalition of countries to counter terrorism. (True/False)

26.3 India and the United Nations

26.3.1 India's Contribution to UN Efforts for Peace and Disarmament

The United Nations which came into being on Oct. 24, 1945 has been the most important international organisation since the Second World War. The formal basis for UN activities is the UN charter. The UN has a vital role in world affairs. For more than fifty years UN has helped to manage relations between states and regulate a broad range of international activities. It has worked to protect the security of people and promote peace and development. One way in which UN has contributed to world peace is by taking up the cause of disarmament India has also contributed immensely to UN's disarmament efforts.

Disarmament is limitation, reduction and possible elimination of dangerous (like nuclear) weapons.

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Since independence, India has consistently pursued the objective of global disarmament based on the principles of non-discrimination. Given the destructive capacity of nuclear weapons, India has always believed that a world free of nuclear weapons would enhance global security. Thus India has always advocated that highest priority be given to nuclear disarmament as a first step towards general and complete disarmament.

India has contributed to UN significantly on disarmament in terms of ideas, resolutions, initiatives and bridging differences through action plans. In 1948, India had proposed limiting the use of atomic energy to peaceful purposes and elimination of nuclear weapons from national arsenals. In 1950, India suggested formation of a UN Peace Fund created through peaceful reduction of arms and directing the amount thus released towards development purposes. In 1954, India advocated the cause for a comprehensive nuclear test ban treaty. India was the first to become party to partial Test Ban Treaty in 1963. Hence India strongly and consistently refused to join the Treaty. In 1964, India took the initiative to place the item 'non-proliferation of weapons' on UN agenda. However, the purpose was defeated by the (1968) carried that a large numbering of countries from going nuclear, without firm restrictions on the few nuclear weapon countries activities Nuclear Non-proliferation Treaty. Although our country allied to the oppose to problem.

In 1984, India launched a Six-Nation Five Continent Peace Initiative along with Argentina, Greece, Mexico, Sweden and Tanzania. Four years later (in a joint declaration issued on the occasion of visit of President Gorbachev of Soviet Union the then Prime Minister, Rajiv Gandhi made a forceful plea for the elimination of nuclear weapons. The Delhi declaration enumerated ten principles for building a nuclear weapon free world). In 1988, Rajiv Gandhi proposed an Action Plan for ushering in a nuclear weapon free and non-violent world order. The Action Plan envisaged a binding commitment by all nations to the elimination of nuclear weapons in stages by 2010. India is also an original signatory to the Chemical Weapons Convention, having signed it on Jan. 14, 1993 and was among the first 65 countries to have ratified the treaty. In 1993 India sponsored a resolution on comprehensive test ban along with the US within the overall framework of advancing towards nuclear disarmament. India was distressed when final version of the CTBT was rushed through without consenses. And it failed to address the security reasons of India. Hence it bravely stood against the steadlity fashion in which some tests use canned while sophisticated nuclear tests were not in a way, India's conduct of nuclear tests in 1998 could we linked to the unfair framework of CTBT, though many initially misunderstood India's tests as a negative development for disarmament; India pledged to continue to work for inaugural and non-discriminaly nuclear disarmament.



Intext Questions 26.3

1. India has always stood for
 - (a) a nuclear weapons free world
 - (b) a world where every country has nuclear weapons
 - (c) a world where nuclear weapons are selectively held by few countries
2. What do the following abbreviations stand for?
 - (a) CTBT
 - (b) NPT



Notes

26.3.2 India's participation in UN peacekeeping

India's history of participation in UN peacekeeping operations is a long one. India's contribution has been described as excellent by many political observers. In UN. India's contribution has been acknowledged by members of the international communities.

Peace keeping stands for prevention, containment and termination of hostilities between or within states through the non offensive activities of multinational forces of soldiers, police and civilian people sent unto the authority of the United Nations with the consent of the countries concerned. Peacekeeping nations changed in its scope and nature according to needs of a conflict situation.

India has taken part in 35 of UN peacekeeping operations in four continents. Its most significant contribution has been to peace and stability in Africa and Asia. Presently India is ranked as the largest troop contributor to UN.

The saga of India's role in UN peace keeping began with the establishment of the United Nation's Emergency Force (UNEF) in the Gaza strip and the Sinai in 1956 after Israeli war against Egypt ended. The Congo in Africa benefitted significantly from troop presence. India's contributed to keep unity and integrity of that history in 1960s.

After the end of cold war, India's contribution to UN peacekeeping remains significant equally, if not more, military personal at the request of the United Nations Secretery General to Angola, Cambodia, Somalia, El Salvador and Sierra Leone etc. Many of these countries were victims of chaos caused by civil wars. No government machinery collapsed or was discredited. India sent not just troops, but police, doctors, engineers and administrators.



Intext Questions 26.4

Q.1. The first peacekeeping nation with Indian troops was sent to

- (a) Korea
- (b) Sinai
- (c) Congo

Q.2. Which of the following statements is false ?

- (a) India is one of the second largest troop contributors to UN peacekeeping.
- (b) Peacekeeping was confined to cold war years.
- (c) India's role was significant in protecting the Congo from separation.

Q.3. India's contribution to peacekeeping included

- (a) only troops.
- (b) only non-military staff.
- (c) both military and civilian staff.

**Notes**

26.4 India's Case for a Permanent Seat in the Security Council

As you already know, the efficiency of peace maintenance in the world depends on the effectiveness of the Security Council but the Council has suffered in this regard due to its outdated, unchanged membership. Presently the permanent membership of the Security Council is confined to US, Russia, Great Britain, France and China. However, such composition of the Security Council does not take into account the current global power configuration which has changed since the days when these countries were inducted as permanent members. Since India has emerged as the fourth fastest growing economy and also because of the leadership it has provided in all international fora, its contribution to UN peacekeeping, its track record in espousing the cause of the third world, India has a strong case for a permanent seat in the Security Council. We are getting support from many friendly countries. A final decision on the matter is likely to take some time, because of its complexity.



Intext Questions 26.5

- Q. 1. Which of the following is not a permanent member of the Security Council?
- (a) Russia
 - (b) Great Britain
 - (c) India
 - (d) China
- Q. 2. Which of the following statements is false?
- (a) Cold war is over
 - (b) Soviet Union has disintegrated
 - (c) Globalisation is a reality
 - (d) United Nations has been dissolved.



What Have You Learnt

India has followed certain basic principles in the conduct of its foreign policy from which it has not deviated much. In fact some of its basic features such as non-alignment still remain significant and relevant. The proof of the durability of some decades old principles lie in the efforts of India and China to revive the fifty year old Panchsheel as the basis of bilateral relations. India has contributed significantly to UN efforts for peace and disarmament and to UN peacekeeping operations. Even as India is poised to become an economic superpower in the coming times, it always has and in future too will take necessary steps to further its national interest in every respect i.e. political, strategic and economic terms.



Terminal Exercises

- (1) Discuss the basic tenets of India's foreign policy.
- (2) Discuss the relevance of the policy of non-alignment.
- (3) How far are India's claim for a permanent seat in the Security Council justified ?
- (4) What are the challenges that confront India after the end of cold war and disintegration of Soviet Union ?
- (5) Write short notes on
 - (a) Panchsheel agreement
 - (b) India's contribution to UN efforts for disarmament
 - (c) India's participation in UN peacekeeping.



Answers to Intext Questions

26.1

1.
 - (a) Nehru
 - (b) Bandung
 - (c) Belgrade, 1961
 - (d) India, China
 - (e) New Delhi
2.
 - (a) False
 - (b) True
 - (c) True

26.2

1.
 - (a) False
 - (b) True
 - (c) False
 - (d) True

26.3

1.
 - (a) a nuclear weapons free world
2.
 - (a) Comprehensive Test Ban Treaty
 - (b) Nuclear Non-Proliferation Treaty



Notes

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26.4

1. (b)
2. (c)
3. (c)

26.5

1. (c)
2. (d)

Hints for Terminal Exercises

1. Refer to Section 26.1
2. Refer to Section 26.1.2
3. Refer to Section 26.4
4. Refer to Section 26.2
- 5
 - (a) Refer to Section 26.1.1
 - (b) Refer to Section 26.3.1
 - (c) Refer to Section 26.3.2



Notes



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28

INDIA AND ITS NEIGHBOURS : CHINA, PAKISTAN AND SRILANKA

In the previous chapter you have learnt that the major objective of India's policy has been the promotion of international peace and cooperation and developing friendly relations with all countries, especially the neighbouring countries. Pakistan, Bangladesh, Nepal, Sri Lanka, Bhutan, Burma and China are India's immediate neighbours with whom it has friendly relations based on bonds of common culture and heritage.

In this lesson we will study about India's relations with Pakistan, China and Sri Lanka.



Objectives

After studying this lesson, you would be able to

- identify the major sources of friction in Sino-Indian bilateral relations;
- identify the various initiatives for resolving the border dispute with China;
- analyse Indo-Pak bilateral relations in the historical perspective of Kashmir problem;
- identify the nuclear rivalry between India and Pakistan;
- trace historical, cultural and ethnic ties between India and Sri Lanka; and
- explain the growth of Tamil Separatist Movement and its impact on Indo-Sri Lankan relations.

28.1 India and China

India and China are the two great giants of Asia. Besides being the most populous countries, they are also two of the most ancient civilisations of the world. Historically, several historians have successfully traced the cultural linkages dating back to 2nd century BC.

As a result of the communist revolution in 1949, China became the People's Republic of China (PRC), under the leadership of Mao Tse Tung. Nehru regarded India as China's



rival for the leadership of the non-white people of the world. India, on the other hand, tried its best to come close to China. It was the first non-communist country to recognise communist China in 1949. India fully supported China's claim for membership in the United Nations. It also acknowledged China's claim over Formosa (Taiwan). It refused to be a party to peace treaty with Japan without China. In the Korean crisis too, India refused to brand China as aggressor when China intervened on behalf of North Korea. In fact, India supported China even though the Western bloc especially USA was displeased with it.

Nehru's China policy received the first jolt in 1950, when China occupied Tibet in 1950. It is important to remember in this context that India had long term interests in Tibet because it was a buffer lying between India and China. India even enjoyed certain special privileges in Tibet. Therefore direct Chinese control over Tibet was likely to endanger these, and India's security.

India's suggestions for a peaceful settlement of the Tibet problem were treated as interference by the communist regime. Gradually the Tibetans grew restless under China's yoke and rose in revolt in 1959. China ruthlessly suppressed the movement and declared Tibet as an integral part of China. The head of Tibet, Dalai Lama took shelter in India while Tibet lost whatever autonomy it still enjoyed. The granting of political shelter to Dalai Lama by India added to China's distrust.

China appreciated India's neutral and mediatory role in easing the Korean problem (1950-53). Thus, began a period of friendship between the two countries, with the signing of the Sino-Indian Treaty of friendship in 1954. This treaty put a seal of approval upon Chinese suzerainty over Tibet. The Preamble of the treaty embodies the famous 'Panchsheel Principles' about which you have studied (lesson number 26). This agreement initiated a period of relaxed relationship, marked by the slogan of *Hindi Chini Bhai Bhai*. It is interesting to note that at the Bandung Conference (1955), Nehru actively brought China into the hold of the Afro-Asian solidarity.

28.1.1 Boundary Dispute between India and China

The 1950s were marked by the boundary dispute between India and China, the flash point of which unfortunately caused a war between the two countries in 1962. China first started to claim large parts of Indian territory in North East Frontier Agency (NEFA, now Arunachal Pradesh) and Ladakh by publishing maps in which these were shown as included in China. China continued extending its borders and also constructed a 110 mile long road across Aksai China area (Ladakh) of India in 1956-57. In 1959, China put claim to some 50, appa sq. miles of Indian territory and also denied the validity of McMahon Line.

McMahon Line This is the boundary line between India and China, east of Bhutan. It was determined in 1914 at a Conference of representatives of British India, Tibet and China. The Secretary of State for India (in British Cabinet) Arthur Henry McMahon represented British India in the Conference.

By this time Tibet had been fully integrated into China; it was in a strong position at the India-China border with Chinese troops posted all along. While the two countries were in dispute over the McMahon line issue, China launched a massive attack on India in October 1962, in the NEFA as well as the Ladakh sector. After overrunning large areas of Indian territory, China announced a unilateral ceasefire after occupying huge territory of India 200 sq. miles in the North Eastern sector and 15,000 sq. miles in Ladakh.

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A futile attempt to work out a peaceful settlement between the two countries was made by Sri Lanka. The Colombo Proposals failed because China refused to agree on conditions contained in them. For long in the years following the war, China–India relations did not show any improvement. In fact, China went out of the way to make friends with Pakistan, just to isolate and contain India.

28.1.2 Normalisation of Relations

Although the two countries resumed diplomatic relations in 1976 by exchanging ambassadors. The efforts of normalisation of Sino-Indian relations received a boost when the then Prime Minister Rajiv Gandhi paid a successful five day visit to China in 1988. The two countries pledged to settle the border dispute through dialogue. Several high level visits followed including visit by Ex-Prime Minister Atal Bihari Vajpayee in 2003. The two countries agreed to keep the border dispute apart, and develop friendly relations in other fields. Until the border dispute is resolved, both countries agreed to maintain peace and tranquility on the Line of Actual Control (LAC).

One could see a clear shift in the Chinese attitude towards India. The fact that erstwhile USSR had mended fences with China, there were no more apprehensions from the South. Moreover, China's post-1979 economic transformation demanded big markets for its massive production under economic liberalisation. President Jiang Zemin's visit to India in 1996 witnessed a major consolidation of this progress. This was first ever visit of China's head of State to India. China's withdrawal of support to Naga and Mizo rebels; meaningful silence on the status of Sikkim (China considered Sikkim's status as that of an independent state) and a neutral stand on Kashmir issue could be seen as positive shift in Chinese attitude towards India.

Nevertheless, there was suddenly a brief setback in the mutual ties of the two after the nuclear explosions by India during 1998. These were followed by sharp Chinese reaction and its leading role in getting the resolutions condemning the tests in UN and similar fora, passed. These tests by India were seen as neutralising Chinese prominence in the region. But the Chinese posture of neutrality during the Indo-Pak military showdown in Kashmir, Kargil sector in 1999 exhibited China's inclination to toe a softer and friendly line with India. In fact, Chinese refusal to interfere in the conflict forced Pakistan for cessation of hostilities with India.

However, Ex-Prime Minister Atal Bihari Vajpayee's 2003 visit to China is a renewed effort in the promotion of close and cordial ties between the two neighbours. The border agreement has recognised the Nathula Pass in Sikkim as a border pass, implying that China no more considers Sikkim as an independent state. Another positive breakthrough was the Joint Declaration that underlined the need to explore a framework of a boundary settlement at political level of bilateral relations. This is an acknowledgement that the key issue in resolving the dispute is political. This is seen as Beijing's readiness to give up its policy of delaying dialogue. India's National Security Advisor and Chinese Vice Minister have been appointed for holding the tasks. The developments at the diplomatic and political levels have been supplemented by fresh initiatives at the economic level to strengthen bilateral relations. The border trade between India and China has crossed \$ 10 billion quickly.



Intext Questions 28.1

1. China became a communist country in the year (1947, 1949, 1962).
2. Bandung Conference of Afro-Asian countries was held in the year (1945, 1949, 1955).
3. serves as the boundary line between India and China in the eastern sector (Huang Hua border, McMahon Line, Indo-China border).
4. China liberalised its economy in (early 1970s, late 1970s, early 1990s)
5. _____, the President of China visited India in the year 1996 (Chou-Enlai, Mao Tse Tung, Jiang Zemin).



Notes

28.2 India and Pakistan

No two countries in the world have so much in common as India and Pakistan. Yet they have perpetually been in a state of undeclared war with varying degree of intensity. Pakistan's aggression in Kargil (1999) brought the two countries even on the verge of a nuclear confrontation. The legacy of suspicion and mistrust predates the partition of India in 1947. During the freedom struggle the Muslim League, under the leadership of Mohammad Ali Jinnah propounded the two-nation theory, in support of a separate Muslim state. Jinnah insisted that since Hindus and Muslims were two communities, two separate states must be constituted for the two communities. The Indian National Congress (INC)'s long rejection of and reluctant acceptance of partition gave room for suspicion in Pakistan that India would try to undo the partition and divide Pakistan. Moreover, Pakistan was concerned at the possibility of India's domination in the region and its inability to match India's power all by itself. Pakistan developed a perception that it is an incomplete state without Kashmir being incorporated into it. On the other hand, India perceives Kashmir's accession and integration into India as an essential element of its secular and federal democratic structure.

28.2.1 The Kashmir Issue

At the time of partition Jammu and Kashmir (J&K) was one of those several princely states, the fate of which was left uncertain in 1947. Pakistan desired that Kashmir with Muslim majority population should join Muslim country, Pakistan. But the popular leader of National Congress opposed Pakistan's ideology. Maharaja Hari Singh did not take a decision until Pakistan sent armed intruders into the Kashmir valley in October 1947. Seeking Indian help to repulse the Pakistani intruders Maharaja signed the 'Instrument of Accession' making Jammu and Kashmir a part of Indian Union. On this occasion, as true democrat, Prime Minister Nehru assured that after Pakistani aggression was cleared, the future status of the state would be decided on the basis of wishes of the people of Kashmir.

Since India did not want an open clash with Pakistan, it referred the matter to the United Nations. Indian forces saved Srinagar from the invaders, pushed back the Pakistanis from the Kashmir Valley. But the whole of Kashmir could not be recaptured, at it would have meant direct and difficult war between the two new nations. India sought United Nations help in 1948. A ceasefire came to be implemented on January 1, 1949. It left a large part

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of Jammu and Kashmir (nearly 2/5 of the State) under Pakistan's possession, which we call Pakistan Occupied Kashmir (POK). In 1950s the UN mediators put forward several plans to resolve the dispute, but they failed to bridge the differences between the two countries.

The problem of Kashmir is still pending. Plebiscite was to be conducted only after Pakistan withdrew its forces from the occupied territory, as per the UN resolution of 1948, which Pakistan refused to comply. Hence India pleaded that the wishes of the people were ascertained in 1954 in the form of the direct election to the Constituent Assembly which satisfied the accession of Jammu and Kashmir to India. The mediation came to an end. Pakistan was desperate to capture Kashmir. Thinking that India's army was weak after defeat in the war with China in 1962, Pakistan tried through a war to take Kashmir in 1965. But Indian forces defeated the Pakistani designs.

LoC The Ceasefire line determined in 1949 was called the LoC after 1972. Some people believe that the possible solution to Indo-Pak problem on Kashmir is the conversion of LoC into international boundary.

Moreover, Pakistan suffered another humiliation, when its eastern wing, 1000 miles away from West Pakistan successfully waged independence struggle in 1971. India played a key role in the war to liberate Bangladesh. The birth of Bangladesh proved to be the final burial of two-nation theory on the basis of which Pakistan put a claim to Kashmir. Pakistan was reduced to one-fourth of the size of India. This altered the power equation in South Asia in India's favour.

In order to normalise relations India invited Pakistan for an agreement, the result of which was the Shimla Pact of 1972. This Shimla agreement however bears important significance as the two countries agreed to seek the settlement of all bilateral problems, including Kashmir, mutually without the intervention of any third party. Thus under the Shimla Pact, the Kashmir issue cannot be raised in international or any other forum, although Pakistan has not hesitated to ignore the spirit of the agreement. The agreement also talked about the return of Prisoners of War (POW). Though Pakistan's territory in India's possession was returned, a new cease-fire line (in place of the old cease-fire line of 1948–49) was drawn, which is known as the LoC. Pakistan found ways other than open war to destabilise India by encouraging and assisting terrorism in Punjab, and the State-sponsored militancy in Jammu and Kashmir since the mid 1980s. Pakistan still continues to encourage terrorist and separatist tendencies in Kashmir, operating mainly from terrorist training camps situated in POK.

The sanctity of the LoC that came to be agreed upon between India and Pakistan under the Shimla Agreement of 1972, was violated by Pakistan in May 1999 as a part of a big plan. This was done when the Pakistani forces infiltrated into India, after crossing the line of control in Kargil, Drass and Batelik sectors of J & K. Indian army once again gave a befitting defeat in a war that continued for about 60 days. The purpose of Pakistani operation in Kargil was to create a crisis with a threat of nuclear war, which would in turn ensure intervention by the United States in its favour on Kashmir dispute. Neither United States nor China came to Pakistan's help. In fact, Pakistan had a diplomatic and military defeat.

28.2.2 Nuclear Tests and Efforts Towards Improvement of Relations

Indo-Pakistan relations acquired an entirely new dimension in the context of nuclear tests

by both India and Pakistan in May 1998. The relations between the two neighbours hit a new low. India has been facing a nuclear threat arising out of China's clandestine support to build up of the nuclear weapon capability of Pakistan since the mid-seventies. No doubt, Pakistan's nuclear policy is targeted against India

The extreme bitterness and tension between India and Pakistan in the aftermath of the nuclear tests of May 1998 did bring with it an increasing realisation on both sides that things could not continue in the same manner indefinitely. That, some meeting ground between the two neighbours has to be found. Thus, foreign secretary level talks started, and a direct bus service between Delhi and Lahore was proposed. Prime Minister Vajpayee's Bus Diplomacy in 1999 marked a tremendous goodwill between the two countries. The Lahore Declaration signed at the time underlined the need for resolving all outstanding issues, including that of Kashmir, through peaceful means. While India agreed to bring Kashmir onto the agreed agenda along with other areas of mutual benefits, Pakistan conceded to bilateralism. The reference to the 'composite and integrated' dialogue process implied that the two would not be a hostage to any single issue. Despite the rupture caused by the Kargil war and the terrorist attack against our Parliament (December 2001) the unconditional dialogue has been resumed. The emphasis in these talks is to promote people to people contacts across LoC, and also improve economic ties between India and Pakistan. Change of government in India has not meant any deviation from our commitment to peaceful and prosperous co-existence with Pakistan.

**Notes****Intext Questions 28.2**

State whether the following statements are True or False:

1. The two-nations theory was accepted by Indian National Congress. (True/False)
2. Maharaja Hari Singh of Jammu and Kashmir demanded assistance from both India and Pakistan but only India responded. (True/False)
3. Pakistan occupied Kashmir is known as Azad Kashmir in Pakistan. (True/False)
4. The people of East Pakistan declared themselves independent in April 1971. (True/False)
5. The Shimla Agreement was signed between India and Bangladesh in 1972. (True/False)
6. Kargil war happened immediately after the nuclear test by India in May 1972. (True/False)

28.3 India and Sri Lanka

Sri Lanka, earlier known as Ceylon (until 1972), is a small island country situated in the Indian Ocean to the south of India. Its total area is 25,332 sq. miles. Of all countries, it has geographical proximity to India. Only 18 miles wide shallow water in the Palk Straits separates Jaffna in northern Sri Lanka from the Southernmost tip of the Indian state of Tamil Nadu. Its geostrategic location in the Indian Ocean (at the centre of commercial

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and strategic sea and air routes) and its closeness to US naval base in Deigo Garcia indicates its importance far beyond its size, population and resources. The history of cultural relations between India and Sri Lanka dates back to the ancient times. Out of the total population of Sri Lanka, about 64 percent believe in Buddhism and about 15 percent believe in Hinduism. Sri Lanka became a British colony in early 19th century. It was granted independence on February 4, 1948.

India-Sri Lanka relations have generally been cordial, though there have been occasions of tense relations due to the ethnic conflict between Tamils and the Sinhalese. Despite ethnic problems, India has never sought to impose its will on Sri Lanka and has always based its foreign policy towards this southern neighbour on mutual understanding and friendship. An important area of common interest between the two neighbours is the foreign policy of non-alignment. Sri Lanka has generally stood neutral in Sino-Indian disputes. In fact, it made efforts to mediate between India and China after the war of 1962. Sri Lanka also showed understanding when India become nuclear. Recently in 2005, India extended valuable help to Sri Lanka after Tsunami devastated the coastal areas of that country.

28.3.1 Problem of Indian Tamils

Jaffna province of Sri Lanka has large concentration of Tamil population. The problem became serious when Tamilians began demanding a national homeland or “Eelam” in northern Sri Lanka. It is important to understand that there are essentially two categories of Tamilians in Sri Lanka: The *Ceylon Tamils* whose forefathers had migrated to Sri Lanka centuries ago. They are estimated to be one million. The second category is of *Indian Tamils* whose forefathers were taken by the Britishers as plantation workers in the 19th century. They are another one million, many of them without citizenship. The problem of their status dominated early India-Sri Lanka relations. The conflict with Ceylon Tamils came later.

The Sinhalese fear Tamil domination, which is the principal reason behind the ethnic conflict. The difference between the two communities was exploited by British rulers in order to check the growing Sinhalese nationalism. The Tamils were allowed to enter the administration structure and thus gradually took control of the trade and profession. Scarce economic resources and opportunities plus the majority pressure from its own people forced the Government of Sri Lanka to pass series of steps to reducing the importance of Tamils- Indian and the Ceylonese. The representation of Tamilians in public service in 1948 was 30 percent, but by 1975 it had fallen to mere 5 percent. The Sinhalese were encouraged to settle down in Tamil dominated areas in large numbers. The citizenship law of 1948 and 1949 had deprived about 10 lakh Indian Tamils of political rights. The Tamil youth who had lost faith in non-violence organised themselves into Liberation Tigers. The aim of these ‘Tigers’ is a sovereign Tamil State of Eelam.

The issue of Tamilians, and the policy pursued by government cast a dark shadow on Indo-Sri Lanka relations. India from time to time complained against the discriminatory policy of the Ceylon government. The agreement of 1964 sought to solve the problem of stateless persons (Indian Tamils) in Sri Lanka. About 3 lakhs of these people were to be granted Sri Lankan citizenship and about 5 lakh 25 thousand persons were to be given citizenship of India. These people were given 15 years time to shift to India in instalments. Later in 1974, the fate of the rest 1 lakh 50 thousand stateless persons was decided. It was agreed between the two countries that half of them were to be given citizenship of Sri Lanka and rest would become Indian nationals. Thus, the issue of stateless persons was sorted out peacefully between the two countries.

A territorial dispute arose between India and Sri Lanka over the ownership of one mile long and only 300 yard wide small island known as Kacchativu, in 1968. In 1974 under the agreement signed between the two countries, India accepted Sri Lankan ownership of the island.

28.3.2 Tamil Separatism

The ethnic problem between Tamils and Sinhalese had a long history. It assumed serious proportions in 1983. As the gulf between the communities developed, militancy, separatist organisations became active. Tamil United Liberation Front (TULF) demanded separate homeland for Tamils in 1988 – Tamil Eelam. A reign of terror was unleashed against the agitating Tamils in 1983. During 1983 – 86, about 2 lakh Tamils were rendered homeless. The worst racial riots in the history of the country made thousands of Tamils refugees in India.

India offered to help resolve the crisis but it was interpreted as “Indian intervention in Sri Lanka” on behalf of the Tamils. When the situation became grim, India and Sri Lanka signed an agreement in 1987. India offered military assistance under the Accord. Indian Peace Keeping Force (IPKF) was sent to Sri Lanka to help restore normalcy in the country. The deployment of IPKF was also an extension of India’s policy of reminding Sri Lanka and outside powers that if their involvement inside the region were to have an anti-Indian orientation, New Delhi would not remain a mute spectator.

Though the accord of 1987 was a triumph of Indian diplomacy, it proved to be costly for India. India lost about 1200 soldiers and it costed Rs. 2 crore a day on IPKF in the height of its involvement. The worst part was that the Tamils turned against IPKF and a fighting broke out between the two. Rajiv Gandhi, the architect of India-Sri Lanka Accord of 1987 was assassinated in 1991 at the behest of LTTE (Liberation Tigers of Tamil Eelam) leader, Velupillai Prabhakaran.

28.3.3 Areas of Mutual Cooperation

Systematic efforts at strengthening economic ties have been taken by India and Sri Lanka since the 1990s, especially after the withdrawal of Indian troops. In 1998, the two countries set up an Indo Sri Lankan Foundation for increasing bilateral exchanges in various fields. They have agreed on a free trade area to facilitate trade, which has gone up greatly.

India encouraged Sri Lanka to invite the peace process between the Tamils and the Sinhalese. In 1998 Sri Lanka invited Norway to work out a peaceful solution to the ethnic problem. India stands for unity of Sri Lanka. The greatest milestone of this process was the cease-fire agreement of 2002 between LTTE and Sri Lanka and the revival of the dialogue between the two. From India’s long term point of view, Norway recognised India’s legitimate interests in Sri Lanka and stated that it has no desire to come in the way of any Indian initiative to end the conflict in the region.



Intext Questions 28.3

1. When did Sri Lanka gain her independence?
2. Name the two categories of Tamil-speaking people in Sri Lanka.
3. Regarding which island did India surrender her claims to Sri Lanka in 1974?



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4. In what year did India send IPKF to Sri Lanka?



What You Have Learnt

- Conflictual issues between India and China pertain to Tibet and the border dispute. India recognised Chinese suzerainty over Tibet which is stated in the 1954 Agreement between India and China. But the border dispute that escalated into a war in 1962 in which India lost territory to China, still remains. After years of distance, India and China are normalising relations by first improving economic ties, and now starting border talks.
- Kashmir is a bone of contention between India and Pakistan which has brought the two countries into open clash in 1947, 1965, 1971, 1999. Cross border terrorism is a major irritant. India tried to bring a positive change in the relationship of the two countries through Shimla agreement, Lahore Declaration, etc. leading to increased cultural and academic exchange. A composite dialogue is being pursued with Pakistan.
- Relations between India and Sri Lanka can generally be termed as friendly, except for the brief spell in which the Tamil ethnic problem cast its shadow on the relations of the two countries. Indian Peace Keeping Force (IPKF) sent to Sri Lanka was a bitter experience to India. After their withdrawal in 1990, India preferred to keep its hands off the ethnic problem of Sri Lanka, letting room for other countries like Norway to initiate substantial peace process to the problem. But growing economic ties between India and Sri Lanka are a symbol of mutual trust.



Terminal Exercises

1. Discuss the causes of 1962 war between India and China.
2. Explain normalisation of the relations between India and China since the 1990s.
3. Kashmir is the root cause of all problems between India and Pakistan. Do you agree?
4. Trace the causes of the separatist problem in Sri Lanka. Also discuss the steps taken by India to help resolve this problem.



Answers to Intext Questions

28.1

1. 1949
2. 1955
3. McMahon Line
4. Late 1970s
5. Jiang Zemin



Notes

28.2

1. False
2. False
3. True
4. True
5. False
6. False

28.3

1. February 4, 1948
2. Indian Tamils and Ceylonese Tamils
3. Kacchativu island
4. 1987

Hints for Terminal Exercises

1. Refer to Section 28.1.1
2. Refer to Section 28.2.2
3. Refer to Section 28.2.1
4. Refer to Section 28.3.2



Let us ponder over adolescence issues



WHO DEFINES HEALTH AS “A STATE OF COMPLETE PHYSICAL, MENTAL AND SOCIAL WELL BEING AND NOT MERELY THE ABSENCE OR DISEASE OF INFIRMITY”.



THE UNITED NATIONS



The United Nations (UN) is an important international institution of our times. It was set up in 1945 with 51 countries as member nations and its current membership is 192. Most of the countries in the world today are members of the United Nations. The activities of the United Nations reflect the needs and hopes of not just the governments but the people of the world at large. The United Nations is, therefore, a world organization and its activities are wide-ranging. Without exaggerating, there is not a single aspect of our life that is not touched by the ever-increasing scope of the United Nations' activities.



The United Nations



Objectives

After studying this lesson, you will be able to

- trace the origins of the United Nations (UN);
- identify its objectives and basic principles;
- describe the composition and functions of the principal organs of the UN;
- recall its contributions in the fight against evil practices like apartheid, colonialism and promotion of human rights;
- emphasize the need for restructuring of the Security Council to make it more representative;
- explain that the United Nations is the only hope for a peaceful and better world.

30.1 Origins of the United Nations

The first half of the twentieth century witnessed two World Wars that caused death to 80 million people. Each of those wars strengthened the determination of world leaders and people to set up institutions for peaceful world.

**World Order and
the United Nations**



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Even before the complete defeat of the enemy countries (viz. Germany, Japan, and Italy) in the Second World War, the allied powers led by the USA, former Soviet Union and the UK started planning an organization in place of the League of Nations. The US president, Roosevelt and the British Prime Minister, Winston Churchill signed the Atlantic Charter in August 1941 indicating their desire for a post-war peace institution. Then, a series of conferences followed at Moscow, Teheran, Dumbarton Oaks and Yalta to discuss various ideas and proposals. Finally, the United States hosted the San Francisco Conference in early 1945 to finalise and sign the Charter of the new organisation, the 'United Nations'. The United Nations was established on 24th October 1945. Since then, we celebrate 24th October as UN Day.

The Charter is the Constitution of the United Nations. It lists the purposes of the organization, the principles guiding the conduct of both the United Nations and its member countries, the principal organs along with their composition and powers.

30.1.1 Purposes and Principles

The Charter indicates, at the very beginning, four broad objectives of the United Nations. They are

- (i) to maintain international peace and security through collective measures for suppression of aggression and through peaceful settlement of disputes;
- (ii) to develop friendly relations among countries based on full respect for the principle of equality and self-determination;
- (iii) to achieve international cooperation in the economic, social, cultural or humanitarian fields, and
- (iv) to encourage respect for human rights and fundamental freedoms.

In pursuit of the above objectives, both the United Nations and its member states are required to adhere to a set of important guiding principles. The foremost among them is the principle of equality among countries whether big or small, strong or weak. The United Nations will not interfere in the domestic matters of the member countries.

The member states of the United Nations are expected to resolve their disputes with other states in a peaceful manner without endangering international peace and security. Further, the member states should refrain from threats or use of force against another member. It is the duty of the members to assist the United Nations in the enforcement of peace.

As we have already noted, the maintenance of international peace and security is a very important purpose of the UN. Other purposes are complementary to the purpose of peace. In discussing the role of the UN, we should bear in mind one basic aspect of the world body: it is a political body serving its member governments in the context of global politics. Neither the preferences of governments, nor the trends in international politics are static; they change from time to time. Hence, in the exercise of its powers, the UN cannot be rigid, mechanical or uniform. The role of the UN is marked, therefore, by flexibility and pragmatism. Generally, the UN preferred not to take a harsh view or condemn the aggressor country whenever it received complaints on a breach of peace. Instead, it directed its efforts to stop the fighting immediately and to seek withdrawal of troops to pre-war locations.

**Intext Questions 30.1***Fill in the blanks :*

1. The United Nations Charter was signed in 1945 at the city of _____ (Geneva, New York, San Francisco)
2. _____ countries were the original members of the United Nations (45,51,191)
3. The main purpose of the United Nations Charter is _____.

Mark the following sentences as True or False

4. Sovereign equality among the member states is a cardinal principle of the United Nations. (True/false)
5. The United Nations cannot normally take up domestic problems of its member countries. (True/ false)
6. The United Nations membership has not increased since its existence. (True/False)

30.2 Principal Organs : Composition and Functions

To promote the goals of peace and cooperation, the United Nations has six principal organs. They are;

- 1 The General Assembly
- 2 The Security Council
- 3 The Economic and Social Council
- 4 Trusteeship Council
- 5 International Court of Justice
- 6 Secretariat

Although these principal organs are inter-linked in many ways, each one of them is distinct in terms of its compositions and powers. Let us examine them one by one.

30.2.1 The General Assembly

Among the principal organs, the General Assembly is the central body. The principles of sovereign equality and universality are embodied in its composition. All members of the United Nations (presently 191) are members of the General Assembly. Irrespective of size or strength, every member has one vote in the Assembly. A vote cast by the United States, for example, is equivalent to the vote of Bhutan or Cuba. The Assembly discusses problems brought to it, makes recommendations on peace and security questions, admits new members, and adopts UN budget. On important matters, it adopts resolutions with the support of two-third majority. Procedural decisions require only a simple majority. The Assembly meets in regular session every year. It has convened 59 such sessions so far. The Assembly also meets, when need arises, in special sessions and emergency special sessions.

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The General Assembly is some times called as the world parliament. It can discuss any matter. It discusses matters which include peace and security questions, environmental protection, economic development, problems of colonial administration, disarmament, refugees, population explosion, use of global commons like outer space and deep seaboard. It can only make recommendations. As part of this function, the Assembly has adopted a number of important declarations containing principles of international cooperation in political, economic, social and other matters. The Universal Declaration of Human Rights (1948), the Declaration on Decolonisation (1960), Declaration on New International Economic Order (1974), Declaration on Rights of the Child (1989), Declaration on International Terrorism (1994) are only a few examples. They are common goals desirable for governments to implement in their national policies and programmes. The Declarations are not binding on countries. Yet, they carry great moral and political weight. Therefore, governments find it difficult to ignore them.

The Assembly has also adopted several laws like the covenant on civil, political, economic rights of individuals, the laws of exploitation of seas, laws prohibiting or controlling chemical and biological weapons, and so on. These laws are not like the laws of our Parliament which are automatically binding on all of us whereas these international laws and conventions are legally binding only on those states that agree to comply with them. The Assembly elects members of various organs. It appoints the Secretary General. It supervises the work of the Economic and Social Council, the Security Council, the Trusteeship Council and other bodies. The Assembly has the power to approve the budget of the United Nations and to apportion the amount among all the member countries.

30.2.2 The Security Council

The Security Council is the most powerful decision-making body of the United Nations. It has the main responsibility to maintain international peace and security. The Council is a contrast from the General Assembly, in respect of both its composition and the decision-making procedure. Unlike the Assembly, the membership of the Council is limited to 15 countries only, out of which five are permanent members. These five countries are China, France, Russia, the UK and the USA. The remaining ten members- called non-permanent members are elected by the General Assembly for a term of two years. They represent different geographical regions of the world like Asia, Africa, Latin America, Western and Eastern Europe. It was initially hoped that its small size could make it easy for the Council to take decisions on procedural matters by nine affirmative votes (simple majority). On substantive questions, the nine affirmative votes should include concurring vote of the permanent members. In other words, the Council cannot take decisions of major significance if any one of the five permanent members casts a negative vote. This special privilege of the permanent members is popularly known as the veto power. To abstain from voting in the Security Council is not veto. The veto provision has faced criticism from the very beginning. The veto power dilutes the principle of sovereign equality of member countries.

Veto: The five permanent members of the UN have power or privilege to cast a negative vote on substantive questions or matters. This privilege is known as veto power.

The power and functions of the Security Council are limited to the task of maintenance of international peace and security. In case, a dispute arises between two or more countries the Council can make appropriate recommendations in the interest of peaceful settlement of the dispute. Nevertheless, these recommendations are not binding on the unwilling



states. For example, on the Jammu and Kashmir dispute, the Security Council resolutions are not legally binding on either India or Pakistan unless both countries willingly accept them. The Council can use extraordinary power to deal with wars or threats of war between countries. In such an event, the Council can determine who the aggressor is and can call for necessary steps to restore peace. These steps may include, at the discretion of the Council, economic sanctions like freezing of assets abroad, banning of exports and imports, or military action by land, sea or air. Notably, whenever the Security Council takes such steps, they are binding not only on the states directly involved in the war but also on all members of the United Nations. Once, the Security Council takes a decision, it is the duty of the member countries to carry out decisions. Obviously, the Council can take such important decisions only with the agreement among the permanent members. In the recent years, after the end of the cold war, the Council has frequently used its binding powers to deal with various problems of international peace and security. The role of the Security Council in discharging its functions depends on the specific circumstances of each case and the existence of broad agreement among the five permanent members. It is important to note that the Security Council has imposed varying sets of economic and diplomatic sanctions against 25 countries so far. These sanctions included cutting off diplomatic relations, stopping of oil imports and exports, banning weapons supplies, freezing of assets abroad, etc. Haiti, Iraq, Libya, Somalia, South Africa were among the targets of these sanctions. Since no armed forces are placed under the UN to fight an aggressor even after five decades of the Charter's commitment to it, it has requested member countries to contribute towards such a force to take military action for restoring peace. The UN authorized military action to push North Korean forces from South Korea in 1950 and Iraq from Kuwait in 1990. Notability in a recent case, the Council refused to authorize the US war against Iraq. Therefore, the US war on Iraq (2003) was illegal. The Security Council sends soldiers of member countries to a troubled area, with the agreement of the governments concerned, to bring calm and normalcy. This largely successful activity is known as 'peace keeping operations'.

30.2.3 The Economic and Social Council

The Economic and Social Council works to promote international cooperation in economic and social fields. It comprises 54 members all of whom are elected for a term of three years by the General Assembly, giving representation to various geographical regions. Decisions are taken by a simple majority of members present and voting. It considers international economic, social, cultural and humanitarian problems. The Council has set up commissions to study and advise on the status of women, population, human rights, etc. It has the power to coordinate the activities of various specialized agencies like the International Labour Organisation, the World Health Organisation etc. (which are discussed in a separate lesson in this book). Another important function of the Council is to bring Non-Governmental Organizations (NGOs) to take part in its deliberations. The powers of the Council are quite modest as compared to its responsibilities. By means of study, discussion and coordination, the Council is expected to promote full employment, higher standards of living and solution of international economic and social problems.

30.2.4 The Trusteeship Council

The Trusteeship Council was created to supervise the working of the international trusteeship system. All the 11 territories, originally placed under the trusteeship system have become



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free. Now that there is no trust territory to be administered, the Trusteeship Council has ceased to play an active role in the UN system and does not hold meetings. The Charter has to be amended to dissolve this organ.

International trusteeship system was created for administration and supervision of such territories, which had not attained independence. It replaced the League mandate system

30.2.5 The International Court of Justice

The International Court of Justice, known as the World Court, located at The Hague (The Netherlands), is the principal judicial organ of the United Nations. The Court consists of 15 judges, who are elected jointly by the General Assembly and the Security Council for a term of nine years. Let us not confuse this court with national court like the Supreme Court of India. Only member nations, not private individuals, can bring cases before the Court. And the judgements are not binding. So far the Court has handled 72 cases.

30.2.6 The Secretariat

The Secretariat General comprises the international staff posted at the UN headquarters, New York and other locations throughout the world. They are expected to be impartial and independent in the discharge of their responsibilities. the United Nations and not any particular member country. The Chief of the Secretariat is the Secretary General who is appointed by the General Assembly on the recommendation of the Security Council for a term of five years. Since the inception of the Organization, six persons have served as the Secretary-General. They are; Trygve Lie of Norway, Dag Hammarskjold of Sweden (1953 – 61), U Thant of Myanmar (1961 – 71), Kurt Waldheim of Austria (1972 – 96) and Javier Perez De Cuellar of Peru (1982 – 91) Boutros Boutros-Ghali of Egypt (1992 – 96) Kofi Annan from Ghana. Presently, Ban Kimoon of South Korea is occupying this prestigious office.



Intext Questions 30.2

Fill in the blanks :

1. The permanent members of _____ enjoy the veto power. (all organs of the UN/the Security Council)
2. How many territories did The Trusteeship Council used to administer? (5/11/15)
3. Which organ of the United Nations performs the function of coordinating the activities of the specialized agencies? (General Assembly/Security Council/Economic and Social Council)
4. Private individuals can bring disputes before the World Court. (True/False)
5. _____ is at present the UN Secretary General . (Kofi Annan/Bam Kimoon)
6. The judges of the World Court are elected by _____ (General Assembly/ Security Council/both Security Council and General Assembly)



30.3 Fight against Colonialism and Racism

As we know India was a British colony for nearly 200 years before Independence in 1947 India was not alone to come under colonial rule. Most parts of Africa and Asia were not free in 1945 when the United Nations was set up. For UN, ending colonial rule became essential for achieving world peace and progress. Freeing millions of people from foreign colonial rule is a historic achievement of the UN. The UN's anti-colonial territories covered two categories of dependent population. They were the trust territories for which UN was directly responsible. Then there were several territories administered by western colonial powers like Britain, France, etc. 'Trust' territories were placed under the responsibility of the UN until the people of the territories concerned would be able to determine freely their future status. Cameroon, Nauru, New Guinea, the Pacific Islands, Rwanda-Urundi, Somaliland, Tanganyika, Togoland were among them. By 1994 all trust territories became free with the help provided by the UN. Seven have become independent and four chose to merge with the neighbouring countries. The UN interest in the liberation for subject people extended beyond trust territories. Its built up this campaign against colonialism was the adoption of the Declaration of Decolonisation by the General Assembly in 1960, demanding immediate independence of all colonial territories and populations. Since that time, 60 territories have become free under the sustained pressure built in the UN. Namibia, Eritrea, East Timor are among the recent examples of successful fight against colonialism. There are now only very few like western Sahara waiting to exercise their free choice. There is some confusion that the fight against colonialism blesses the right of some disgruntled people to separate from their newly formed independent state. Right to 'self-determination' applies to people under foreign colonial rule only.

The UN opposition to racism in South Africa known as apartheid is also remarkable. The organization's interest in the matter dates back to early 1946. South African white minority regime did not pay heed to the gentle pleas by the UN. Later pressure was built to force white South Africa government to end its policy of discrimination against the Black population. South African teams were passed to participate in international sports events. The Security Council joined the effort later by banning arms sales. South Africa felt the heat and agreed to end its policy in 1993. The widely respected black leader, Nelson Mandela was released after 27 years of imprisonment. The apartheid laws were revoked. Internationally supervised free elections were held, leading to the installation of a government under President Mandela in 1994. Soon afterwards, the UN revoked all previous punishments and restored to the new South Africa its rightful place in the world body.

30.4 Promotion of Human Rights

Promotion of human rights culture through world wide human rights standards has been another major contribution of the United Nations. Nearly 80 declarations and conventions touching upon various facets of human rights have been adopted by the UN in the past five decades.

The Universal Declaration of Human Rights was the first among the UN declarations. The day of its adoption-10 December 1948 is observed every year as the Human Rights day. The Declaration contains a broad range of civil, political, economic, social and cultural rights that all people are entitled to, without any discrimination. Admittedly, the Universal Declaration, as any declaration, is not binding on governments. However, it gave inspiration

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to the drafting of two legally binding covenants, one on economic, social and cultural rights and the other on civil and political rights. Both these covenants became applicable to the signatory states from 1976 onwards. These two covenants, together with the universal declaration, are known as 'the International Bill of Rights'.

The covenant on economic, social and cultural rights highlights the right to work in just condition, the right to adequate standard of living and the right to social protection. The Covenant on civil and political rights emphasizes freedom of movement, equality before the law, freedom of religion, freedom of participation in elections, and protection of minority rights. A specially constituted committee monitors the compliance of the signatory states to this covenant on HR. A remarkable feature is the UN is empowered under the civil and political rights covenant to receive and redress complaints from individuals against the behavior of their own respective governments.

The UN has adopted other declarations and covenants with the aim of stopping the practice of torture and racial discrimination or protecting vulnerable section like children, women and migrant workers

The activities of the UN include the convening of periodical conferences on human rights. Recently, in 1993 the UN organized at Vienna an international conference on Human rights. Acting upon the recommendations of the conference, the General Assembly appointed in 1994 the UN high commissioner for HR whose task is to promote more scrupulous respect for human rights throughout the world.

30.5 Need for Re-Structuring The United Nation

Although the United Nations has done a responsible job there are some obstacles which limit its performance. For example, a few organs of the United Nations have not changed, though the changes in the world around require it. Let us look at the Security Council as an example. Unlike the General Assembly; the permanent membership of the Security Council is limited to 15 countries only. Out of that, P-5 (China, France, Russia, UK and USA) are permanent. They were given permanent status in 1945 due to some historical and political reasons. The remaining ten members are non-permanent members elected by the General Assembly for a term of two years. This arrangement is six decades old, when most of Africa and Asian countries were not part of the United Nations. Now with membership of the world body rising by four times, the council's composition needs to be suitably changed. There is a strong case to add a few countries like India as permanent members. The number of non-permanent members should also be increased so that different countries can get a feeling that the Council works for their future. The Third World countries are of the opinion that United Nations is an agent of Western countries especially the United States. To correct this image, the number of Permanent members has to be increased. Japan, India, Germany, Brazil and Nigeria are the claimant for it. Japan and Germany are no longer enemy states and because of their economic strength and contribution to the UN budget are considered as the most eligible for permanent membership of the Security Council. India's contribution in several UN Peacekeeping forces and its active role in peace making processes facilitates its obvious claim to be a permanent member of the Council. India has been a founder member of the United Nations. Besides India is the second largest populous country and is the largest democracy in the world.



Intext Questions 30.3

Answer the following questions:

1. The declaration on Decolonisation was adopted in _____ (1945,1960,1995)
2. The UN was responsible for the administration of the trust territories. (True/False)
3. The native leader of the resistance movement against apartheid in South Africa was _____ (Mahatma Gandhi/Nelson Mandela)
4. The Universal Declaration of Human Rights is binding on all member countries of the UN. (True/false)
5. Which day every year is observed as the HR Day? (26 January/10 December /15 August)
6. The two covenants on human rights came into force in _____ (1948/1976/1997)
7. Which important office was established on the recommendation of the 1993 UN conference on Human Rights (Ombudsman/High Commissioner for Human Rights).



What You Have Learnt

The United Nations was formed on 24th October 1945 with the objective of maintaining world peace and security. It has six main organs, the General assembly, the Security Council, the Economic and Social Council, the Secretariat, the Trusteeship Council and International Court of Justice to achieve its multiple aims and objectives: played a key role in maintaining world peace. The UN tried to create better conditions for peace by working for ending colonialism and racism and also its efforts to promote human rights in the world have brought about encouraging results. Over the years, the UN acquired a moral status. The UN is engaged in promoting peace and progress through diplomatic and non-violent means; strong actions like sanctions and use of military force are rare.

The UN has its advantages & limitations too. Yet it remains the unique forum available to humanity as a whole to pursue the ultimate goal of building a world of peace, prosperity, equality and justice. Six decades are too short to realize these ideals; but with the support of the people and governments it can be made more effective to meet the challenges of the twenty first century.



Terminal Exercises

1. Discuss the purposes and principles of the UN charter
2. Compare and contrast the composition and functions of the General assembly and the Security Council.
3. Discuss the importance of the UN role in the decolonisation effort.
4. Explain the need for restructuring the Security Council

OPTIONAL MODULE-1

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5. Write a short note on the following
 - (a) UN Secretary General
 - (b) Universal Declaration of Human Rights
 - (c) Trusteeship Council
 - (d) Economic and Social Council



Answers to Intext Questions

30.1

1. San Francisco
2. 51
3. Maintenance of international peace and security
4. True
5. True
6. False

30.2

1. The Security Council
2. 11
3. The Economic and Social Council
4. Bam Ki-moon
5. Both the Security Council and the General Assembly

30.3

1. 1960
2. True
3. Nelson Mandela
4. False
5. 10 December
6. 1976
7. High Commissioner for Human Rights

Hints for Terminal Exercises

1. Refer to Section 30.3
2. Refer to Sections 30.4



3. Refer to the first paragraph in Section 30.5
4. Refer to first paragraph in Section 30.8
5. (a) 30.4 (b) 30.8 (c) 30.4 and 30.7 (d) 30.4

Extended Learning

Basic Facts about the United Nations (New York, 1995)

Image and Reality: Question and Answers about the UN (New York 1996)

Glossary

1. Allied Powers
2. League of Nations
3. Charter



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31

UNITED NATIONS' PEACE ACTIVITIES

Pace is one of the most cherished goals of the nations of the world. Without peace, it is very difficult to achieve other goals like economic and social progress. Peace became all the more essential as the wars became very destructive and bloody due to development of dangerous weapons in the twentieth century. Moreover, a number of countries and their people are experiencing the negative effects of wars. Hence, leaders of the world joined hands to prevent war and to manage the peaceful relations among the nations. That is the reason why the United Nations was created at the end of Second World War. The United Nations was created to work for peace in all parts of the world. In fact, peace is its top most aim. United Nations is today the most important organisation dedicated to world peace. Many organs of the United Nations work for peace. The efforts of Security Council, the General Assembly and the Secretary General are notable. There have been more than 300 wars after the Second World War. But to the credit of the United Nations, third world war has not occurred.



Objectives

After studying this lesson, you will able to

- identify different ways in which United Nations strives for international peace and security;
- recall the efforts of the United Nations to mediate between countries so that their problems are peacefully settled;
- identify the impact of Cold War in the functioning of the United Nations in regard to peace and security;
- recognise importance of peacekeeping activities of the United Nations;
- explain the sanctions imposed by the United Nations as punishment against peace-violating country;
- explain the significance of disarmament efforts of the United Nations.

31.1 Many Types of Activities

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Notes

The United Nations role towards world peace had many sides to it. Its organs work to prevent wars from happening. This is done by advising or encouraging countries to maintain friendliest relations without interfering in each other's affairs and to settle differences without using force. For this purpose United Nations has passed several Declarations and Resolutions. They are not of course binding on member countries, yet they have moral weight. However, regrettably, countries went to wars. On such occasions the United Nations worked hard to stop such wars as quickly as possible. For example, when India and Pakistan fought a war over Jammu and Kashmir in 1947, United Nations successfully persuaded both countries to stop that war. On the other hand, United Nations activities recognised need to strengthen conditions of peace through control or elimination of dangerous weapons. There are four main aspects of the United Nations activities which have made our world somewhat peaceful. They are : (1) mediation activities to help countries to reach an agreement, without using armed forces; (2) Peacekeeping activities to keep warring nations apart and restore peace without firing a shot; (3) Permitting some member countries to forcibly intervene in a troubled area and restore peace in an area; (4) Disarmament activities aimed at reducing or totally prohibiting tools of war like landmines, chemical weapons etc. It is important to learn more about each of these four peace activities of the United Nations.

31.2 Mediation Activities

The United Nations has played the role of mediator in dozens of conflicts, sometimes successfully and at other times not so successfully.

Mediation is an activity undertaken by a country or an organization or individual to help resolve a problem. The mediator is not directly connected to the dispute or problem. The mediator has to be friendly and impartial with the quarrelling countries. The mediation starts only when parties to a problem agree. The mediator aims to bring parties face to face for talks or help them in identifying areas of agreement. It is a painstaking and skilled job for which United Nations has gained much experience.

The UN Security Council sent mediators in 1950s to solve the Kashmir problem amicably but the efforts were not fruitful. The Cuban Missile crisis of 1962 is a good example where the Secretary General U Thant's mediation helped to avoid direct military confrontation between the United States and the former Soviet Union. In 1987, United Nations successfully, mediated to get an accord signed for the withdrawal of Soviet troops from Afghanistan. Similar mediation was undertaken successfully on Cambodia problem in 1991. There are nearly two dozen UN mediators presently helping resolution of problems in Somalia, Cyprus, Western Sahara etc.

The United Nations also helped in fact finding or impartial investigations into border violations, use of banned weapons, and other complaints. With regards to Arab-Israeli conflict, United Nations suggested in 1967 an outline for a settlement that recognised the rights of both Israel and Palestine to live in secure boundaries. At times, the judicial organ, the World Court also contributed to peace through its judgements on complaints brought before it by countries. For example in 2003 the Court ruled against Israel's construction of a wall in occupied Palestinian territories as illegal and provocative. The General Assembly later called upon Israel to adhere to the Court's opinion.



31.3 Binding Sanctions

The United Nations has always preferred to try first non-binding persuasive methods to keep peace among nations. It does not mean that United Nations cannot do, or has not done, any thing in case countries ignore the advice of the United Nations and become a threat to world peace. As you have already learnt in lesson 30, the Security Council has the power to impose 'sanctions' against a threatening country or government so that peace is restored without the need for armed/military action. These 'non-military sanctions', when decided by the Security Council are to be compulsorily implemented by all member countries of the United Nations.

'Sanctions' are strong steps taken to isolate and punish a country that becomes a menace to peace. Sanctions do not mean use of military force. Security Council's non-military sanctions could mean cutting off of diplomatic relations between the targeted country and the rest of the world, curbing sale of arms and ammunition, banning imports and exports of any and all items like oil, medicines etc., freezing of bank deposits in foreign countries. These steps are aimed to ensure that the target country stops its objectionable activity.

United Nations has imposed the binding non-military sanctions some 25 times so far. One of the first cases of such sanctions occurred against South Africa. South Africa refused to abide by the repeated advice of the international community to end its policy of racial discrimination against the Blacks, the Indians and coloured people residing in that country. A compulsory ban on supply of weapons was imposed in 1977 to compel South Africa to end its policy of racial discrimination. Other methods like banning from international sports were also used. South Africa finally had to bow to the wishes of the world when it ended its racial discrimination- apartheid - in 1994. In one of the remarkable instances, United Nations imposed wide ranging sanctions against Iraq which attacked and occupied neighbouring Kuwait in 1990. Sale and purchase of oil was prohibited, food and other essential needs were denied, communication and transport links were cut and accounts in foreign banks were sealed. These actions had a major impact on Iraq and its people for a very long time. Similarly United Nations launched sanctions against many terrorist organisations to deny them any funding. This step was taken after the terrorist attacks against the United States of America in September 11, 2001. Let us however, remember that United Nations sanctions against wrong doers have not achieved the desired results always. It seems terrorists continue to get funds secretly inspite of sanctions.



Intext Questions 31.1

True or False :

1. United Nations is today the most important organisation dedicated to world peace. (True/False)
2. United Nations declarations and resolutions, urging the member countries to solve the dispute by peaceful means have binding effect. (True/False)
3. The UN mediator can expect to have little success unless he enjoys the confidence of all parties. (True/False)
4. In 2003 the International Court of Justice ruled against Israel's construction of a wall in occupied Palestinian territories as illegal and provocative. (True/False)
5. The 'non-military sanctions' imposed by the Security Council are not compulsorily implemented by all member countries of the United Nations. (True/False)

31.4 Authorisation for military action

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Notes

The goal of world peace is so important for the United Nations that the founders did not hesitate to empower this organisation to use military force to stop and reverse invasions by one country against another country. For this purpose, United Nations was to be equipped with a standing army consisting of troops, contributed by member countries. This army designed to fight aggressor countries under the control of the United Nations and its Secretary General - could not become a reality. The strong countries like United States and the then Soviet Union had serious disagreements on the matter. Hence, even after more than five decades of its existence, the United Nations does not have its own military force to take military action against an aggressor country. Because of this limitation United Nations could not take military action against invading countries independently or automatically.

Moreover due to the cold war between the United States and the former Soviet Union, the members of the United Nations could not reach to an agreement on identifying the aggressor. Often, the two cold war rivals which are permanent members of the Security Council supported the parties to the dispute and prevented action against their allies with the help of veto power. Thus the Security Council remained deadlocked most of the time during the cold war. And yet the UN authorised or permitted one or groups of member countries to take military action on its behalf. Though less than satisfactory, this was a practical option exercised on occasions such as Korea in 1950.

United Nations authorised military action happened in 1950 after North Korea armed forces crossed over to South Korea and refused to go back. The United States was willing and prepared to get militarily involved, along with its allies to defend South Korea, for its own reasons. The United Nations simply endorsed the American intention and authorised a military action to push back North Korea from the territory of South Korea. The United States, using the UN flag, somehow succeeded in restoring South Korea's freedom from North Korean invasion.

Nearly forty years later, United Nations got another opportunity to give similar authorisation to the United States and its allies to use military force to push Iraqi army out of Kuwait. Thus followed the first Gulf war in 1991. It ended with the defeat of Iraq. It is important to remember that the US led Gulf war was the first major war in the new era after the cold war ended.

The end of the US-Soviet cold war was widely expected to help positively the United Nations activities for peace. Unfortunately, those activities came completely under the shadow of the United States. United Nations could not act ignoring the preferences and prejudices of the US which became militarily the strongest country after the cold war. In the midst of new threats to peace like civil or ethnic wars in Liberia, Somalia, Former Yugoslavia, United Nations turned to United States or its allies to send troops. On ten occasions, UN authorised use of force after the first Gulf war. United States was permitted to lead multinational military forces in Somalia (1992), Bosnia (1993), Haiti (1994) and Liberia (2003). Besides, Australia and France also got UN permission to send forces to restore order in East Timor and Rwanda respectively. Nevertheless, many questions have come up about the wisdom of such military activities. Indeed the fair name of the United Nations has been affected. Therefore, United Nations is more cautious to allow military action under its name. The United Nations refused to grant US request for permission to



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wage another war against Iraq in 2003. It is different matter that United States went ahead with its war plans without having the benefit of UN permission.

31.5 Peacekeeping Activities

Compared to the military authorisations, peacekeeping is a remarkable contribution of the United Nations towards world peace. This important activity, in fact, was not anticipated when the United Nations was founded. However, UN tried with this technique right from its early years. The first UN peacekeeping activity started in 1948 when UN dispatched a small team of military observers to ensure peace after the first Arab-Israeli war. Since then, in all there have been 60 peacekeeping operations dispatched by United Nations to restore or maintain peace in countries located in four continents -Africa, Asia, Europe and South America. Two such operations restored peace between India and Pakistan.

United Nations Military Observer Groups in India and Pakistan (UNOGIP) was established in January 1949 after the major conflict between the two countries over Kashmir issue. The observers are continuing to the present time. United Nations India Pakistan Observation Mission (UNIPOM) was established in September 1965 after the war between India and Pakistan and continued until March 1966.

In UN peacekeeping activity there are some notable turning points. For example, in 1956, a 6,000 strong force called United Nations Emergency Force could arrange, without firing a shot, withdrawal of foreign troops from Egypt. In 1960 a much larger peacekeeping force ensured that a newly independent country remained secure from foreign intervention and internal disintegration. In 1993, an equally big operation took over administration of Cambodia and installed democratically elected government there. The end of cold war in 1990 witnessed rapid rise in the number of peacekeeping activities launched. Some were very successful, while others faced difficulties. The examples of failed peacekeeping operations were in former Yugoslavia, Somalia and Rwanda. The overall worth of the UN peacekeeping was demonstrated when in 1988 this activity received Nobel peace prize.

United Nations Peacekeeping operations consist of impartial military and civilian personnel from different countries working under the UN command. Their main job is to nonviolently stop the warring countries from fighting and help them observe the cease-fire agreement reached between them. They create an atmosphere for the warring nations could resolve their differences. Usually they are sent to help control and resolve conflict between hostile states and sometimes between hostile communities within a single state. The UN peacekeeping forces carry light arms and are allowed to use minimum force only if they are attacked.



Intext Questions 31.2

Fill in the blanks :

1. For maintenance of peace and security, United Nations was to be equipped with a _____ contributed by member countries.
2. The United Nations authorised the _____ to act militarily against North Korea.
3. The United Nations _____ to grant US request for permission to wage another war

against Iraq in 2003.

4. There have been around _____ peacekeeping operations dispatched by United Nations to restore or maintain peace in various countries in the world.
5. In 1993, a big operation took over administration of _____.

31.8 Disarmament Activities

It was thought that the production and stockpiling of weapons of mass destruction would ensure peace by deterring the opponent. Far from securing peace these weapons have made the world a dangerous place to live in. Nuclear and other dangerous weapons threaten the very survival of mankind. If full-fledged nuclear war breaks out, it is not only the population of the warring countries that would die but also the rest of the population spread over the globe would suffer. Those who survive the nuclear war would die a slow and painful death. Thus, the preservation of life on the planet is the first and foremost consideration for disarmament. Equally important, disarmament offers the possibility of diverting huge funds from the arms production for improving the living conditions of the poor and needy people of the world.

Right from the inception, the United Nations has taken active interest in disarmament. Several disarmament treaties resulted from UN efforts. Some of them are no doubt controversial. For example Treaty on the Non-proliferation (NPT) of Nuclear Weapons of 1968. This treaty required non-nuclear states not to acquire nuclear weapons, while leaving the nuclear weapon powers free to increase their stocks. Many countries like India refused to sign the treaty to protest against the discrimination.

The UN General Assembly convened three special sessions to focus world attention on the need for disarmament. Those sessions, mobilised world opinion to press reduction of nuclear and conventional weapons. But no concrete results were evident, because of cold war tensions.

The ending of the Cold War raised hopes of serious moves to control and reduce nuclear and other weapons of mass destructions (WMDs). The General Assembly adopted a text of resolution of the Comprehensive Test Ban Treaty (CTBT) in September 1996. The chances of CTBT coming into force are considered remote because many countries, including India, described it a defective treaty and refused to sign it until the five nuclear powers had disarmed.

On the positive side, UN efforts in disarmament led to banning of landmines (1997) and prohibition and destruction of existing stocks of chemical weapons under international supervision (1993). UN also made progress in actually removing several lakhs of landmines in Asia and Africa, supervising elimination of existing stocks of chemical weapons. Also UN played its part in destruction of chemical and biological weapons of Iraq in 1990s.



Intext Questions 31.3

Fill in the blanks :

1. The _____ arms have made the earth a dangerous place to live in.



OPTIONAL MODULE-1

World Order and the United Nations



Notes

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2. The preservation of life on the planet is the first and foremost reason behind the need for _____ arms race means diversion of _____ which could be used for economic development.
3. Discriminated between nuclear and non-nuclear weapon countries.
4. General Assembly held _____ special setting on disarmament.
5. UN General Assembly approved The Comprehensive Test Ban Treaty (CTBT) in _____.



What Have You Learnt

World peace is the top most aim of the United Nations. The United Nations continues to take up various activities to this end. The United Nations has offered its services as a mediator in dozens of conflicts, sometimes successfully and other times not so successfully. The United Nations has always preferred to try first non-binding persuasive methods to keep peace among nations. It does not mean that United Nations cannot do, or has not done, any thing in case countries ignore the advice of the United Nations and become a threat to world peace. The goal of world peace is so important for the United Nations that the founders did not hesitate to empower this organisation to use military force to stop and reverse foreign invasions against any member country. More than any other activity of the United Nations, peacekeeping is a truly remarkable contribution towards world peace. This important activity, in fact, was not anticipated when the United Nations was founded. However, UN used with this technique right from the beginning of its existence. Some of the peacekeeping operations were very successful, while others faced difficulties. Right from the inception, the United Nations has taken active interest in disarmament. Several disarmament treaties resulted from UN efforts.



Terminal Exercises

1. What are the four main aspects of the United Nations activities which have made our world peaceful?
2. Discuss few of the examples of the United Nations mediation.
3. What are the different types of non-military sanctions which are imposed by the United Nations?
4. Why does the United Nations not have its own military force to carry out its military action?
5. What is peacekeeping? What for these operations have been sent?
6. Discuss some of the aspects in regard to UN disarmament efforts.



Answers to Intext Questions

31.1

1. True



2. False
3. True
4. True
5. False

31.2

1. Standing army
2. United States
3. Iraq
4. 60
5. Cambodia

31.3

1. Nuclear
2. Resources
3. Non-proliferation Treaty
4. Three
5. 1996

Hints for Terminal Exercises

1. Refer to Section 31.1
2. Refer to Section 31.2
3. Refer to Section 31.3
4. Refer to Section 31.4
5. Refer to Section 31.5
6. Refer to Section 31.6



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33

PUBLIC SERVICE COMMISSIONS

The civil servants occupy an important role in the successful administration of state at different levels. Therefore, their recruitment, training, emoluments, conditions of service, promotion policies, etc. assume importance. For an impartial consideration of these matters relating to civil servants, an independent and expert authority is required which is known as the institution of public service commission.

One of the important features of our Constitution is the inclusion of Public Service Commission at both Union and State levels in the Constitution itself.

While UPSC and SPSC are constitutional bodies, a joint public service commission is created by an Act of Parliament.



Objectives

After completing this lesson, you will be able to

- explain the necessity of an independent agency to recruit civil servants;
- describe the composition of the UPSC;
- explain the functions of the UPSC;
- explain the composition of State Public Service Commission;
- identify functions of State Public Service Commission;
- recall the constitutional provision for the Joint Public Service Commission;
- discuss the constitutional provisions relating to independence of Public Service Commission.

33.1 The Need of an Independent Agency

Recruitment of civil servants has to be neutral, unbiased and free from prejudices of any kind. Then alone any merit system will inspire confidence. To ensure objectivity and impartiality in recruitment, several measures have been taken. The constitution of an



independent agency in the form of a public service commission for recruitment is one. Through this agency :

- (i) the executive branch has been divested of the power of making recruitment to the superior levels of civil services.
- (ii) the agency thus created is an extra-departmental body such as a commission, which functions outside the normal machinery of government.
- (iii) a special constitutional status is conferred on this agency to ensure autonomous functioning.

It must be remembered that the commission is only a recruiting agency, and not an appointing authority. The authority of making appointments rests with the government. The commission is an advisory and recommendatory body. Its decisions are not mandatory. Normally, government accepts its recommendations, but government may not always accept what the commission suggests. However, in such cases the reasons for not accepting the recommendations have to be explained and recorded.

**Intext Questions 33.1**

1. *Tick (✓) mark the correct answer :*

- (i) The administrative machinery of the government is run by –
 - (a) Elected representatives
 - (b) Ministers
 - (c) Civil servants
 - (d) People of India
- (ii) An independent constitutional agency to recruit civil servants is known as :
 - (a) Staff Selection Board
 - (b) Election Commission
 - (c) Planning Commission
 - (d) Public Service Commission
- (iii) An independent agency for recruitment of civil servants is required because :
 - (a) it maintains the merit system and neutrality in civil services.
 - (b) it protects the rights of the people.
 - (c) it serves the aspiration of the ministers.
 - (d) it is an appointing authority of the civil servants.

33.2 Why A Commission Type of Organisation?

The constitution provided a commission as distinct from the customary departmental type for undertaking the task of recruitment of civil servants. The fathers of the constitution



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were perhaps guided in their decision by the fact that the task requires experts and longer specialized knowledge also and that facilitates collective deliberation by a group of experts who are able to pool their knowledge and experience to arrive at informed and objective decisions. Such a method of making decisions collectively is described as corporate mode of functioning or decision making.

Further a plural body like public service commission consisting of experts in parts professional and technical weightage in the process of decision making. When several heads combine for deliberations, biases are eliminated and objectivity is ensured. A commission functions outside the normal governmental machinery, hence greater flexibility and innovativeness of approach is possible. Bureaucratic rigidities and delays, which characterize government departments can thus be avoided.

33.3 Significance of A Constitutional Status for The Commission

The constitutional status is intended to ensure the Commission to function without fear or favour. This can be facilitated when its composition, role and authority, privileges of its members, method of appointment and removal of members, qualifications for appointment and ground for removal etc. are constitutionally protected. The Commission can function without being influenced by political or other extraneous consideration. Confirmation of constitutional status is, thus, meant to provide safeguards against any possible encroachment on the authority and independence of the commission either by the executive or the legislature.

33.4 Composition of Union Public Service Commission

For the purpose of the higher level civil services of the Union Government, the Constitution provides for the setting up of the Union Public Service Commission (UPSC). The number of members of the Commission and the conditions of their service are left to be determined by the President, which means the government. It has since been decided that there shall be a chairman and six to eight members of the Commission. At present the strength of the Commission is nine including the chairman. The chairman and the members of the Commission are appointed by the President. The Constitution provides that at least half the members have to be persons who have served for at least ten years under the Government of India or a State Government.

A member holds office for a term of six years from the date he joins duty or until he attains the age of sixty five years, whichever is earlier. The Chairman is ineligible for any future employment under the government, but other members are entitled to accept the chairmanship of the UPSC or of a State Public Service Commission.

The conditions of service of members cannot be changed to their disadvantage after appointment. Their salaries, allowances, etc. are not submitted to the vote of Parliament as they are charged on the Consolidated Fund of India.

It is also provided that the chairman or a member of the Commission can be removed from office by the President on the ground of misbehaviour. It is only after an inquiry by Supreme Court, on a reference being made to it by the President. Pending the inquiry by the Court, the President may suspend the member concerned. A member including the chairman would be deemed guilty of misbehaviour if he becomes interested in any monetary benefit in the discharge of duties as a member. It is also provided that the President may remove

**Notes**

the chairman or any other member from office, on the ground of insolvency, infirmity of mind or body, or if he is engaged during the term of office in any paid employment outside the duties of his office.

**Intext Questions 33.2**

1. *Tick (✓) mark the correct answer:*

- (i) Public Service Commission is a
 - (a) constitutional body
 - (b) statutory body
 - (c) body setup by an executive decision
 - (d) none of these
- (ii) Public Service Commission works as
 - (a) a recruiting agency
 - (b) an appointing authority
 - (c) an advisory body on all government appointments
 - (d) none of these
- (iii) The chairman and the members of the UPSC can be removed from their post by the
 - (a) Council of Ministers
 - (b) President
 - (c) Prime Minister
 - (d) Supreme Court

33.5 Functions of Union Public Service Commission

The functions of the UPSC as described in the Constitution are :

- (i) To advise the government on all matters relating to the methods of recruitment and norms to be followed in making appointments to civil services either directly or by promotion.
- (ii) To advise on the suitability of candidates for appointment, promotion and transfer.
- (iii) To conduct examinations for appointment to All India services.
- (iv) To advise on disciplinary matters affecting government servants.
- (v) To advise on claims of legal proceedings instituted against a government servant and on the claims in respect of injuries sustained by a government servant while on duty.
- (vi) To advise on any other matter specifically referred by the President.



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There is also a provision for extending the functions of the Commission by Parliament not only in respect of government services but also in respect of services under local authorities, corporations or other public institutions.

The jurisdiction of the Commission can be reduced by taking away some posts from its purview. For example, the Commission is not consulted in regard to selections for the following appointments:

- (i) membership or chairmanship of tribunals or commissions
- (ii) posts of high diplomatic nature
- (iii) Group C and Group D employees who constitute nearly 90% of the total number of the Central Government employees.

The Commission is consulted in matters of censure, compulsory, retirement, removal or dismissal from service, seduction to lower same grade or post or scale, with holding of increments or promotion, recovery of the whole or part of any loss caused to the government by negligence or branch of order. Moreover, the Commission is also consulted in relation to an order of the President on an appeal against any of the above penalties made by a subordinate authority after consideration of any petition or memorandum or otherwise.

The Commission also tenders advice to government on methods of recruitment, and the principle to be followed in making appointments, promotions and transfers from one service to another and the suitability of candidates for such appointments, promotions or transfers.

It is the duty of the Commission to present annually to the President a report as to the work done by the Commission. The report along with the memorandum explaining the action taken by the government on the recommendations of the Commission, is placed before the Parliament. Government, thus, becomes responsible to explain the reasons in case it has not accepted the recommendations of the commission.



Intext Questions 33.3

1. *Tick (✓) mark the correct answer:*

- (i) It is the duty of the President of India to place the annual report of UPSC before :
 - (a) Supreme Court of India
 - (b) Parliament
 - (c) Comptroller and Auditor General of India
 - (d) Council of Ministers
- (ii) Under article 321 of the Indian Constitution additional functions to the Union Public Service Commission can be assigned by the :
 - (a) President
 - (b) Prime Minister
 - (c) Parliament
 - (d) Supreme Court



33.6 Composition of State Public Service Commission

Each state in India has a public service commission. The Constitution stipulates that the Governor determines the number of members of the Commission. At least half of the members of Commission are persons with a minimum of ten years of experience under the central or a state government. Members are appointed by the Governor for a term of six years or until the age of 62 years. Though the Governor is the appointing authority but members can be removed only by the President. Conditions of service of the members are determined by the Governor but the Constitution stipulates that these shall not be revised to their disadvantage. Implicit in the foregoing are certain safeguards to ensure the Commission's independence.

A member of a state public service commission on retirement or otherwise can be appointed as chairman or member of UPSC, or as chairman of that or any other state service commission.

As in the case of UPSC, the state public service commission submits its annual report to the Governor. The Governor goes through the report to be placed before the state legislature along with the cases in which the government has not accepted the advice of the Commission. In such cases the government has to record the reasons for non-acceptance or rejection of the recommendations.

The state public service commission performs the same functions in regard to its respective states public services as are performed by the Union Public Service Commission in regard to the Union Government.

33.7 A Joint Public Service Commission

Two or more states may agree that there should be one public service commission for them. If a resolution to that effect is passed by the House or by each house of legislature (where there are two houses) of the respective states. Parliament may by law provide for the appointment of a Joint State Public Service Commission to serve the needs of those states.

The chairman and other members of this joint commission are also appointed by the President.

33.8 Independence of Public Service Commission

The following constitutional provisions are intended to make the commission, both UPSC and SPSC, independent of any external influence :

1. Members are appointed for a fixed tenure of six years or until the attainment of sixty-five years of age in the case of UPSC, and sixty-two years in the case of SPSC.
2. The conditions of service of a member cannot be changed to his/her disadvantage during his tenure of office.
3. The removal of a member can take place by an order of the President on certain specific grounds in consultation of the Supreme Court.
4. The expenses of the commission are charged on the Consolidated Fund of India.



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5. All regulations to be issued by the government excluding any matter from the purview of the commission will have to be laid before the Parliament or the state legislature for such modification as it may deem fit to make.
6. Further employment of any member is severely restricted.



Intext Questions 33.4

1. Tick (✓) mark the correct answer:

- (i) The age limit up to which a member of state PSC may hold his post is :
 - (a) 60 years
 - (b) 62 years
 - (c) 63 years
 - (d) 64 years
- (ii) The tenure of a member of SPSC is :
 - (a) 4 years
 - (b) 5 years
 - (c) 6 years
 - (d) 7 years
- (iii) The chairman of the Joint Public Service Commission is appointed by the :
 - (a) President
 - (b) Governor
 - (c) Prime Minister
 - (d) Supreme Court



What You Have Learnt

1. In this lesson you have studied that there are independent and expert bodies called Public Service Commission which recruit the civil servants and advise the government about their appointment, promotion and transfer.
2. Union Public Service Commission, State Public Service Commission and a Joint Public Service Commission are the three categories of Public Service Commission.
3. The chairman and the members of the UPSC are appointed by the President.
4. State Public Service Commission members are appointed by the Governor of the state concerned.
5. In the Constitution adequate provisions have been made to ensure independence of public service commission.



6. These commissions in general have proved to be quite useful in maintaining impartiality and objectivity in the recruitment of civil servants, particularly at the higher level.

**Terminal Exercises**

1. Describe the need for an independent agency to recruit civil servants.
2. Explain the composition and functions of The Union Public Service Commission.
3. How are the chairman and the other members of the UPSC and the State Public Service Commission appointed and what are their qualifications?
4. How does the Constitution of India ensure independence of the Public Service Commissions?

**Answers to Intext Questions****33.1**

1. c
2. d
3. a

33.2

1. a
2. a
3. b

33.3

1. b
2. c

33.4

1. b
2. c
3. a

Hints for Terminal Exercises

1. Refer to Section 33.1
2. Refer to Sections 33.4 and 33.5
3. Refer to Section 33.6
4. Refer to Section 33.8



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35

POLITICAL EXECUTIVE AND BUREAUCRACY

The working of government rests on two pillars – political and permanent executive. The smooth working of this system depends on the harmonious relationship between the two.

In recent years, however, the administrative and political environment has changed which has produced tensions in the mutual relationship of the two groups. So, let us first understand the meaning and role of bureaucracy and then analyse the relationship between the political executive and bureaucracy and finally identify the recommendations of Administrative Reforms Commission for streamlining the relationship between the minister and the civil servants and reflect upon the present scenario in India in this respect.



Objectives

After reading this lesson, you will able to

- Explain the meaning of the term 'Bureaucracy';
- Recognize the role and importance of bureaucracy in development;
- Analyse the relations between the political and administrative wings of government;
- Identify the causes of stress and sources of confrontation between them;
- Recall the recommendations of the Administrative Reform Commission;
- Understand what is meant by politicization of bureaucracy and reflect upon the present scenario.

35.3 Meaning of Bureaucracy

The term 'Bureaucracy' lacks a definition that is universally accepted. Bureaucracy is sometimes used in a disparaging manner to mean unimaginative, rigid and inefficient government administrators. It is associated with red-tapism, delay and wastefulness. Many social scientists however, describe bureaucracy in a neutral way to mean a specific form



of social organisation involved in administrative efforts. It is a machine, which is needed to run the government of the day. It is the only tool available to any modern government to administer. We no longer live in simple Greek city-states or tiny Indian republics. Society has become more complex today. Accordingly, the government has become a huge complicated machinery which can be serviced and run only by a distinct group of officials known as bureaucracy. Some scholars have even given bureaucracy the status of “the fourth organ of the government”. Therefore, bureaucracy cannot be wished away.

Max Weber, the German social scientist who was the first to make a systematic study of bureaucracy, described it as rational and the most efficient form of organisation. He described an ideal-type of bureaucracy as one characterized by:

1. Officials organised in fixed jurisdictional areas,
2. A hierarchical arrangement of offices (organised in a pyramid like structure with each lower office under the control of a higher one),
3. Written documents (files) that contain rules to be applied in every case,
4. Anonymity,
5. Impersonality in applying rules uniformly.
6. Political neutrality

Bureaucracy with such formal characteristics is considered essential for running any large organisation. To quote Max Weber “the decisive reason for the advance of bureaucratic organisation has always been its purely technical superiority over any other form of organisation...precision, speed, unambiguity, reduction of friction and of material and personal costs – these are raised to the optimum level in the structurally bureaucratic administration”.

**Intext Questions 35.1**

Fill in the blanks :

- a) The parliamentary system rests on two pillars of _____ and _____ executive. (social / political / economic / administrative)
- b) The Prime Minister and the Council of Ministers fall under the _____ category. (social / economic / political)
- c) Main function of the political executive is _____. (decision making / film making)
- d) Main function of the administrative executive is _____. (policy implementation / election campaigning)
- e) Bureaucracy is selected on the basis of _____. (wealth / merit)
- f) Concept of bureaucracy was first developed by German philosopher _____. (Karl Marx / Max Weber).
- g) Max Weber described bureaucracy as the _____ and most _____ form of government. (rotten / efficient / slow / rational)



Notes

35.2 Role of Bureaucracy in Development

Bureaucracy has become a universal phenomenon. It is a pre requisite of modernization of every society. Most developing countries are engaged in the process of nation building and bringing about rapid socio-economic development, i.e., providing social services such as health, education, infrastructure like roads, electricity, productive activities in agriculture, industry etc. The complex of such formidable activities connected with the development enterprise is essentially government's responsibility. Here, public administration becomes the key agency of development. Bureaucracy can immensely contribute to development by serving as an adviser, as an inventor, and a decision-maker. It can vitalize administration by building up a social environment emphasizing responsibility by creating incentives, by encouraging healthy competition and self-development, by organizing institutional management under competent and progressive leadership and by delegating authority to lower levels for maximizing development.

Bureaucracy constitutes the apparatus and mechanism through which the state realizes its purposes. It has been rightly said that a country's life is largely shaped by the quality of administration. A plan can succeed only if its administrative implications have been worked out in detail. Hence, a high degree of bureaucratic competence is essential to push through speedy development measures. In most developing countries, the problem is not the inability of the governments to devise rational programmes for development, but their incapacity to carry them out.



Intext Questions 35.2

Fill in the blanks :

- _____ is the main mechanism through which the state implements its development programmes.
- Bureaucracy no longer performs only _____ functions. It performs _____ functions too.

35.3 Bureaucracy and Politics

35.3.1 Politics / Administration Dichotomy

The conventional view of public administration is based upon the dichotomy of politics and administration i.e. administration and politics should be kept separate. Politics or policy making is the proper activity of the legislative bodies and administration is the proper activity of administrators who carry out policies. It is opposed to any political role of the civil servants. It visualizes the relationship between the administrator and the politician in terms of a neat division of labour – the politician formulates the policy and the administrator executes it. The bureaucrat acts as pure adviser to his political master, presents facts of the case, suggests lines of action and implications of alternative policies. It is the prerogative of the political master to decide the policy. The bureaucrat is expected to implement the policy faithfully, whatever the decision. He is to be anonymous and neutral in the discharge of his duty. He is expected to render impartial advice without fear or favour. The doctrine of neutrality and anonymity has been one of the fundamental tenets of the Weberian



model of bureaucracy. It insulates the bureaucrat from any politicization and makes him professional in his outlook.

The planners in India too subscribed to the Weberian ideal of neutral civil service. In our country, the Civil Service Conduct Rules prohibit the government employees from active participation in political activities. Except for the limited right of voting in secret, a government employee cannot participate in any way in any political movement or activity including election campaigns. He cannot join a political party even as an inactive member or contribute financially to its funds; he cannot express any opinion on political issues; and he cannot stand for election to any legislature.

An impersonal, strictly rule-bound, neutral bureaucracy was expected not only to provide the necessary administrative objectivity but also enhance the democratic principle of equality and provide protection from arbitrary rule.

35.3.2 Decline of Neutrality Concept

The traditional concept of neutrality, however, has been challenged on many grounds. The earlier concept of separation of politics and administration in watertight compartments is considered no more valid. The role of the Civil Service has been changing from being a mere agent of the political executive to that of collaboration with it. The involvement of bureaucracy in political arena is now widely prevalent.

The breakdown of the theory of neutrality has come about because of a number of reasons. Firstly, the processes of policy making are no longer confined to the political executive. The truth is that the bureaucrats play an important role in policy formulation, perceived to be the exclusive preserve of elected politicians. This has happened because the statutes passed by the parliament are not clear enough. The legislative behaviour follows no consistent pattern. Whereas, some measures are too detailed, some only identify the problem. The minister is rarely an expert in the work of his department or the techniques of public administration. He merely has general ideas in line with the political ideology of his party, but he often is not sure what is the best solution to a particular problem. He is therefore, forced to rely on his permanent staff for facts and advice. In effect then, it is the administrator who has a major role in framing the policy.

Secondly, the decline of neutrality can be attributed to the demands and pressures of coalition politics. In coalition governments, ministers are busy in the power game and maneuvering for their survival, and have neither time nor inclination to guide, direct and control their department or bureaucracy. Also at times, the legislative process is so stormy and full of diverse views that a statute passed incorporates a number of a contradictory policy guidelines. The necessity of reaching a compromise solution to hold the coalition together leads the legislators to use vague language and the administrator has to use his own judgement to interpret the policy. Therefore, bureaucracy has clearly made inroads in policy making and despite the regulations governing the civil servants they have been politicized considerably.

Thirdly, according to some political commentators, the classical theory of civil service neutrality presupposes agreement on principles fundamental to democracy. In other words, neutral, value-free bureaucracy is possible only in a society where consensus exists on values; but in transitional societies like India, where dissent and conflict exist, it is too much to expect anyone to be neutral.



Political Science

For a developing country like India where speedy socio-economic development has to be steadily pushed through, the nature and character of bureaucracy assume special significance. The involvement of civil servants in numerous decisions be it the location of a steel plant or a school building in a village, makes them partners in development along with the politicians. Their value preferences get inextricably mixed up with technical advice. In the context of large-scale welfare programmes therefore, neutrality is not possible. In fact a certain commitment to the goals and objectives of the state on the part of bureaucracy is inescapable. Neutrality cannot be allowed to degenerate into disinterestedness. The successful carrying out of developmental tasks requires on the part of administrators not only qualities of initiative and leadership but also a sense of emotional integration with the policies and programmes and identification with the interests of the common man. The idea of bureaucracy as a neutral instrument in the conduct of public affairs thus stands refuted.

35.3.3 Committed Bureaucracy

Weber's model of bureaucracy was found inappropriate to effect the social transformation in many developing countries. In India, it received a good amount of criticism for its failure to meet the growing demands of social legislation. After two decades of independence, Mrs. Indira Gandhi, the then Prime Minister, advocated the concept of committed bureaucracy. Not only did she express her dissatisfaction with the performance of bureaucracy, she expressed doubt about the relevance of the basic assumptions underlying the Indian bureaucracy that of neutrality, impartiality, anonymity etc. and she alleged that the bureaucrats lacked commitment. She disgustingly referred to the administrative machinery as 'the stumbling block in the country's progress' and reiterated the necessity of creating an administrative cadre committed to national objectives and responsive to Indian social needs. She found in 'committed bureaucracy' the answer to the ills of neutrality that crippled the development process in India. She had an earnest belief that only a committed bureaucracy can bring about the desired change.

The concept of 'committed bureaucracy' was much contested in the political and administrative circles. It was alleged that it would permanently damage the fabric of the services. It would create a breed of pliable civil servants who would always say "Yes Minister" and would be ready to crawl when asked to bend by their political masters. It was also alleged that in the name of commitment the ruling party was seeking bureaucracy's alignment with the party's ideology in order to perpetuate its rule. However, it was later clarified by the government that commitment did not mean attachment to the ideology of the party in power, but a commitment to the development of the country and personal involvement of bureaucracy in the tasks as opposed to ostrich like withdrawal and isolation from politics.

Thus, if committed bureaucracy stands for a non-partisan, socially sensitive civil service, which can empathize with the politician who is genuinely, interested in progress and development of the country, then a committed civil service is more appropriate for a developing nation than having an insensitive neutral one.

**Intext Questions 35.3**

Fill in the blanks :

- a) Conventional view of public administration is based upon the dichotomy of _____

and _____.

- b) The doctrine of _____ insulates the civil service from any _____.
- c) In India, Civil Service Conduct Rules _____ government employees to participate in politics.
- d) It is now an accepted fact that bureaucracy contributes to both, policy _____ and policy _____.
- e) Minister is rarely an expert in his field so he is forced to rely on the _____ for facts and advice.
- f) _____ referred to Indian Bureaucracy as a major stumbling block and reiterated the necessity of creating a _____ bureaucracy.
- g) Bureaucracy was criticized for not demonstrating enough _____ to development needs and programmes.

35.4 Sources of Stress

In practice however commitment has assumed the perverted form of politicization and sycophancy. Commitment to social objectives is one thing and dancing to the tune of a political party is another. Very often it is seen that bureaucracy simply acts according to the dictates of the political executive without any independent examination of issues. This trend can be attributed to the ever-growing political interference in the affairs of administration. Political interference and impartial administration cannot co-exist.

While the administrators do not perceive their role in policy making as subservient to the political leaders because of their knowledge and expertise, yet they have to conform to the prerequisites of representative politics. The political leaders claim to be the true representatives of the people and know what is good for them and because of their superior position succeed in dictating the terms to the bureaucrats. The bureaucrats who are not obliging enough soon find themselves in trouble. The political masters have many means of coercion – both overt and covert. Political interference in all matters including those where the statutory power is vested in the civil servants is a constant phenomenon. There are numerous instances of use of transfer, promotion, supercession and compulsory retirement from service by elected politicians as tools to silence the voice of dissent and expression of difference of opinion.

Well, politicization works the other way round also. Many administrators use political influence or forge alliance with the politician to brighten their own career prospects. They take advantage of the amateur politician; exploit his weakness particularly in times of a fluid political situation and turn out to be autonomous and irresponsible. This is an equally grim scenario.

What emerges out of the analysis is that whether there is collision or collusion between the political executive and the bureaucracy, in both cases it leads to organizational imbalance and ultimately the governance suffers.



**35.5 Improving the System : Administrative Reforms
Commission's Views**

Expressing concern over the deteriorating administrative standards, the government appointed the Administrative Reforms Commission (ARC) in 1966 to conduct a comprehensive study of the administrative system and suggest remedies. The two most important areas touched upon by the ARC in its reports were: (a) Minister – Civil Servants relationship, wherein the ARC emphasized the need for the de-politicization of the services, and (b) the creation of a climate and culture of administration that would help assert the growth of unhealthy personal relationship between Civil Servants and Minister.

The ARC took cognizance of the fact that proper relationship between the political executive and bureaucracy is a matter of highest importance to the administrative performance of government. It observed that the existing pattern of relationship was different from what was envisaged. More and more cases of deviation were coming to notice. For instance the extent of bureaucratic involvement in politics was exceptionally high, there was frequent use of transfers and postings to manipulate bureaucracy, there was unholy nexus between politicians and bureaucracy etc. which was taking its toll on administrative efficiency. Therefore, corrective measures were required to restore the health of the system.

The ARC stressed the urgency to prevent bureaucracy's aggressive role in politics and also a need to check arbitrary interference of politicians in administrative affairs. It believed that both Minister and Civil Servants must appreciate rather than belittle each other's work and attempt maximum accommodation of one another's views. On the part of the political executive there should be, in the words of the ARC,

- (a) a proper understanding of the administrative functions and recognition of its professional nature.
- (b) as little interference as possible in service matters, e.g. postings, transfers, promotions etc.
- (c) no requests for departures from declared and approved policies to suit individual cases.

Similarly, on the part of the civil service it asserts :

- (a) there must be a sincere and honest attempt to find out what the political head wants and make the necessary adjustment in policies and procedures to suit his wishes.
- (b) readiness to fall in line with his political chief in all matters, unless strong grounds indicate a different course.

In other words, it means an emotional and mental acceptance by the bureaucracy of the ideology of the government policy to be executed by it.

35.5.1 Recent Developments

In spite of the valuable recommendations made by the ARC to streamline the relationship between the minister and the civil servants, nothing much seems to have changed because of political and administrative apathy. Making the matters worse is the growth in recent times of a nexus between the politicians, criminals, police and the civil servants rooted in the considerations of "mutuality of benefit". An increasing use of money and muscle



Notes



power by political parties in winning elections is common knowledge. Since the muscle power is mostly provided by the mafia and the criminals, a close nexus has come to prevail between the politicians and the criminals resulting in “criminalization of politics”. This has been the main conclusion of the Vohra Committee Report of 1993 submitted by the then Home Secretary, Mr. N.N. Vohra which was set up to look into the criminalization of politics. The report observed that the mafia and the criminals enjoyed the patronage of politicians and the protection of government functionaries. It pointed out how the nexus was virtually running a parallel government, pushing the state apparatus into irrelevance. Here the two elites – political and administrative, join hands and become not only thick friends but also grand thieves. Such a nexus is detrimental to public interest.

Therefore, it was felt that corrective steps must be taken to ensure that this evil nexus is curbed. With this objective in mind, the Prime Minister inaugurated a Conference of Chief Secretaries in November 1996 on ‘An Agenda for an Effective and Responsive Administration. The Conference emphasized the need for bringing about transformation in public services so as to make them more effective, clean, accountable and citizen friendly. The Conference also highlighted the necessity of adopting the code of ethics for public services which not only regulates the role of the civil servants but also specifies the relationship between the employees in public services and politicians, so that the basic commitment of the civil servants towards the welfare of the public and the principles enshrined in the Constitution is reiterated. We only hope that the implementation of the proposed Action Plan will be effective.

To conclude, a developing nation cannot afford contradictory ethos between the political executive and bureaucracy because it strikes at the root of a progressive administrative culture. The roles of political and administrative elite are complimentary and in the interest of public welfare they must work in harmony with each other.

**What You Have Learnt**

Political executive and bureaucracy are the two pillars of the government. Whereas political executive is temporary and usually represent the party in power, bureaucracy is a permanent fixture. Theoretically they play different roles, for instance, politicians make policies and administrators implement them. But, in practice their roles often conflict and overlap because the line separating development of policy and its implementation is quite blurred and hazy.

Bureaucracy is a body of permanent, paid and skilled officials. It aids and advises the government to make plans and carry them out. The role of bureaucracy has changed. It no longer performs only the regulatory functions but actively engages in development and welfare activities. Conventional image of civil servant has been that of an anonymous servant of the minister who is committed to efficient discharge of his duties and who offers his sincere advice to his master, irrespective of his political ideology. This advice may or may not be accepted by the minister, but once the decision is made, he is duty bound to implement it effectively.

This concept of anonymous and neutral bureaucracy was considered impractical and unsuited to meet the goals of social justice. Therefore, Mrs. Gandhi sought a ‘Committed Bureaucracy’. But commitment has degenerated into politicization of bureaucracy and the relationship between political executive and bureaucracy has deteriorated.

**Administrative System
in India**



Notes

Political Science

The administrators blame the politicians for their irrational, partisan and idealistic approach and for disturbing their service conditions through transfers and promotions. The politicians blame the administrators for their prejudice and flair for creating procedural difficulties. Such irritants have led to deterioration of administrative efficiency. The Administrative Reforms Commission was set up in 1966 to suggest measures to streamline their relationship. The relationship between the two elite is crucial to the smooth functioning of the government.



Terminal Exercises

1. Define Bureaucracy.
2. Explain the role of bureaucracy in development?
3. What are the major characteristics of Weber's model of Bureaucracy?
4. Explain the principle of politics-administration dichotomy?
5. Enumerate the factors responsible for the break down of the concept of neutrality?
6. What do you mean by 'Committed Bureaucracy'? Is it desirable for India?
7. Mention the causes of stress in the minister-civil servant relationship?
8. How does politicization of bureaucracy affect the political system?
9. Outline the various suggestions made by the Administrative Reforms Commission for improving the minister-civil servant relationship?



Answers to Intext Questions

35.1

- a) Political, Administrative
- b) Political
- c) Policy making
- d) Policy implementation
- e) Merit
- f) Max Weber
- g) Rational, Efficient

35.2

- a) Bureaucracy
- b) Regulatory, Welfare

35.3



- a) Administration, Politics
- b) Neutrality, Politicization
- c) Prohibit
- d) Making, Implementation
- e) Bureaucracy
- f) Indira Gandhi, Committed
- g) Commitment

Hints of Terminal Exercises

- 1. Refer to Section 35.1
- 2. Refer to Section 35.2
- 3. Refer to Section 35.1
- 4. Refer to Section 35.3.1
- 5. Refer to Section 35.3.2
- 6. Refer to Section 35.3.3
- 7. Refer to Section 35.4
- 8. Refer to Section 35.4
- 9. Refer to Section 35.5