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SOCIETY, STATE AND GOVERNMENT

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A Textbook for Class XI

Pol. Sc. of XI

S. N. JHA



राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING

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Foreword

During the first ten years of schooling the students study the working of civic and political institutions, and the contemporary problems facing India and the world. Keeping in consonance with the objectives of general education, the focus during these years is on the development of an intelligent understanding of the various civic and political processes. At the higher secondary stage, an attempt has been made to shift from the approach of general education to that of a discipline, though some of the objectives of general education continue to be relevant. At this stage Political Science as a discipline replaces civics and is offered by students as an optional subject.

The present book entitled *Society, State and Government* is a thoroughly revised version of the book under the same title, which was brought out as a part of the series of political science textbooks by the NCERT for the higher secondary stage. Like its original version, the revised version is also based on the syllabus which was developed as a follow-up of the NPE 1986. In keeping with the approach of the new syllabus, an attempt has been made to integrate the theory and the application of political science to make the study more meaningful to the students.

Some of the rapid and far reaching changes which have taken place in the recent past in our country and in the world at large, made it necessary for the NCERT to revise some of its textbooks. *Society, State and Government* is one such textbook. While revising it, the author has also given due consideration to the feedback received by the NCERT from the valued users of the book.

Some of the core curricular areas mentioned in the National Policy on Education and the Programme of Action have been suitably infused into relevant chapters of the book. In order to make the book more functional, a few practical activities have been suggested immediately after the text in some chapters. Each chapter contains within the text a few questions which are given in boxes. These questions are intended to interlink the content of the text with the student's real life experience. Besides, there are exercises which are meant both for teachers and students. The glossary of difficult terms has also been given.

Lastly, over the years we have felt a strong need for systematic feedback from teachers and students about various aspects of our books. This felt need has prompted us to develop an in-built mechanism of receiving feedback on our textbooks. For this purpose, a questionnaire has been attached at the end of the book. This questionnaire is meant both for teachers and students. It will be of immense help to us if it is filled in and sent to the Department of Education in Social Sciences and Humanities, NCERT.

We are grateful to Professor S.N. Jha of Jawaharlal Nehru University, New Delhi, for taking considerable pains in revising and rewriting this book. The draft manuscript prepared by him was thoroughly reviewed in a workshop in which subject experts and experienced school teachers participated. It was subsequently finalized by Professor Jha in the light of the suggestions made at the workshop. The NCERT is thankful to him and to the experts and teachers who made suggestions for its improvement and finalization.

The preparation of curriculum and textbooks need special efforts in planning, screening and editing and finally seeing the material through the press. For all this I am grateful to Mrs. Supta Das and Dr. (Mrs.) Manju Rani of the Department of Education in Social Sciences and Humanities. I am also thankful to Shri Pushpendra Kalra for preparing line sketches of important political thinkers and personalities for this book.

The NCERT will welcome comments and suggestions from the readers on any aspect of this book.

Dr K. GOPALAN
Director

National Council of Educational
Research and Training

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They have found in the process of their historical evolution that the secret lies in cooperative organization of productive activities. Right from the state of hunter-gatherers to the pastoral stage and the agricultural societies, the value of forming cooperative groups has always been realised. As the system of production evolved over the centuries to reach the modern industrial society, the importance of cooperation and organization was realized more and more. Such organization of people and resources is most of the time voluntary. Often people came on their own to work together. While force has to be used at times, people are never held together by force alone.

Once the system of production is organized, whatever the scale, there comes the inevitable question of sharing of the produce. There are some who get a larger share and thus acquire property. Questions of equality and justice are raised in this context and there are differences on working out the system of distribution. Conflicts of interests and opinions come to the surface and effect the organization itself. Larger cooperative groups are often divided into smaller groups representing different interests. Conflicts would have been simpler if 'sharing of produce' was the only reason. There are differences also in terms of non-tangible factors, that are culturally determined. Questions concerning 'what is good' and 'what is bad', are not answered in the same way by different sets of people. Conflict among human groups is more complex. Agencies using force and coercion that come into operation at the time of bringing people together for joint activities, inevitably get involved with issues of conflict. These form the core of the process that is called politics. Cooperation and conflict are, thus, the two sides of politics, that are inevitable in human societies.

Joint activities of human beings are for different purposes and the size and the nature of such groups differ accordingly. There are certain groups which are small in size. There are certain

activities that are simpler. We also find larger human groups engaged in joint activities that are more complex. Some examples of these groups at different levels are the family, clubs, trade unions, industries, educational institutions, and political parties. There are some political thinkers who regard even the state as an effort on the part of the citizens to agree to have such an organization. While all such activities are examples of cooperation, they also have conflicts. There are conflicts between individuals within cooperative groups, as well as conflicts between different groups. For example, a group of people may form a political party and contest other such parties. But within a party also, members may contest with one other for positions of leadership. Such groups, therefore, work out rules, regulations and procedures for regulating conflicts. The extent and nature of cooperation as well as that of conflict, differs from one level of human groupings to the other. The kind and amount of force that is used also differ accordingly.

Which human activities would you call as politics? Give two examples.

Conflict and Integration : Two Faces of Politics

Cooperation and conflict are the two apparently opposite forces that constitute the process of politics. In fact, they are the two sides of the same coin. Conflicts in society are concerned with power, which confers privileges, honours, prestige, benefits and pleasures. One aspect that is universally true about distribution of power is that it is unequal. While some have more power, others have less. This phenomenon has been explained in many ways. They point out the reasons of conflicts in society. The most persuasive analyses of conflict are those that refer to socio-economic factors. In all societies, more so in human societies, there is a chronic

shortage of resources of all kinds. Competition and conflicts are for acquiring scarce resources.

While conflicts are inevitable, they are never considered something desirable to be achieved in society. Every analysis of conflict ends up with providing solutions to resolve them. Transition to a stage where conflicts are resolved resulting into a combination of diverse elements in a society and cooperation among them, is as inevitable as the emergence of conflicts. Some conflicts are reduced, some are solved, some persist but are regulated, and some new conflicts keep emerging as the situation changes. While the diverse social and cultural processes help in achieving the objectives of a harmonious society, the state and the government have an important role to play.

The state, as a repository of collective power in society, takes several steps to foster the process of integration. By enacting laws, rules, and procedures for society, it regulates the expression of antagonisms. All these regulations have the sanction of the state so that they are obeyed. The state also undertakes certain tasks that are meant not only for any specific or limited section of the society, but all the persons living in the society. Services like railways, transport, and postal services are such organizations that emphasize the functions with reference to society as a whole. Education plays a major role in the process of integration. The mass media, like the newspapers, the radio and the television, are also important. The last and the most important technique of achieving the objective of integration, is the use of force for those who still do not allow themselves to become a part of the common process and common goal. Every society has some such people who do not think in terms of the social good. Some deviant behaviour, such as that of thieves and dacoits, must be controlled by means of force. The police must perform this function. The army protects the frontiers of the country. The prison is meant for those who are found guilty and are to be punished. In extreme

cases, the guilty are executed for serious crimes. Thus the police, the army, the prisons, and the system of legal punishment are the ultimate mechanisms which the state can always use. But the instruments of extreme coercion are and should be used only as a last resort. A state which gets away by gaining obedience of the people without actually using extreme coercion, is a state in best of its health. A threat, rather than the actual use of force should be enough. At the same time a state will cease to be a state if it does not have the power to use its coercive instruments when needed.

Coercive power of the state has to be used with great caution. After all welfare is the aim of every state, and it should be so. State should use coercion only in those cases where social harmony is likely to be disturbed in ways that have been mentioned above. It should be very clear that the coercive power of the State is ultimately for the welfare of the society and it should be used as such.

Modern science and technology has, to some extent, transformed the nature of social constraints. Their use has reinforced the process by introducing a sense of sharing certain facilities provided by modern science and technology. The number of collective organizations that effect the individual life has increased enormously. As societies are becoming more and more dependent on the 'facilities' provided by these massive organizations, the inter dependence in society becomes more important. But they are a mixed blessing. Along with the new facilities and the advantages that they provide they also introduce an element of competition in the society. A new group of scientists, technologists and the administrators who are involved in the management of these facilities emerge as yet another group of people holding power in society. This group enters into competition with other powerful groups. Thus other levels of conflicts are introduced. They give rise to newer problems and conflict situations. But this is also true that

the organisations that provide modern facilities also enhance the capacity of the state and society to cope with problems.

Politics and Political Science

Politics and political science are often used as synonymous terms. But their meanings differ both in terms of scope as well as emphasis. The actual process of cooperation, conflict and competition that we have discussed earlier is what is meant by the term 'politics'. Political science refers to a systematic way of studying the process of politics. The two terms point towards its two aspects. While 'political' covers the subject matter or its study, 'science' refers to a systematic way of studying it. The first part seeks to answer the question, "What is studied" and the second part refers to "How is it studied". The first part refers to the scope of such a study and the second refers to the method of study. These two aspects, scope and method, cannot be separated.

While studying the process of politics, political science identifies the factors that determine cooperation and conflict among individuals and groups. The nature of such conflict differ from individual to individual and from group to group. Political scientists study this variation and analyse the reasons that result into variations. The pattern(s) of such variations forms the basis of general conclusions of political science. These conclusions are, however, not final. Some other social groups, situations, regions, may be studied and the earlier conclusions may be put to test. The earlier conclusions are, thus, refined in this process. Passing through the various stages of such investigation, conclusions are understood and explained better in terms of the factors that cause the variations mentioned earlier. At this stage theories take shape, that explain the cause and effect relationships. The variations that one find in 'politics' in different situations and at different times, are the bases of various theories in

political science. Political science is an organized body of knowledge dealing with concepts and theories concerning the process of 'politics'.

Meaning and Scope of Political Science

Understanding of a subject like political science has never been free from the influence of the contemporary form of state. State and government at different times have had varying scope and the problems faced by them have been different. But while political philosophers have been sensitive to contemporary forms of state and their problems, they have provided directions in which state should progress and the way in which government should be organized. Definitions have also been influenced by other socio-economic forces operating at a particular time. As the systems of production developed and as social institutions evolved, conceptions of state and the government underwent changes. The experience of the Greek City States, the 'polis', which covered almost all the activities of individuals in society, saw the comprehensive conception of politics as a "Master Science", suggested by Aristotle. Plato and Aristotle defined the scope of 'polity' to include political and social institutions. They did not make any distinction between politics and society. With the evolution of the systems of production through different stages, social and economic institutions became important. The system of production, as it progressed through different stages, (e.g. hunters and food gatherers, to agriculture to industry) became more and more complex and also more organized. Industry and agriculture are cooperative activities, and often have strong organizations for maintaining as well as for protecting their activities and interests. The economic surplus thus generated was higher at later stages. Organization and surplus made the economic institutions more powerful. Social changes taking place alongside made the social institution more organized, autonomous, and more powerful. For example, caste in Indian

society emerged as an important institution in the course of time. Kinship, similarly, became important. The state could no longer extend its functions to certain specialized sectors which became important in the social process. Industry, agriculture, caste, and kinship are the outcome of such specialised sectors of activities. This resulted into a distinction between 'political', 'social' and 'economic'. Political science was defined as 'science of state', with emphasis on institutional arrangements. Functions of state came to be limited to the maintenance of law and order within the society and to provide defence against aggression. Such developments in the social and economic spheres and the consequent demarcation of the functions of the state, affected the definition of political science. The scope of political science was defined as "the science of the state", as was suggested by R.G. Gettel. The detailed study of the different stages of the evolution of state, the functions, that it should perform and the norms that it should follow constituted the subject matter of the study in political science. Since the state performed its functions through the government, Stephan Leacock said that "political science deals with government". What are the different forms of government? How a government is organized from the point of view of the welfare of the society? Such were the questions that political science discussed. State and the government constituted the subject matter of the study in political science. The emphasis was on the institutions and their powers and functions.

There was yet another change of perspective in political science, when scholars started raising questions whether it was proper to study political institutions as abstract structures. Was it enough to analyse the formal powers and functions of institutions? Powers after all, were to be used and those who occupy positions of power have to perform functions. The use of power and performance of functions depends on many factors and therefore, there are variations in the

functioning of institutions. Political institutions function differently in different contexts. There are times when institutions work well. Whereas it is not so at other times. Definition of political science that stops at analysing the 'institutions' and 'structures', the scholars argued, do not tell us the whole story. What is important is to analyse the actual working of the institutions. The 'process' of working of institutions, rather than only their 'structure', should be the proper focus of analysis. This extension of emphasis from 'structure' to 'process' came with Behavioural Revolution in Political Science. Writers of this persuasion were not satisfied only with the formal structures of government, their legal powers and functions but were concerned more with the working of these institutions. They regarded 'politics' as a process. Let us take an example. The members of the Lok Sabha are elected directly from constituencies spread all over the country. The members elect the speaker, who chairs and conducts the meetings of the Lok Sabha. Powers and functions of the Lok Sabha, of the members and of the speaker are defined by the provisions of the Constitution and other rules and regulations. These aspects refer to the *structure* of the Lok Sabha, i.e. the way it is organised. Another aspect of the working of the Lok Sabha is that its members belong to different political parties and their affiliation to the parties is important from the point of view of their behaviour. Then individual members come from different backgrounds and have different orientations. Many such factors affect the behaviour of members. When an issue is being discussed, the behaviour and participation of members depends on factors mentioned above. Passing of a bill is influenced by such factors. These aspects of Lok Sabha refer to the *process* of its working. The behaviouralists suggested that politics is reflected more clearly in the second aspect of the example cited above. According to that, any discussion on the 'structure', which

does not cover the 'process', is incomplete. Another aspect of the behavioural approach was the suggestion that 'politics' is omni-present and all the activities of human beings included one aspect that we call 'politics'. Thus we often refer to 'politics' in sports, in 'recreational clubs', in 'educational institutions' and so on. But these institutions are not 'political' in the same sense as government or a political party is. The question that was raised once again is 'What is politics?' The 'political' was sought to be specifically defined in terms of activities rather than institutions. These writers found that disagreements, conflicts, and competition were the key processes in the 'game of politics'. It was suggested that 'power' represents the kernel of political processes. There are some individuals or groups who command and others who obey. The capacity of the former to make others accept orders and behave or act according to command, is defined as power. How and why do some individuals, or groups, acquire more power? What are the reasons? What are the factors and forces in society that help some in acquiring power? What are the bases of power? What is the nature of power? Another set of questions refer to the use of power. How is power, thus acquired, actually used? What are the mechanisms and institutions through which power is exerted? Why do people obey the command of the powerful? Political science is concerned with answers to such questions. Politics was thus concerned with the process by which some individual or groups acquire power and exercise it on others.

During this long journey of analysis and definition, another aspect of 'politics' and political science that has been emphasised has been the achievement of common good, establishing order in society and achieving justice. The concepts of justice, equality and freedom have always been subjects of endless discussion in political science. Writers have given definitions and suggested different ways in which

these objectives can be achieved. But there is no disagreement on the fact that they represent objectives that human societies do, and should aspire to achieve.

Let us examine these definitions in detail. Political science as dealing with "the general problems of the state and government" (R.N. Gilchrist) is the most apparent and accepted definition. The organs of government are more concrete and visible. The state is often identified with the government, though writers have made a distinction between the two. Forms of government and their institutions have been the main concerns of political scientists. The act of governance involves making rules, regulations and laws, and enforcing them in society. None of these activities are entirely voluntary. Governments therefore have 'powers' of enforcement. Which particular institution has what kind and what amount of power, has been a subject-matter of discussion for the constitutional experts. The three well-known institutions, the Legislature, the Executive, and the Judiciary, are responsible for different functions and have powers that are regarded necessary. But these governmental institutions are not the only ones making rules and regulations for the people to obey. Customs and traditions are well-known sources of law. Voluntary groups, like clubs, also make their own rules and regulations. Such rules and regulations are not binding in the same way as are those framed by the government, the latter are *legal* and are backed by the authority of the government which implements them.

State is broader than government in its scope. In fact, state expresses itself in the form of government. A well-known definition identifies state in terms of exercise of *sovereignty*, over a *people* residing in a *territory*. Among the three of its characteristics, sovereignty seems to be the most important. Understood in terms of its bare elements, sovereignty is understood as the ultimate power that the state enjoys. There is no

power in society that is outside the jurisdiction of the sovereign state. This power is also 'indivisible', in the sense that it resides only in the state and is not divided into units. Government is a mechanism of the state through which sovereign power is exercised. That the people obey the sovereign power is ensured by means of the governmental machinery.

The understanding and explanation of state has been enriched a great deal by the Marxist theory. It is well-known that this theory emphasizes the fact that the economic factors and forces are basic to human societies. And other social, cultural, and political factors depend upon and are determined by the economic factors. Economic factors result into the emergence of 'classes' of people. Classes refer to the economic categories in which people are divided. For example, in a society the 'rich' and the 'poor' are two classes. State is also an institution affected by class divisions and is controlled by the class that is in the dominant position. The state also functions in the interest of the dominant class. According to the Marxist analysis, state is considered as the 'instrument' of the 'ruling class'.

While the power of the State has been analysed in terms of the institutional mechanism and the actual process of its use, the question about the ultimate ends which determine the use of such power is another important point of analysis. What are the ends for the achievement which the state power is used? In the ultimate analysis welfare of the people and the public good cannot be ignored by the state. We will discuss this aspect of the state at later stage.

State is undoubtedly an important concept in political science. But the conception of state as the centre of power in society does not satisfy some of the scholars who have recently come on the scene. There are several difficulties. What about some societies where characteristics and functions (e.g. a territory, social order, coercive authority and use of force) exist, without any

organized state in the accepted sense of the term. Social anthropologists like E.E. Evans-Pritchard and Meyer Fortes have studied tribal societies which they call "stateless societies". Such societies contain individuals and groups that are powerful, but there is no organized state in the sense in which we have discussed it above. Organizations other than state also have certain characteristics that resemble those of the state. One cannot deny that educational institutions, business houses, and religious organizations, have some amount of 'coercive' power, at their command. As the most distinctive feature of state is sovereignty, i.e. supreme power, there is much merit in treating this characteristic as the key to the analysis of political process.

There is an influential group of writers who treat *power* as the most important concept in political science. Politics is found wherever power relationships and conflict situations exist. The emphasis once again is on the type of activity and behaviour rather than on institution. Harold D. Lasswell's definition of 'Politics: Who gets What, When and How' is the best illustration of this approach. Power is defined in terms of capacity to control the behaviour of others, with the use, or threat of use, of coercion. But then coercion, or force, alone cannot hold a political system together. Here they agree with the classic position of T.H. Green, when he declares that "will, not force, is the basis of the State". The new term that is introduced by these writers is that of *legitimacy*, which refers to voluntary obedience. States do have power, or coercive force, which can be used, so that people obey the state. Even when actual coercion is not being used, the threat of its use exists. But too frequent use of power for controlling too many actions of many individuals, proves expensive for the state. If number of people disobeying the state is large, a large police force will be needed to keep those people under control. Maintaining a large police force, or for that matter any other coercive mechanism, will require resources. Also, keeping

the people under constant threat of coercion will result into a situation of constant confrontation, thus keeping the state occupied with the question of keeping itself in position of power. Controlling its citizens only through force is neither possible nor advisable. States, therefore, treat force only as a mechanism to be used as a last resort, and only for those who do not conform to the laws. They prefer obedience by the people based on the belief that the State that governs is 'good' and beneficial for the people; that a government has come to power through procedures that are generally acceptable. For example, in a parliamentary system of government as India has, party that has the majority of seats in the parliament, forms the government. In a situation where many political parties have their representatives in the parliament, none of them may actually have the majority of seats. Therefore, a party that controls the highest number of seats and also prepared to form a government, actually forms the government. Such governments are 'minority governments' from the point of view of the representation in the parliament. There have been governments of this kind. They are accepted as legitimate governments because a certain principle and procedure has been followed. In other words, the state and the government have been properly constituted, following rules and procedure and therefore, the people should obey it. This popular belief is what give legitimacy to the state. Max Weber gave the first systematic theory of the processes through which such legitimacy is gained.

Thus the meaning and scope of political science has become more and more comprehensive. In its effort to grapple with the basic elements of 'politics', useful concepts have been introduced. Different approaches should not be treated in the form of "either this or that". Every approach has contributed to a fuller understanding of the complex process that political science attempts to analyse. The

approaches point at the different aspects that need to be examined and the different ways in which they can be understood. Taken together, different approaches have enriched the discipline of political science. A theme that runs through man's concern with state and government and also the concern of political scientists attempting to understand and define the subject, is the concept of the 'best' state. From Plato's 'Ideal State' and Aristotle's 'Mixed Constitutions', well-known political philosophers like Rousseau, Marx and Gandhi have been concerned with 'good' and 'desirable' human existence and the way in which the state and the government can be made to ensure it. This has been a substantive aspect of political science.

Normative and Empirical Approaches in Political Science

Political science is concerned with two sets of questions. The first refers to the processes and institutions of state and government. How did they come into existence? How are they organized? How are powers and functions distributed? Who has got how much power? Who exerts power over whom? The second set of questions deal with the ones of public good and general welfare towards which the state and government should ultimately use power. How should the power be used? How should the institutions be organized so that use of power does not become uncontrolled. What controls are required? What constitutes general good and welfare? How can these objectives be achieved? While the first set of questions are concerned with the exercise of power, the second aims at specifying the objectives. While the first talks about "politics as it is", the second is concerned with "politics as it should be". While the first is concerned with the "means of politics", the second emphasizes the "ends of politics". For example, we have seen that the process of politics is concerned with 'conflict' and with the exercise

of 'power'. They are the realities that the process of 'politics' is constituted of. But the ultimate objective of society is to achieve integration and use power for public good. The questions that follow, therefore, are concerned with mechanisms of resolving the conflicts and organizations of 'power', and also with working out rules and procedures, so that the goal of public welfare is achieved.

Political science, by its very nature, cannot possibly adopt one approach rather than the other. It is concerned with questions of both types, i.e. "What is it like?" and "What should it be?" Politics is a subject that is practised almost in every society by a variety of groups of individuals. Its study cannot ignore or by-pass, the process of politics as it is found at a place or at a time. Information must be collected and analysed to have a 'realistic' view of the process. It is often on the basis of such an analysis of the actual processes that broader generalizations are suggested. This approach is called the *empirical approach*. For example, when general elections are held every five years, we may collect information about the candidates who contest the elections, the factors that influence the voting preference of the voters, and the votes that candidates ultimately get. An analysis of these items of information will tell us about the actual process of elections. Such an analysis will suggest conclusions, which will be true for the time and place where the study was conducted. These conclusions are then tested in other situations that will provide new 'facts' and thus the earlier conclusions and generalization will be enriched in this process. They become more comprehensive, so far as they are based on 'facts' of different kinds, concerned with different situations.

While such conclusions are valuable, there are some questions that they do not answer. These conclusions are concerned with the processes as they are and do not necessarily keep in view the ideal and objectives of political institutions and

of politics itself. Are the processes studied as they *should be*? Do they follow the norms that are acceptable? Do they follow the right kind of practices? Is the institution that has been studied, the *proper* kind of institution that a society should have? Practices, institutions or concepts, on which one puts higher value and which are preferable are often described as value preferences. This is clearly a matter of preference and one individual, one scholar, or one society, can have one set of preferences, which may be different from other individuals, scholars, and societies. Any set of preferences can, therefore, be accepted or rejected. This approach is called the *normative approach*. We can refer to the earlier example of study of general elections. Elections is an aspect of a democratic process, where the people are expected to elect their representatives in a free and fair manner. The representatives so elected are expected to work for the welfare of the people who elect them. There is no disagreement on these aspects. A political scientist may write about these ideals and objectives of a democracy and suggest procedures, rules and regulations, and institutions that will satisfy the democratic ideals. In such writings value preferences of scholars and of approaches will be predominant. Having made this useful distinction, let us accept that the difference between the two approaches is really one of emphasis. Actually normative statements are not without any basis. They are, after all, based on certain facts and/or on logical justification. So if one wishes to question one set of such statements, another set of facts and/or arguments must be put forth.

Both the approaches are supported by the best traditions of political science. The example of empirical approach are the well-known analysis of political change and revolutions and the concept of 'mixed constitution' that we find in Aristotle's famous book, 'Politics' which is based on the description and comparison of various kinds of constitutions. It is only after analysing the working of many constitutions that

the suggestion is made that a constitution that contains characteristics of many different types, i.e. a mixed constitution, is preferable. On the other hand, the examples of normative approach are found in Plato's concept of *Ideal State*, Rousseau's suggestion of restoration of a sense of community, and man's moral and emotional needs, Jeremy Bentham's idea of happiness as the basis of political action, Karl Marx's massive analysis, that has proved so influential both academically and politically, present the best example of a synthesis of the two approaches.

A distinction is sometimes made between political philosophy and political science, representing broadly the normative and empirical emphasis respectively.

In more recent times efforts have been made to emphasize the empirical part of the term political science, by introducing a neat distinction between the empirical and normative. Empirical approach is associated with scientific approach and the suggestion that there can be a science of politics, only if scientific method is adopted in studying political phenomenon. Scientific method is understood in a more specific and systematic manner.

Scientific Method in Political Science

Modern world is truly scientific and technological. But it is not only for gaining respectability in an age of science and technology that political science puts its claim of being scientific. There are definite gains in adopting scientific methodology. The two aspects of 'science' are (a) a body of knowledge, and (b) a method of obtaining that knowledge. While the knowledge (subject-matter) differs from subject to subject, there is by now an agreement about what constitutes scientific method. What should a scientist do so that the work is recognized as scientific? Thus scientific method means a particular procedure for conducting studies and of contributing to knowledge.

The basic assumption of scientific enterprise is that the world is a coherent set of things and nothing 'just happens'. There are patterns of such 'happenings'. There are recurring relationships of *cause and effect*. Science is interested in finding out the patterns and in working out the cause and effect relationships. In order to achieve this, a scientist must, first of all, see things for himself or herself. Things must be observed and examined. Fact that can be seen, observed and verified are called *empirical*. While carrying out observation, a scientist should not allow his own bias to affect it; he should be *objective*. He must describe things as they are. In a way, this is just an elaboration of the earlier point about the empirical basis of science. On the basis of such an exercise, a scientist should also be able to predict as to how the phenomena will be related in future. But scientific *predictions* always have an empirical basis. This method of enquiry never claims that scientific conclusions reveal the truth. Conclusions are, at best, in the form of hypotheses which are constantly being tested with the help of new facts. What is regarded as an established conclusion today may undergo a drastic revision later, when faced with the new facts and new interpretations. The changing conception of the universe represented by the three well-known scientists—Galileo, Newton, and Einstein—is the best example of the advancement of scientific knowledge. It does not accept any set of conclusions as representing knowledge in any absolute sense.

While most of the assumptions of science discussed above, apply to a greater degree to natural sciences, social scientists are divided about the application of scientific method to the analysis of social phenomena. They argue that it is neither possible nor desirable to apply scientific method in social sciences. There is a strong view among some who are convinced about the humanistic nature of social sciences which calls for a sympathetic, rather than objective, view of human society. There are yet others who find the

assumptions discussed above as inapplicable. There is a controversy about the nature of causal relationship. When we analyse social and political factors, it is not so easy to say definitely that a factor is caused by another factor. In the case of a subject like chemistry, for example, the experiment will show a chemical reaction in a test tube and it can be said definitely as to what causes a particular reaction. In social and political science, such experiments are not possible with any exactitude and suggestions about causal relationships are, at best, indirect. Emphasis on facts that are empirical, pose certain problems to others, who are not prepared to limit the entire field of social studies only to the observable phenomena. There may be certain social phenomena that are difficult to observe by means of the available means of observation. Objectivity of scientific data has also been a source of controversy. It is pointed out that the social scientists who carry out the study are human beings. And the society that they study also includes human beings who are the subject matter of the study. A social scientist is often a member of the society he studies. Under such conditions, it is argued, objectivity cannot be attained, when those who are carrying out the study i.e. the social scientist, and the subject matter of study i.e. individuals in human society, both are human beings, objectivity is unattainable.

Let us now examine the question of applying scientific method to political science. It is pointed out that political phenomena are too complex to comprehend. Therefore the pattern or the regularity that science wishes to study is too complex. Complexity only means that political process includes many factors and is affected by many forces. The difficulty about complexity arises not out of any objection raised on the basis of logic; it is primarily an empirical question i.e. about taking into account too many facts. The argument about complexity makes the point that political scientist must make the analyses comprehensive by including a variety of factors

that are important. This is a readily acceptable position. In fact, advancements in modern research methods which allows extensive use of mathematical and statistical techniques and the help of computers, only makes it easier to capture the complexities of political phenomena. We may take the example of election studies. There are over 500 electoral constituencies of Indian Lok Sabha and there are many more constituencies for Legislative Assemblies in the 25 States. Each one of these constituencies have many candidates who contest elections. For analysing even one general election, we will have large data. And if we wish to analyse more than one general election, the data to be analysed will be much more. Use of a computer will make the analysis easier and the modern techniques can be used to analyse the complex relationships among different factors. Another argument that is put forward is that a study involving human beings is difficult because individuals do not behave in a fixed manner. Human behaviour cannot always be predicted. In spite of the variety of factors that affect human behaviour, at the time of actually taking a decision, individuals have freedom of will to decide one way or the other. It is, therefore, not easy to establish cause and effect relationship with regard to human behaviour. The free-will argument clearly over states its case. That human beings at times take unpredictable course of action cannot be disputed. But this does not mean that these actions are not caused by certain factors and forces. If there is no cause for an action, it is erratic. But even the so called erratic actions may have some purely personal reasons. Psychologists and psychoanalysts have pointed out that even apparently erratic actions of individuals have their cause. As John Hospers remarks, "Freedom ... is opposite of compulsion, not causality". What is required is to broaden the scope of political enquiry, to include insights from other social sciences. The objective, after all, is to have as complete a study of human society and human behaviour, as possible. The

third difficulty that is mentioned most often is with regard to the suggestion that science is, and should be, value-free. A scientific study should not concern itself with questions of 'good and bad', preferable and not preferable. Political science is concerned with issues of public policy and cannot avoid discussing questions of goals and means. Scientific method would allow discussion of means, but the moment questions of ends are raised, values are inevitable. Values may be personal, social, cultural, ideological, etc. One person may attach more importance to a particular factor. Different societies have such specific preferences and same is true of the cultural factors. Ideology similarly affects preferences. Socialism has one set of value preferences, for example. There are many viewpoints on this issue. In fact, scientific method only helps an analyst in sorting out facts from values. When advocates of scientific method suggest a value-free study, they only refer to this distinction. Difficulties arise in those cases where facts and values get mixed up, consciously or unconsciously. Once a particular value preference is clearly stated, it is possible to carry out a scientific study within that framework. For example, one can say that he or she prefers the Marxist framework (for which the reasons are stated) and carry out a scientific study within that framework. Anyone who reads such an analysis is always conscious about the preference of the author. It is also pointed out that political inquiry cannot achieve the level of precision and accuracy in its analysis, that will enable it to predict events. Political science, along with other social sciences, is strong in providing description, of political events and of institutions, but weak in predicting what will happen in future. For example, we can study an election and analyse the factor and forces that were important. But it is not so easy to say what will happen in an election to be held in future.

While many difficulties of applying scientific method discussed above are pertinent,

political science has gained a great deal by the methodological consciousness resulting from emphasis on scientific method. Political scientists are more sure of the data. Certain new kinds of data are being collected, by means of survey research, for example. There is greater clarity and certainty in the analyses of political phenomena. Many more kinds of facts can be analysed to capture the complexity of political process. But it is obvious that it cannot be 'scientific' in the same way in which natural sciences are. Neither it is suggested by those who mention the positive gains of scientific method. Everyone who is conscious of scientific method should know the places where it can be applied, and also places where alternative methods will be more useful. To achieve this we must know what the alternative methods are and which method will be suitable for analysing a particular phenomenon. A judicious selection of method for a particular enquiry is a part of scientific methodology.

Political Science and Its Relationship with other Human and Social Sciences

Political science is a study of institutions and processes of governance like the state and the government. It is also a study of processes involving conflict, cooperation, integration, and the interplay of power relationships in society at large. In modern times the second aspect of political science is accepted to represent a more comprehensive definition. A wider understanding of the subject does not accept that politics can be restricted only to certain institutions. In fact, a sector of all social activities involve conflict and struggle for power. Thus we hear terms like 'politics of religion', 'politics of clubs', 'politics in sports', and even 'politics in families', especially in joint families. When Aristotle called politics a 'master science', it was not only in terms of the wider coverage of political governance, but also in terms of its omnipresent

character. Whatever the focus of a study of society, one of its essential aspects is to study its politics. Political science benefits by utilizing insights from different social sciences. Branches of study like history, economics, sociology and ethics are closely related with political science.

Relationship with History : The scope of history is wider than political science, in the sense that it is concerned with different events, like social, economic, religious, cultural, and political. History is associated also with 'a study of the past'. Contemporary problems faced by a society are also studied by historians, though the emphasis is on finding explanations in the past. While description is a strong point of history, it relies on its own specific kind of material and method of collection of that material. A description without analysis is hardly possible. Emphasis in description and analysis, is more a matter of degree. A political scientist depends upon historical analysis to have a fuller view of socio-economic conditions under which certain institutions emerge. No institution comes into being without specific historical conditions. We get a clear idea about the development of institutions when we examine them over a period of time. Historians provide us with a variety of situations under which 'things', 'events', 'relationships', and 'institutions', emerged; their effect or impact, is also analysed. History is thus full of laboratory situations, which give us an idea about cause and effect relationships in society. As a writer has put it "politics is to study critically the history of possibilities and possibilities of history". For example, a study of our Freedom Movement is useful in analysing many of the processes and institutions of contemporary India. What were the alternatives available to the leaders of the Movement on different issues? What were the conditions, limitations and possibilities that led to the acceptance of a particular alternative? We get from the history of the Freedom Movement some clues to the issues of contemporary politics.

Relationship with Economics : At a general level, economics is concerned with production and distribution of wealth in society. Material resources are basis to the individuals as well as for the society. It is but stating the obvious that such economic relationship and institutions affect the political processes. The persuasive Marxist theory regards economic factors as basic to the organization of state and government. Political institutions and relationships are but reflections of economic factors. Looking after the economic aspects is a basic function of the state and the government because economic development is important for the well-being of the society. Any agency that is concerned with managing the society, cannot but make it one of its central activities. No wonder contemporary governments of all types regard economic planning as one of their primary functions. Economic activities are extremely important for a society and the state and the government cannot keep them out of their realm. In fact, governments like to have as much control on economy as possible. A political scientist cannot but take into account the interplay of economic forces in society. For example, in a study of peoples' participation in elections, the economic condition of the people cannot be ignored. Similarly, a study of the performance of government must take into account the way in which it has tackled the economic problems. The nature of politics and of the political system is similarly important for an economist. Many of the decisions regarding economy are, in fact, 'political' in the sense that out of several alternatives, one is selected. In such selections, the political considerations play an important role. In their tools of analysis, the economists have at their disposal more precise terms and more exact measures. Development of this discipline has also helped it to translate its suggestions in terms of major implications of public policy to be pursued by the government. For example, government may be considering an increase in the tax on a particular commodity.

With the help of economic analysis it can be found out what impact the tax increase will have on the price of other commodities and on the economy. Government may monitor its decision on the basis of such an analysis.

Relationship with Sociology : Sociology studies society in terms of many levels of its working. It studies how institutions are related with one another and how such relationships are different in different types of societies. A sociologist studies the internal organization of society and the way in which it compares with other societies. Institutions are studied in terms of functions that they perform and those that they should perform. Institutions are further studied in terms of its different components of social relationships among individuals. Family, for instance, is constituted of many relationships like man-woman, parent-child, brother-sister, grand parent-grand-children relationships. Some sociologists break up the relationships into social acts of individual members of an institution. At the different levels of these studies, patterns of dominance of groups, institutions, and of individuals, come as natural points of enquiry. Dominance is concerned with power, which is studied at the different levels of the sociological enquiry that we have discussed above i.e. the institutions, social relationships, and individuals. Relationships of dominance (i.e. who has power over whom) is studied at all these levels. State and government are important institutions of almost all societies, and any study of society has to take these institutions into account. On the other hand, political institutions exist in society and they have to function in the social context. Emergence of political sociology as an important field of study is an evidence of such a close relationship. Emphasis on power relationships as the central point of analysis in political science, as also on the behaviour of individuals with regard to politics (i.e. political behaviour) has brought the two disciplines closer.

Relationship with Ethics : Ethics is concerned

mainly with questions regarding the attainment of good life for individuals. It is justified on grounds of morality and prescribes what 'ends' ought to be sought and through what 'means'. What a human being ought to do in order to achieve good life? In all such considerations, the individual is concerned primarily with his or her own life. Politics is, on the other hand, concerned with the common good of the society. It was in this context that John Stuart Mill and other utilitarians talked about "the greatest good of the greatest number" as the aim of politics. What institutions should be devised and how should they be organized and operated so that a good society comes into being? The reciprocal relationship between ethics and politics is important in this context. Political organization is ultimately judged in terms of the extent to which it provides or ensures good life for individuals. At the same time good society is indispensable for good life.

Political system works in this direction by providing general conditions for good life. There are certain goods that are not within the reach of individual. It becomes necessary to depend upon organized society. Protection against war, slavery, poverty, unhealthy conditions, and provision of safety, educational opportunities, liberty and providing leisure, are some of the examples of facilities for which the individual must depend upon organized society. While state attempts to make these facilities available to all, there are always some sections of society that are favoured in the distribution of goods and services. Some amount of inequality is found almost in every society. Different theories and ideologies have attempted to analyse this phenomenon and have also provided solutions. But inequalities persist. Political process always aims at the good of more than one but is never able to cover all. This is the paramount paradox of all organized societies. It was in this context that Ruskin talked about 'unto the last'. The objective of *antyodaya* advocated by the Gandhians and the *sarvodaya*

also emphasizes the same objective of reaching every section of population, without any exceptions. Welfare of the poorest of the poor was emphasized.

The theory of natural rights which emphasizes the fact that there are some rights that are 'natural' to human beings and that they must have them, has received so much of importance because they represent the conditions for achieving good life. People have natural rights because they have natural needs. This argument takes us to the position that what is good for any one man, is good for all men. The political system is expected to guarantee such rights to individuals. In fact, how many really enjoy the rights, is often the real test of a polity. As a repository of organized power in society, polity achieves this objective both by negative and by positive means. For example, every state guarantees certain rights to its citizens. The state prevents an individual and a group from violating rights of others, and also promotes general welfare in those activities that the individuals cannot provide for themselves. Thus the ethical values concerning good life for individuals ultimately guide the actions of political systems. Laws enacted by governments are ultimately aimed to achieve these ends. When convinced about the actions of the political systems from the point of view of the public welfare, the people are willing to obey the laws. It helps the process of gaining legitimacy.

Both individuals and political systems face limitations in following the ethical and moral standards in their actions. There are always certain forces outside the power of the individuals and polity that act as limitations. Shortage of resources is one such factor that acts as a serious limitation. One must make distinction between the 'practicable' and the ideals that are utopian. Politics is the art of the possible. Ethics sets the standard for what is good and what is not good.

The Social Science Perspective

Different subjects like history, economics, sociology, ethics and political science, after all, deal with human societies and are related with one another. At the ultimate level of social phenomena and social problems, these distinctions inter-mingle with one another. In actual analysis the distinctions often sound artificial. The organization of one set of ideas into a distinct subject-matter, like political science, is only for the sake of convenience. Human and social problems do not accept any distinctions between disciplines. In policy-making, a government has to keep in mind different aspects of the society. It is realised increasingly that a study which combines perspectives of different subjects is able to move closer to the social reality. We find the ever-expanding areas of studies in different subjects that cross the boundaries of each other. Thus we find specialists in social and economic history, political economy and political sociology. These subjects that cut across different subjects use their approaches to study a real human problem, that cannot be studied in a comprehensive manner if it is studied only from one perspective. We may refer to the phenomenon of poverty in societies like ours. Poverty as a problem has many dimensions—economic, social, cultural and even political. A comprehensive study of a problem will require perspectives from different subjects. Modern scientific methods have helped this process of establishing a dialogue between different disciplines. Social sciences have acquired a common language.

Significance of the Study of Political Science

Political science deals with subjects that are both general and specific. Concerned with processes of conflict and integration, with the interplay and organization of power, it is all-pervasive and omni-present in the activities of individuals, groups and society at large. These processes affect

all the individuals in society. In a more specific sense, it deals with institutions of state and government, which have direct control over and have impact on, society. The governmental organization is different from other social organizations in the sense that no individual in modern civil society is outside its purview. The laws of state control all and affect all. It is thus a 'compulsory' rather than 'voluntary' organization. Analysis of these complex aspect is concerned with basic social processes.

The process of decision-making in the government is always very complex. There are social and political groups that have their own demands. Many of these demands are in conflict with one another. Yet they have to be adjusted. Then, there are different kinds of constraints, e.g. of resources. A political system has to function under different kinds of pressures and compulsions, with the result that there are certain decisions that are not possible. There may yet be others that are not advisable. An understanding of the process of politics helps a better understanding of the process of government. It results into a balanced evaluation of the political system.

Political science also tells us about the institutions and processes of government. It deals with the constitution and with the powers and functions of different governmental agencies. Their role, importance and working is analysed. It tells us about the laws and about law-making. Rights and obligations of both the government and the citizens constitute important subjects of discussion. An understanding of these aspects results into a more effective participation of citizens into the affairs of the state. With



Socrates (About 470-399 B.C.)

Eminent Greek philosopher. Laid the foundation of Western philosophy. Teacher of Plato. 'Socratic Dialogues' written by Plato.

knowledge about the actual working of government, about the groups that have an impact, their rights and privileges, the citizens can also make their participation more effective.

Political science is a recognized social science discipline. The subject is associated with great writers and philosophers in the intellectual history—Plato, Aristotle, Socrates, Kautilya, Machiavelli, Rousseau, Marx and Mahatma Gandhi. It has a justifiable claim to an impressive and significant body of knowledge. It has developed over the centuries adding new concepts, theories, and methods. Study of political science is a training for students in the academic discipline.

How do you distinguish between a politician and a political scientist?

EXERCISES

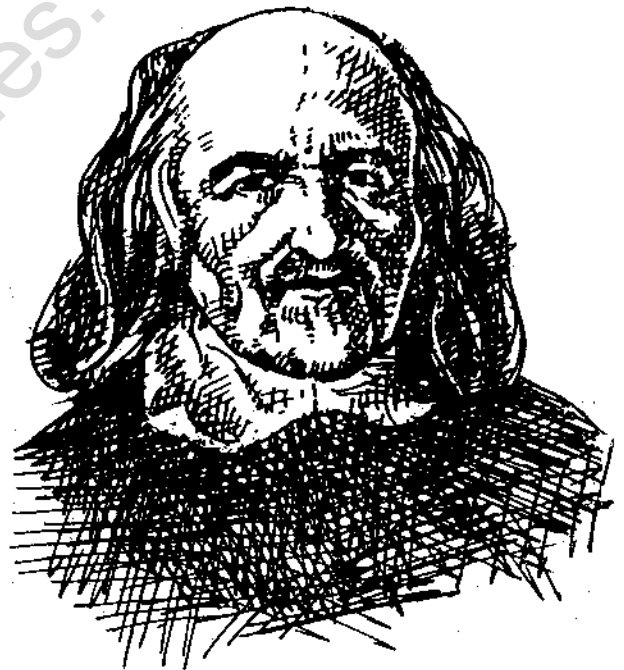
1. Explain the meaning and scope of political science.
2. Briefly explain the significance of studying political science.
3. How far can we apply scientific method in political science? Briefly explain.
4. Distinguish between 'politics' and 'political science'.

CHAPTER 2

State, Society and Citizen

STATE REPRESENTS the stage of social organization with some amount of order and stability in society. An accepted system of authority helps a society to rise above the day-to-day conflict situations that are inevitable, and look after the collective and higher needs of individuals and groups. The best example of this approach is provided by the social contract theory.

How did the state come into existence? The social contract theory suggests that the people decided on their own to have the organization of state. The mutual agreement is known as social contract. This theory is authored by Thomas Hobbes, John Locke and J. J. Rousseau. While they agreed that the state was a result of contract among the people themselves, their analyses of the state of nature that the state replaced, was different. Hobbes said that society without the state was very unstable and full of conflicts, even fights, among selfish individuals. Social contract put an end to it. State of nature in Locke was not so intolerable. It was even enjoyable. The state came into existence to impose a system of law to ensure justice. For Rousseau, life in the state of nature was "free, healthy, honest and happy". The contract brought in a political society, where the state represented the general



Thomas Hobbes (1588-1679 A.D.)

Eminent English philosopher. Tutor of the British Monarch Charles II. One of the famous trio with Locks and Rousseau, associated with the famous Social Contract Theory of State. Famous work 'Leviathan'.

will of the people. Based on such analysis, the three philosophers suggested different forms of government. But they agreed that it was a

conscious decision on the part of the society to agree to have a state. Scope and functions of the state were based on agreed contract among citizens. The social contract may not be taken as a true event in history. It is more of a symbolic representation of the nature of state. It was thus as a repository of power that it was expected to exercise control on behalf of the society. When the state exercised power only on behalf of the society and in terms of the contract among the people, the state must act in a way that is beneficial to the society.

The Marxist understanding of the state is in terms of the interplay of economic classes in society. The state is an instrument in the hands of the dominant class to oppress and control other classes. The state, according to the Marxists, is an institution typical of a society divide into classes. They would prefer ultimately remoulding of society in a manner that class difference will not be there. The state will not be needed in such a society. A state-less society remains a utopia for the socialist thinkers including the Marxists.

There are, thus different theories that have their own understanding of the institution of state. There are differences also in terms of ideologies. What is common among most of the theories and ideologies is the acceptance of the central role and importance of the institution of state.

State

State for long has been the central point of enquiry in political science. In fact, early writers like Frank J. Goodnow, Harold J. Laski, and J.W. Garner defined political science as study of state. "Political science begins and ends with the state," said J.W. Garner. The subject matter of study has shifted now from the study of state to wider processes in society. Perspective on state itself has undergone change.

The classical understanding of state has been in terms of its four elements—territory,

population, sovereignty, and government. Similar kind of discussion is found also in Kautilya's *Arthashastra*, where the Saptanga theory of state mentions seven elements: Swami, Amatya, Janapada, Durga, Kosa, Danda and Mitra. Among these, Janapada includes both population and territory. Amatya refers to the system of state officialdom, and Danda means coercive power. Among these elements sovereignty is the central characteristic of state; the other three (territory, population and government) are emphasized in order to make the exercise of sovereignty more effective. Sovereignty is defined as undisputed legal authority. Power and authority refer to relationship among those who exert power and others on whom power is exerted; those who command and others who obey. Power does not exist on its own; it is exercised only with reference to some other individual, groups or institution. Sovereignty must be defined similarly in terms of the territory and the people over whom the sovereign power is exercised. Power is to be used with reference to some region and people. Such clarity about power is important especially when sovereignty is defined in legal terms. If power is to be exercised in accordance with law, the definition must be specific. Power over whom? Territory and the people are such reference points. State exercises sovereign power over a certain territory. This definition makes sovereign power specific. Government is the organ of state through which sovereign power is exercised.

A state must define its territory and have control over it. Protecting the boundary of the state is as important as its demarcation. Claims over disputed territories are often occasions for military conflicts between states. Population living in the defined territory is another element of state. Though state has to keep even the uninhabited territory under control, one cannot imagine the entire territory of a state without any population. A crucial question refers to the problem of size, both in terms of the territory as



Plato (About 427-347 B.C.)

Eminent Greek philosopher. Teacher of Aristotle. Laid down basic theories and ideas in Political Philosophy. Ideas on 'ideal state' and 'philosopher king' are associated with him. Famous works: 'Republic', 'The Statesman' and 'The Laws'.

well as population. What is the optimum size of an effective state? Writers like Plato, Aristotle and Rousseau have provided their own recommendations in this regard. But like all recommendations, they are rooted in the conditions and the problems of their times. In fact, we find wide variations among the 179 states of contemporary times, which have membership of the United Nations Organization. Maldives is the smallest State among the UN members, with an area of 298 square kilometres. The state of Vatican city and Monaco among the other state, cover an area of 0.44 and 1.5 square kilometres, with the total population of 1,000 and 26,000 persons respectively. On the other extreme, erstwhile Soviet Union that was an important member of the UN before its

disintegration, had an area of 22,402,200 square kilometres and China has a population of only 10 Crore. Between the two extremes, there are States of varying size of territory and population. India covers an area of 32,80,500 square kilometres and has a total population of 84, 43, 24, 222 Million.

A state should have the territory under its jurisdiction, that it can keep under effective control. In their effort to have such control, modern states are helped a great deal by the improved means of transport and communication. Modern technology of production in agriculture as well as industry has also made an optimum use of a territorial area. Besides the sheer size, other important features of the territory are the geographical features, its location, the resources, and finally the climate. These factors go a long way in the making of an effective state. It is the optimum use of the territory and effective control which is much more important than size in the physical sense.

Population

Population was a definite asset for a state in earlier days when physical power was the main stay of the production process as well as for defence of the country. The importance of population, however, cannot be minimized. But a population disproportionately larger than the resources of a state is certainly a liability. Keeping such a balance is one of the main problems being faced specially by the states of Asia and Africa, that have gained independence during the last four decades. Population pressure is one of the most vexing problems faced by many modern states. No wonder programmes aimed at population control have gained such an importance in governmental policies. Besides the size of the population, the functioning of the state is conditioned by the qualities of character and patriotism on the part of its citizens.

Variations in size, either in terms of territory or of population, do not affect the legal status of

a state. Big or small, they are recognized as states by citizens within its own territory, as well as by other states. So far as legal status is concerned, both Vatican city and China, are regarded sovereign States.

State is distinguished from other forms of social organization in terms of the *Sovereign power* that it is vested with. We have seen in the earlier chapter that there are different kinds of laws in society that are obeyed by individuals. Social institutions also have laws, rules and norms to be followed by its members. But these rules and laws are not 'legal' in the same sense as state laws are. The state has at its command supreme and final legal authority; no legal power exists beyond and outside the state. Besides its role as an agency to enforce laws, state itself is a legal entity, in the sense that citizens can appeal against the actions of the state. Laws are created by the state and yet the state is controlled by law. Different agencies of the state make laws for regulating the society. In India, for example a written constitution defines what the state and its agencies can do and can not do. The Judiciary has the powers to see whether the agencies are functioning according to the laws. Internally, the supremacy of the state must be accepted as such by the people and organizations within, over which such supremacy has to be exercised. Every state would like to achieve such acceptance voluntarily, but it is all the time ready for the use of force for proving its supremacy. For example, there is income tax law in India, which says that income above a certain level must be declared and tax paid to the government. It is hoped that people will declare their income voluntarily and will pay taxes. In fact many people do that. But in those cases where this is not done voluntarily, or is done in an unsatisfactory manner, the state has powers to punish the defaulters.

The second aspect of sovereignty is its external recognition. A state declares that its sovereignty extends to a particular territory. Protecting this territorial boundary is an essential

function of the state. It becomes necessary for other states to recognize sovereignty over a territory and over the people. In the absence of such a recognition, there may be conflicting claims, which can lead to a war. It must be accepted that the sovereignty of the state over its territory, and its people is undisputed. Any interference by other states in this respect is unacceptable. This recognition is provided also by the community of states. International agencies like the United Nations Organization grant membership to sovereign states. The U.N. membership is one such mechanism of reorganizing a state's sovereignty. Whenever a new state comes into existence, its recognition, by other states and by the international agencies, is extremely important. For example, after the disintegration of the Soviet Union so many states declared their independence. The question of the recognition of these new states by other states and by the UN for its membership, was important.

Sovereignty is an important legal concept, but in its actual working it is seldom absolute in strict sense of the term. There are limits to it both from inside and outside. States are neither equal among themselves, nor are they completely sovereign. More powerful states exert influence, and even pressure, on states that are not so powerful. In fact, states in the world are divided into blocks of influence, with more powerful state(s) and the less powerful ones. There are centres of power in international politics. Such influence is both economic and military. Since the world is becoming more and more inter-dependent, the states face greater and greater limitation in chalking out of their own policies. Similarly, within the state, situations exist, where some individuals, groups and associations wield more power than the others. They exert greater influence on governmental decisions. And above all, the state has to keep in mind the socio-economic conditions prevailing in it while exercising sovereign power. A sovereign state cannot act arbitrarily for long.



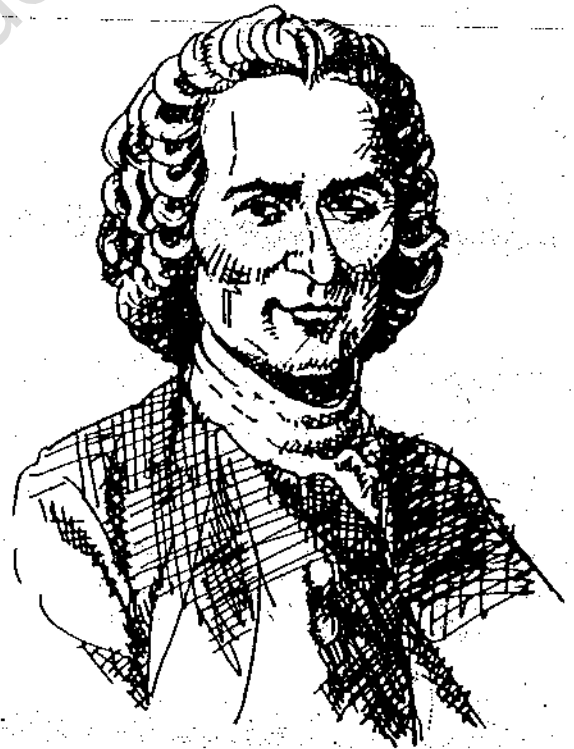
John Locke (1632-1704 A.D.)

Eminent English philosopher. One of the famous trio associated with the Social Contract Theory. A great champion of the Rights of man and Constitutional monarchy in England. His ideas influenced the making of the Constitution of the USA. Famous work 'Two Treatises on Civil Government'.

Political philosophers have always been suspicious of the absolute power of the state. Thus John Locke talks about the *doctrine of consent*. For J.J. Rousseau 'popular sovereignty' and 'general will' are important. Bentham and John Stuart Mill gave much importance to *responsible government*. There is much discussion on the number of people who actually have, or should have, power in state. Thus we find distinction between 'the rule of one', 'rule of few', and the 'rule of many'. Constitutional experts have discussed mechanism like '*division of power*' and the system of '*checks and balances*'.

More basic objections to state are expressed by the *Anarchists*, the *Pluralists*, and the *Marxists*. The *Anarchists* do not believe in any form of

state power. They are advocates of '*complete freedom to individuals without any restrictions*'. Instead of imposing an institution like the state, the *Anarchists* advocate voluntary cooperation among people for achieving collective objectives. Some of them are against any kind of centralization of power and recommend total decentralization, where different institutions in society will have whatever power is needed at that level. The *Pluralists* are convinced that society is constituted of many groups operating at many levels, which represent different interests of different individuals. For example, there are trade unions of different kinds, groups for the protection of environment, women's organizations, and the like that represent different people having their special interests. Many such



Jean Jacques Rousseau (1712-1778 A.D.)

Eminent European philosopher. One of the famous trio associated with the Social Contract Theory. Enunciated the principle of 'Popular Sovereignty' and 'General Will'. His work inspired the French revolutionaries. Famous works: '*Social Contract*', '*Confessions*'.

groups influence government decisions ; some with greater success than others. The Pluralists are concerned about making the political system more responsive to the demands of groups and individuals. The Marxists view the state as a means of perpetuating dominance of one class of people over others. In the ultimate analysis they would like the state to disappear from the human society under ideal conditions.

Marxist analysis of the character of the state has enriched the theory of state. Consistent with its basic proposition that institutions in society are but reflections of the prevailing method and procedure of production, which is called, mode of production. Such economic considerations divide the society into 'classes' of people engaged in different kinds of economic activities. The nature of this class division is such that they are in conflict with one another. The conflict is basically economic but it is also for dominance of one class over the other. Marxist understanding relates state with such 'class antagonism'. A particular mode of production gives rise to certain classes of people, who are in opposition to one another. The state, according to this analysis, came into being with the emergence of economic classes. Thus the mode of production and the nature of class contradictions that result from it, determine the character of state. Historically the state takes many forms, but all of them remain 'class states' meaning thereby that the class that is economically dominant also controls the state. State represents the dominant class. Every state functions within the framework set forth by the mode of production.

The state is not an 'independent' political structure, but rooted in the economic structure of the society. It is basically the economic structure that determines the state. The nature of a state, therefore, is embedded in the economic structure. Ralph Miliband calls it 'the structural dimension' of the state. The 'structural' factors act in such a way that state has to make them into

account and to some extent these factors act as 'constraints' as limiting factors, on the functioning of state. This line of argument has made the analysis of state interesting and meaningful. The 'structural constraint' is exerted by the mode of production, thus giving birth to specific economic classes, and the conflicts and contradictions among those classes. This is true of all the states. At the same time, the historical development of a state provides a specific character to it. For example, all 'capitalist' states are dominated by the capitalist class, but the nature of the capitalist class as well as the nature of its domination may be different. Similarly, 'socialist' states are of different types. This difference among states can be understood by analysing the historical development of states. Thus the Marxist theory of State emphasizes two sets of factors in the analysis—general and specific. The general point is that state is an institution determined by the 'classes' in society and that it is an instrument of class domination. The specific point is that every state evolves through a historical process which gives it a specific character. This approach has been especially useful for analysing states of the Third World of Asia and Africa, which became independent after the end of the second World War in 1945. All these countries were colonies of one country or the other. While the impact of colonialism has been far-reaching on all these countries, they differ with each other in so far as they all have emerged as different types of states.

Society and State

Human beings join together for their survival as well as for a better life. They enter into relationships of various kinds and for varied purposes. There are also levels of such relationships that develop into institutions having their respective objectives. It is this totality of objectives, relationships, and institutions that constitute a society. Let us first discuss the use of the term 'society', which refers to two levels.

We refer to the term society in terms of the large number of individuals and institutions, norms and relationships in all-encompassing manner. It includes all the individuals and all the relationships. We use the term 'Indian Society' in that sense. At another level of its use the term 'society' is used to refer to a group of individuals who organize themselves for a specific purpose. We have heard terms like Milk Cooperative Society, Society for the Prevention of Blindness, Music Society, and so on. The term 'society' has a partial meaning here, because they refer only to part of the whole society, its activities, and relationships. Societies can be all inclusive, as well as partial. We speak of Indian society and also of Society for the Prevention of Blindness. It is the broader meaning of the term society that we are concerned with. As human societies develop, institutions come into being for the attainment of different objectives. Thus there are economic, religious, cultural and also political institutions. A distinction is often made between a crowd and society. The collection of human beings does not make a society. Only when it has a common will and common objective(s) that it is called a society. State comes into being for the attainment of common objectives and is, therefore, vested with certain functions and powers.

In terms of functions that are basic to human existence, as well as the wider scopes, society is more inclusive. Anthropologists who generally study evolution of human beings and concentrate on isolated tribal societies, provide examples of societies that do not have organized state. The Nuer in Southern Sudan, the Tallensi in northern territory of Gold Coast, the Anuak in Anglo-Egyptian Sudan, the Kikuyu, the Bedouin, and the Swat Pathans on the borders of Pakistan and Afghanistan. They do have organized authority system, but a formal organized state is absent. Conversely, a state without a society is inconceivable. It is in this sense that writers

claim the 'society is prior to state'. Then, there are two important attributes of state that are not necessarily applicable to the society: sovereignty and territory. As we saw above, the state has final legal authority and it may use force to gain obedience. Society and social institutions do not have the same power. It, however, does not mean that people do not obey them. Factors that are important in this respect are customs, traditions, mores, and above all, convenience and self-interest of individuals. There are cases when even coercion is used against those who do not obey readily. But even when social institutions use coercion, it is limited both in range and scope. In any case, these institutions are within the purview of the state and, therefore, cannot transgress the boundaries of the sovereign power of the state. Society is also not limited to a particular territory in the strict sense of the term. The common bond and common objectives of institutions that we mentioned above, may be broader or narrower than the ones covered by the state. The two do not always coincide.

It is necessary to make a distinction between state and society. As we have noted earlier, society includes many processes, relationship and institutions, while state is meant to look after the 'political' aspects. But state has much more power at its disposal, which is actually used by people who occupy positions. If state extends its functions and control to every aspect of society, there is a possibility of society being controlled by the state. A state which exerts such control over the totality of social institutions and activities of individuals and institutions, is called a totalitarian state. As we have seen above, writers through ages have made a distinction between state and society. To make this distinction still sharper, the term that is over used is 'civil society'. Suggestions have been made about limiting the scope of state's functions and recognize certain functions and institutions exclusively within the purview of civil society.

States that aim at controlling all the activities and institutions of the society are not regarded as having the best form of state. The term 'totalitarian' state is often used in a derogatory sense.

Relationship between state and society has varied from time to time that is why there are different view-points on this issue. One view is that only if individuals are left free to pursue their own good they would together inadvertently move towards the common good. Thus the state should have limited authority in economic matters. This limited function of the state with reference to the market should be to prevent the tendency on the part of some producers, or even traders, to monopolize, i.e. have a control over the commodity and thus control the market. This tendency would hinder the functioning of a free market. There may be many other such imperfections in the market, which the state should intervene and rectify. The theory that advocated for greater autonomy for the socio-economic processes and for limited functions of the state was known as *Laissez Faire*. "State which governs the least is the best", declared this theory that remained dominant in the nineteenth century and the beginning of the present century.

Later theorists and ideologists questioned the efficiency of 'free market' i.e. complete freedom to the individuals and groups to pursue their economic activities, with least interference from the state. It was pointed out that such freedom may not 'benefit' all. Instead it may create chaos and be unfair to certain sections of the society. For example, it may go against the interests of poorer and disadvantaged sections of the people. Common good, according to the critics of free market theory does not come about by itself. It has to be worked out by means of conscious policies and programmes of welfare. To formulate such a policy it may be necessary to take into account the interests of different groups in society. To arrive at such an agreed set

of policies, it will be necessary to bargain the interests of some for those of other social groups who can perform this difficult balancing act, and yet keep the interests of the entire society in mind. Once such a policy for the society takes shape central authority should ensure and protect it. This approach advocated 'state regulation' rather than the 'invisible hand of market'; 'central planning' rather than 'self-regulation', to ensure orderly progress of society. Regulation of market and redistribution of income are legitimate functions of the state according to this view. The idea of the welfare state recognized the widening of the functions of state, authorizing it to include wider socio-economic problems in its purview.

The socialist and the Marxist analysis of this relationship are different. This viewpoint agrees with the distinction between state and society so long as state remains a mechanism of dominance of one class of people over others. A 'class state' does, and should, have limited range of activities. When distinction between classes disappear from a society, the state need not limit itself to only a limited range of functions. State must become the custodian of the single class that remains, e.g. the proletariat, the class that constitutes the society. We find that in those countries that accept the Marxist Communist ideology like the erstwhile USSR and Republic of China, the state is more powerful and has wide-ranging functions.

The state has become more powerful in modern times. This phenomenon cuts across the geographic regions and is true of even those states having different ideological positions. The historical forces that have resulted in the increase of such power differ from state to state. The forces and processes that one finds in the Third World countries are different from the ones in countries like USA and UK. Socialist countries have their own set of reasons. Advancements in science and technology, as also the socio-economic processes, have made societies more complex and have led to the

enhancement of the power of state. It is precisely for this reason that a distinction between state and society has greater contemporary importance.

The State is both a 'follower' and 'leader' of the social processes. The historical and cultural processes that a society has experienced, go a long way in determining the nature and working of a state. The fact that India was a colony for about two centuries before 1947; the constitutional experience over two decades preceding Independence and above all the nature of National Freedom Movement—all these factors had a decisive impact on the nature of Indian state. Similarly countries that enjoyed the fruits of colonization till about the middle of the twentieth century, cannot avoid the impact of the loss of colonies repercussions. Then there are 'cultural factors which are very difficult for the states to ignore. And above all, the economic processes and the emergent problems are only too important. The state has to tackle all these diverse processes and problems, many of which are serious constraints in its working. And yet, in the process of solving, containing even suppressing these problems, the state is responsible for giving the society a proper direction. This difficult task is reflected in the laws that are made by the state. Laws have to keep in view the prevailing social institutions, customs, traditions, and preferences and yet, do away with those institutions that are undesirable. The relationship between state and society is reciprocal—they determine and are, in turn, determined by each other.

State and Nation

A society claims distinction on the basis of some common characteristics of its people that constitute it. Many characteristics that form the basis of such a claim are: culture, language, religion, territory, race, and so on. It is in terms of such resemblance and similarities among individuals, groups and institutions that societies

claim that they are distinct. There are also differences between individuals and groups. As we have seen above, politics is concerned with both points of differences and similarities, with conflict and integration. It is one of the main objectives of the state to maximise the level of integration in society. The idea of nation and the process of nationalism emphasized the sense of solidarity, emphasizing resemblance on various grounds: languages, religion, race, customs, myths, value systems and culture. A sense of belonging among the people is provided by these factors either singly or in combination.

What are the factors that help the emergence of a nation? Among several factors mentioned in this regard, some writers emphasize geographic and climatic conditions as important. People living in isolated regions are likely to have greater solidarity. Landlocked regions like Tibet and countries having open sea coasts have their distinctive characteristics. Language has been recognized, since the days of the famous writer Fichte, as providing profound cohesion because of being the basic instrument of communication. Linguistic boundaries of constituent units were recognized by India even during the national movement at the Nagpur session of the Congress in 1920. This policy was further strengthened in 1928 by the well-known Nehru Report of the all party conference. It became an established policy after the State Reorganization of 1956. With the creation of eight states in 1956 (for specific language groups of Assamese, Bengali, Kannada, Kashmiri, Malayalam, Oriya, Tamil and Telugu). This was only the beginning. By 1966 almost all the languages mentioned in the Eighth Schedule of the Indian Constitution at that time got their separate states. Emergence of a nation is helped also by sharing of a doctrine (or an ideology). We often hear of terms like the Arab Nation. The will to live together is reinforced a greater deal by a common ideal and by sharing a common destiny. The idea of freedom from the British Rule brought together the diverse sets of people

into the mainstream of Freedom Movement in India. Various cultures, languages, and religious groups came together in 1917 to form the Soviet Union on the basis of a promised future. History has an important role in this process. Nations, like individuals, are products of history. When we see a society at a particular point of time, we find that it has been influenced by the processes and events of the past. Many other processes have impact on a society. Historical experience are of two types: objective and subjective. Let us examine them. There are certain events that take place in history. For example, the British formally established their control over India in 1858; the Indian National Congress was founded in 1885; there was Bengal Famine in 1870; India became independent in 1947 and partition took place at the same time. Things big and small, of various kinds—social, political, economic—all of them have their impact on society. Then there are natural calamities and wars, that have their own importance for the historical development of a society. These facts are 'objective' in the sense that these are actual happenings that can be verified. There cannot be any dispute about them. There is another aspect of historical facts that pertains to the way a historical fact is interpreted and understood. Historical 'facts' are understood, perceived and interpreted in different ways by different people. In this process of evolving perceptions and interpretations certain events are chosen, others are forgotten; importance of some is exaggerated and of some others minimized. Such 'construction' of history uses 'facts' selectively. Such an understanding of history, which we will call 'subjective', more often, has greater impact on human behaviour. There is a process of 'reconstruction of history'. The 'past' is often revived, emphasizing the common bond. Many new nations find it necessary to re-write history and 'expose' some of the false myths and ideas that were being perpetuated. Indians find many of the ideas and interpretations of British historians on India quite

unacceptable. The combination of a sense of 'shared past' and a 'common destiny' goes a long way in creating a nation.

Nation and nationhood refer primarily to a sentiment of 'belonging together'. State may or may not coincide with this sense of solidarity, though Nation State has long been a cherished ideal. State is more of a territorial concept as we have seen above, while the term 'nation' refers to the civic aspect of the peoples' expectations. State has a role in consolidating the integrative factors, but it is only one of the agencies that is important from this point of view. The idea of 'one nation-one state' was emphasized for long. But many states are in fact multi-national and multi-cultural. Switzerland and India are well-known examples of such multiple and multi-layered diversities along several dimensions—culture, religion, language and regional history. In fact, the co-existence of diverse cultures has produced a mash of different cultures of a unique type that combines within it the diverse standards. This is often referred as 'composite culture'.

Nations provide a system of values and a cultural framework for the functioning of the state. People living in a particular territory within a nation may share certain cultural, religious, and linguistic features that are restricted to the region. They may feel that they represent an exclusive group and are different from other groups. In fact, the diverse societies that we have mentioned above do consist of such groups. Some groups may also have a sense of pride in their culture. This feeling of an exclusive group within a nation is known as sub-nationalism. But the role of sub-nationalism on the part of some restricted sections of people or regions, is a mixed blessing. Some writers point out that such feeling provides a basis for a sense of belonging. Backwardness of some regions in India is often explained in terms of the absence of such regional identity. So long as the sense of 'sub-nationalism' remains within the overall framework of the broader nationalism, it does not disturb the

working of the state. Too exclusive an identity of a region or a section of the national population, often poses serious threat to the peaceful functioning of the state. It is because of its vast potentialities that the idea of nation is so important for every state. Strengthening the integrative forces in a society and emphasizing social solidarity is a major policy of state. Hence the importance of national integration in India.

The Indian sub-continent, before independence, was divided into diverse administrative units, that were brought together by the strong nationalist feelings. The freedom movement laid the foundation for the Indian nation, supported by the forces of anti-colonialism and nationalism. One negative force that developed was communalism which was consistently supported by the British colonial policy. The cultural, religious, linguistic, and economic diversity posed problems for the process of national integration in independent India. Division of society into different caste groups has been another problem. The tribal population claims its separate identity. Many of these factors have often coincided to create strong regional feelings in certain areas. In some areas the slogan of "sons of soil" is being raised to distinguish between the 'insiders' and 'outsiders' in a region. In the face of these multi-faceted problems, it has not been easy to achieve national integration. The process of nation-building remains an important item on the national agenda.

Can you give two examples of sub-nationalism from contemporary India?

State and Citizen

The people constitute one of the elements of the state. It is in its relationship with the people that state power and the laws become relevant. This relationship affects all the individuals in the territory where state power is paramount. There

are other levels of power relationships in society, but they are all within the framework of state power. With expanding scope of the state activities in modern times, there are many contact points between the people and the state. It is not for law and order and safety alone that the people depend on the state. There are many other common social facilities like the post and telegraph, electricity, irrigation, transport, etc., which are arranged by the state. The relationship between the people and the state is of crucial importance.

Everyone living within the territory of the state is not its citizen. Citizenship is defined legally by the state. In the system of natural citizenship, all those whose parents already have such citizenship, become citizens. There are some states which recognise those born within its territory as its citizens, even when the parents are not its citizens. Then, one can always ask for the citizenship of a state, which can be granted at its discretion. In every state there is always a part of the population, quite large at times, constituted of those who are not its citizens. Besides the representatives of other states on diplomatic missions, often there are emigrants of various kinds. The emigrants stay on for quite some time in some cases. Everyone living within the territory, both the citizens and the aliens, have certain expectations from the state, e.g., safety. But citizens can demand many other rights from the state. In those cases when they feel that rights guaranteed to them are being denied, they can go to a court of law for 'justice'. All rights are not of the same kind and do not have the same validity. There are some rights where the court of law intervenes in case they are denied to the citizens. There may be other rights that represent the ideals that the state may keep in view while making laws and taking decisions, but which can not be claimed by the citizens in court of law. The two kinds of rights are called justiciable and non-justiciable rights respectively. The

Constitution of India provides for both these rights in the form of Fundamental Rights and the Directive Principles of State Policy. The two sets of Constitutional provisions are different in nature. The Fundamental Rights of citizens are 'Justiciable' and guarantee that the state has to ensure that every citizen enjoys those rights. Directive Principles are in the form of guidelines that the state should attempt to guarantee. In a way, the Directive Principles are in the form of the duties of the state. Which rights are guaranteed by a state and to what extent, depend upon many factors. The commitment to certain ideals may be so strong at the time of constitution-making that certain rights are emphasized. For example right to Equality, Freedom against Exploitation, right to practise one's Religion and to possess Property, that we find mentioned as Fundamental Rights, indicate the commitment of the constitution-makers. They are guaranteed as Fundamental Rights. Then there are certain rights that the state is not in a position to guarantee immediately because of some reasons (e.g. lack of resources, and lack of agreement among leaders and political groups) and are included in the list of non-justiciable rights, because commitment to them is also strong. Many of the Provisions of the Directive Principles of State Policy are of this nature. There are also specific historical reasons for which certain rights are included in a particular list. Whatever the nature of these rights, they always imply some duties on the part of citizens. There are certain duties that represent only the other side of the rights. For instance right to personal safety involves a duty not to deny such a right to others. Not infringing rights of others is a duty. Another kind of duty is to the state. Citizens have to perform these duties to allow the state to perform its functions. Paying taxes is one such a duty of citizens. Rights and duties define the relationship between the state and the citizens.

Another aspect of citizenship that needs to be mentioned is that of participation. Citizens

are expected to participate in the affairs of the state. It is in this context that a distinction is made between citizen and subject. In pre-democratic forms of state, like the kingship, the people who were within the purview of the laws of state were known as subjects. They were affected by the decisions of the state, but they had no say in the process of making of the decisions. The concept of citizenship is associated with democracy, which gives its citizens right to participate. Right to vote in elections is an exclusive and important right of citizens in democracies. Every citizen, however, cannot participate to the same extent and in every affair of the state. The quality of participation is often regarded as important for evaluating a democracy.

By its very nature a state cannot satisfy each and every individual and every section of the population. Its decisions and laws look after the interests and preferences of the maximum number of people, but they are never able to cover all. State laws have to deal with varied groups of people, including outlaws and those who have a basic difference with the state.

Then, there are certain distortions that affect the political functioning of the state because of socio-economic factors which favour certain individuals and sections at the cost of others. In spite of these problems, we find that most of the citizens obey the state most of the time. A question that has attracted the attention of political scientists is, **why do citizens obey the state?** This question has a natural corollary as to what should a state do so that citizens obey it?

Almost every theory of state has its own understanding, explanation, and prescription on the question of 'obeying'. Rousseau emphasizes the guarantee of rights as important. But the rights that are guaranteed by State vary in terms of ideological and other factors. J.W. Burgess feels that obeying is related to the quality of law, that are basically 'good'. The issue of 'good' and 'bad' raises several questions. Good for whom? There are different socio-economic groups in

society and what may be good for one, is 'bad' for the other. There are opposing economic interests in society. For Laski, it is the citizens' 'sense of justice' that motivates them. The question of justice, however, remains to be solved. Hobbes, consistent with his overall framework says that citizens obey because of their 'fear' of consequences of disobedience. While it is an important reason, this is true only for a tiny minority which would not obey ordinarily. If force has to be used too often to get obedience from too many people, the state will find it difficult to sustain itself. The state, most of the time, depends upon a majority of the people who obey as a matter of habit. But what is the source of such a 'habit'? The majority of any population is constituted of those who have the habit to accept rather than question. Then there is the process of 'legitimization', whereby the people believe genuinely, or are made to believe, that power that the state enjoys, belongs to the state and that the state is legitimate. This is an important process in the formation of state and has attracted the attention of many political theorists.

Legitimacy is explained by Robert A. Dahl as a condition "if the people to whom it orders are directed believe that the structure, procedures, acts, decisions, policies, officials, or leaders of government possess the quality of 'rightness', propriety, or moral goodness—the right, in short, to make binding rules". Every state makes conscious effort to achieve a high level of legitimacy. The processes that provide this legitimacy to a state are elaborated by Max Weber and more recently by David Easton. Laws of the state are justified on the basis of legitimacy. Why should the state make laws and why should the people obey those laws? The answer to this crucial question lies in the claim that the state is legitimate and therefore it can formulate laws. And laws formulated by a legitimate authority, following the *proper* procedure should be obeyed by the citizens. This claim is at the heart of the process of legitimacy. We can make a distinction between 'legitimate' and 'legal'. 'Legal' is more concrete, because it is defined by specific laws.

'Legitimate' refers to a less concrete process referring to the sense of acceptance by the people. Level of legitimacy varies from situation to situation and depending upon the performance of the state. There are times when the level of legitimacy of a state is high and at other times legitimacy of the same state is low. But 'legal' has a finality about it. Laws are to be obeyed in all the cases and punitive action can be taken against those who do not obey.



Max Weber (1864 -1920 A.D.)

German sociologist. Also emphasised value free approach to the study of society. His ideas on Bureaucracy and Charismatic authority are well known in political science. Famous works : 'The Protestant Ethic and the Spirit of Capitalism', 'General Economic History'

Thus the ultimate guarantee of state power is the people's consent. State cannot and should not cover all the activities of society and all aspects of individual life. What are the limits to state power? Which activities of individual and of the society should be covered by the State? The two theories of individualism and collectivism take opposite views. The first gives primacy to individuals and imposes limits of the functions of the state. The second theory takes

the view that the collective interest includes interests of the society and the individual, and the state should have wider functions to take care of the collective interest. Thus the two theories define the relationship between state and society differently. The idea of the Welfare State, which emphasizes the developmental activities and seeks to ensure welfare of citizens by means of social services, provides a point of convergence of the two viewpoints.

EXERCISES

1. Define the term state?
2. Explain any two elements of state.
3. Can the following be called a state? Give reasons.
 - (a) Nepal
 - (b) United Nations
 - (c) Tamil Nadu
4. Why is sovereignty essential for a state?
5. Distinguish between:
 - (a) State and Society
 - (b) State and Nation
6. Explain the factors which help the emergence of a Nation.
7. Explain the role of a citizen in a democratic state.
8. Write short notes on the following:
 - (i) Saptanga theory of State
 - (ii) Sub-nationalism

CHAPTER 3

State and Associations

HUMAN SOCIETY consists of individuals as well as groups in which they organise themselves for various purposes. Some of these groups, like the family, are naturally formed. There are some others like clubs and trade unions, that come into existence as a result of a conscious effort to achieve certain objectives. There are still others which have a definite structure and where each individual is conscious of the group as well as its activities. Some of the examples of such social groups are village, nation, trade union, and political party. Such groups are based on the feeling among the members that they share many things in common and there are expectations from each other among members. The members also understand what the groups can do and should do. Which functions they can perform and should perform. There is an understanding, more or less, among members about these issues. There are some others, called the quasi-groups, that are loosely defined and where the norms and expectations are neither defined, nor shared by its members. Terms like social classes, status groups, age and sex group, and crowds, are examples of such groups of people. But, the dividing line between the groups and quasi-groups are fluid and there may be cases where a quasi-group defines itself more

systematically and even act in a definite direction. A social class may develop its consciousness and act in its own interest. Individuals of a particular age group, the youth for example, may take a lead in initiating certain reforms. Feminist organisations often fight for their specific rights. Some womens' organisations, for example, have taken up issues like dowry and rights of women. Even the crowd may get motivated to move in a unified direction. But such changes in the nature of quasi groups are, most of the time, spontaneous and often temporary. We may define an association as a group of persons organised for the pursuit of an interest or a set of interests.

Community and Association

A distinction is often made between a community and an association. The classic statement of this distinction was presented by F. Tonnies in 1887. Based on the nature of relation between members, the distinction is based on the German terms, Gemeinschaft and Gesellschaft. The first represents the community, the second refers to association. Elaborating their respective characteristics, the community refers to living together, where the relationship among

individuals is intimate. Most of them know each other intimately. Such experiences of the groups is shared by the members only and in that sense they are 'private'. An association comes into existence when individuals decide deliberately and consciously to enter into such relationship. Then community relationships are such that they include all the activities of the individual members. Also, individuals are usually members of only one community at a time. In that sense, membership of a community is exclusive. The individual looks towards an association only for specific needs, not for all his needs. Having defined the two forms of collective existence of individuals, the most important distinction is in terms of the forces that bind them together. Community is held together by the feelings and sentiments of individuals. Associations are based on rational agreement of interest as understood and defined by the individual members. They become members of association by choice. Examples of community like family and caste, define their membership by birth. One is born into a family and into a particular caste. In the case of an association, on the other hand, its members join the association voluntarily, it is not 'forced'. Members can withdraw their membership of an association if and when they want. A political party is an association, which individual may join, or withdraw from as they wish. There are cases where the two, community and association, adopt each other's form and functions. Caste has the characteristics of a 'community'. But it may organise itself into caste associations for attainment of specific goals. Many such associations in India have been asking for reservation of seats in educational institutions and for government jobs. Associations and organisations like political parties, often utilise communities for their own purposes. There are many political parties that give prominence to factors like family, race, caste and religion. Community feelings often provide greater acceptability for association,

which in return provides a better organisation for bargaining and for acquiring better facilities for itself.

There are levels at which individuals combine and cooperate. Family is the basic unit which is universal. It is found in all societies and at all stages of their development. Though more of an institution, the family is important for the individual as well as for the society. It provides security to the child, to the old, and also to those who have some handicap. Joint family in India acts as an important cushion from this point of view. Such collective living inculcates a sense of mutual help and cooperation, which is so important for a healthy society. By observing the elders in the family the child learns to rise above the narrow self-interest and think and act for a wider cause. The family environment provides initial mould in which the character of the individual is cast. Various studies by psychologists have shown that the basic traits of an individual are determined by the early childhood experiences. There are some studies that relate to the political style of important leaders like Mahatma Gandhi, Lenin and more recently Indira Gandhi, in terms of their childhood experiences. No wonder, so much importance is given by the sociologists to the way in which children are brought up in different societies. Individuals first experience with a system of authority in the family. The basis for obedience and the consequences of disobedience are understood in terms of the people who have authority in the family. Besides these general processes of socialisation, specific information about the political system is also provided in the family. Casual and often detailed discussions about political matters in the family, are important influences in the formation of political views and opinions of individuals. For example, when there is general election in the country, there is usual discussion in our families. In such discussion opinions about the merits and demerits of competing candidates and political parties are discussed. Various studies

on electoral behaviour have pointed out the importance of family as an important influence.

Wider community considerations, like caste, race and religion, form another level of collective existence. These basic factors are very important for individuals and consequently form the basis for many associations. While these factors are being undermined by the forces of modernisation, there are also many occasions when they can be made the basis for political and other gains. Caste is an important institution in Indian society, which has undergone vast changes in its structure. But at the same time, the processes of modernization like greater communication, more educational opportunities and democratic politics, have brought members of particular caste group closer and many caste groups act as consolidated groups, with greater force, and think in terms of their collective interests. The same is true of religion, which is often a very important force in social and political processes. Social institutions like caste and religion do not necessarily breakdown under the impact of modernisation. Impact of modernisation on society is much more complex. Modernisation, on the one hand, brings diverse groups closer to each other; there is greater homogeneity in society. On the other hand, modernisation also encourages members of certain groups to come closer to each other and have a feeling of exclusive group solidarity.

Name two caste associations working in your area.

Types of Associations and Modern Democratic System

There are many associations which the individuals create for the satisfaction of their special needs. Music lovers became members of music clubs; people who have some ideological preferences become members of political groups; people in a particular profession

form professional groups, and so on. The list of such groups in any society will be endless, simply because the interests that different individuals have are also endless. One characteristic that all such voluntary associations share is that their membership is by choice. People may become members of these associations, and if they like they can withdraw from such membership.

The state may also be viewed as an association for pursuing political objectives. But state has wider jurisdiction within its territory. All the individuals living within the territory are its members compulsorily. No one can opt out of it. While an individual can be a member of several associations simultaneously, membership of state is limited to a single state. The scope of activities of the state is much wider. Associations are limited in their scope. In fact, the state coordinates the activities of different associations. The state often performs the role of a super association and oversees the activities of other associations in society.

Associations are formed for different purposes and are of various types. Thus we have economic, social, political, educational, cultural, recreational and professional associations. There are yet other associations that are initiated by the powerful forces, like the state, to mobilise public opinion either generally or for some specific issues. Some associations that are committed to a particular ideology may try to convince people about their standpoint and win their support. Political parties present such programmes before the people to get their approval. Then there are some associations that are mainly involved in welfare activities. Red Cross, Society for the Physically Handicapped, Society for the Prevention of Blindness, Society for the Prevention of Cruelty to Animals, are some of the examples of such welfare organisations. Some other associations are formed by people having similar interests and may form Interest Groups. They may try to

influence the process of public policy and the governmental process on behalf of their members. It is on the basis of this activity that they are named Pressure Groups. In fact, even cultural, recreational, and welfare groups may at times act as pressure groups. Political parties are different in their objectives. While a party attempts to gain power on the basis of its political programme, interest groups and pressure groups have a comparatively limited scope. Interest groups and Pressure groups do not directly seek elective positions in government. They may and many of them indeed have, ideological preferences, but they do not seek power on that basis. They limit their activities to put pressure on the government to gain more for their members. They may directly influence the working of political institutions, like the legislature or put pressure on those who occupy position of power like the bureaucrats. There are some groups that define their activity exclusively in terms of putting such pressure on government. Some others may have other activities in addition to influencing the governmental decisions. Federation of India Chamber of Commerce and Industry (F.I.C.C.I) is an example of such an organisation with wider functions.

The importance of specialised groups, and consequently their number, has increased in modern times. The range of contact of people has widened considerably because of the means of rapid communication. It is no longer limited to simple societies like city state or an Indian village. Most of the contacts are specific to a situation and to a context; they are not total but partial. Growth of urban centres has also helped these partial and temporary contacts. Other developments like education, has resulted into greater consciousness among the urban people about their interests, which often bind even the strangers together. People living in modern society lead a life moving at rapid pace, which is becoming more and more mechanical.

Associations provide occasions to individuals to interact with one another. Since individuals who join an association have similar interests to pursue, they form a closer social group and share a sense of belongingness. Activities of associations are the ones that the members like to pursue. When an individual feels alienated in the modern industrial society, associations provide an outlet to him/her for self expression.

The intermediary interest groups have become essential because of the increasing scope and power of the modern state. Though the process of democratisation has given importance to individual citizens, they are overawed by the gigantic modern state. By organising themselves in terms of their basic interests the people are able to face the state in a collective manner. Organised groups often come to the rescue of individuals in the face of increasing concentration of power in the hands of the state. Organised groups representing different interests—social, religious, cultural, ideological, and so on—are more effective when they take on the state on behalf of the group. There may be certain communities which feel that the prevailing injustices in a society have to be countered. They may find it advantageous to form an organisation for this purpose. The *dalits* in India are examples of such groups. The group interests are served and preserved more effectively by such groups. Government decisions have to accommodate many demands from such groups. Groups also serve another objective of acting as a link between the State, the government and the people. Modern democratic states derive their legitimacy from popular participation during periodical elections. The individual citizens must see a meaning in their participation. They must have a feeling that their participation is effective. The state is often too distant to be related directly with mechanisms of popular participation, like voting. The intermediary interest groups act as a link between the individual and the state. The groups, thus, serve the purpose of carrying the wishes

and demands of the people to the government and also in translating and conveying governmental decisions to the people.

The intermediary interest groups are useful to the state and to the government at different levels of their working. The state also finds it easier to deal with groups which represent interests, activities, opinions and even ideologies. There may be, and indeed are, several levels at which people come together. There may be smaller groups that merge into bigger ones for a specific purpose. Trade unions, for instance, are meant to look after and represent a particular labour group. All the industries have such unions and many of them have more than one union. Different unions, then, join together to form bigger organisations of trade unions, e.g. Indian National Trade Union Congress (INTUC), All India Trade Union Congress (AITUC), Bhartiya Mazdoor Sangh, (BMS) and others. There are a number of such All-India organisations. Then, these bigger unions have their alignments with political parties, with different ideological preferences. While the AITUC is aligned with the Communist Party of India, INTUC has the support of the Congress party, and the BMS is supported by the Bhartiya Janata Party. All such associations are linked up with one political party or the other. This process of combination of interests at different levels makes the functioning of government easier. If the innumerable demands of the entire population are presented directly to the government, the number of demands will be so large that the sheer volume will result into the breakdown of the governmental machinery. Demands of different kinds and from various social groups are often in conflict with one another. If one demand is met, that will mean that another demand cannot be considered. For example, demands of the labour unions often are in conflict with some of the demands of the owner of industries. Also, demands often compete with one another. Such competing and conflicting

demands, therefore, have to be 'sorted out' and 'processed' for being presented. The intermediary interest groups perform this all too important function and thus prevent, what David Easton calls, 'overloading' of the governmental machinery. With too many demands that are competing and conflicting with one another, it is extremely difficult for the government to take any effective action. Demands get 'processed' and 'conflicts' get 'sorted out' at the level of the intermediary interest groups, before they finally reach the decision-making bodies in the government. The demands and conflicts become more manageable in terms of both the number and complexity.

There is also the question of form of expression of demands and of following procedures set forth by governmental institutions. The government comprises of institutions for various purposes. We are familiar with the three main branches of government : the executive, the legislature, and the judiciary. They have different functions and have set procedures suitable for their respective functions. The kind of demands that need to go to the legislature and the procedure to be followed for that, will be different from another where the demand is to be presented to the judiciary. The groups perform this important function of sorting out demands from the point of view of 'form' and 'procedure' and also the appropriateness of institutions. The government may, in fact, like the groups to perform an important function of informing and educating the people not only about the institutions and procedures, but also about the decision, their rationale and their value.

Developing countries, like India, have a special need for associations of various kinds. Democratic institutions being comparatively new, the intermediary groups make popular participation more meaningful in different ways that have been discussed above. These societies also include inequalities of various kinds that

are often extreme. The professed 'open competition' of the modern democratic system, therefore, results into unequal competition. In such a situation the groups and associations play a useful role for attaining social justice. The state in developing countries find many of the associations and voluntary agencies as complementary to its activities. Cooperative societies in India are sponsored and helped by the governmental agencies for looking after some of the important economic functions. They have become an integral part of the production and distribution of many commodities e.g. sugar and milk.

Such agencies also at times create problems when they become independent centres of power and focus of loyalties. The associations and voluntary agencies are, therefore, sought to be guided and even controlled by the State. This is the most important dilemma faced by many associations and groups in modern societies.

Right Ordering of Loyalties

Association and other intermediary groups include only some individuals as members and look after only some of their demands. They are partial in terms of their membership and cover only a segment of their interest. They represent and vouch for specific groups of people or for specific interests. They do not speak for every section of the society. But, many of the associations cater to identities and demands that are quite close to the people's feelings. There are associations and groups that refer to the caste, religions, tribal, linguistic, and regional identities of individuals. Then, there are professional associations and interest groups. These identities are strong and people are quite attached to them. Such attachments have their roots in the Primary existence of individuals, with which they are so familiar. There are many levels at which loyalty to associations and groups come in conflict with one another. Such conflict of loyalties is, first of all, the individual level itself. Having multiple

interests, individuals belong to various associations. Simultaneous membership of a caste association, of a group built around a region, of a recreational club, of a welfare organisation and also of an ideological group, is possible. Individuals have to arrange such multiple loyalties in a manner that is rational at their own levels. Different loyalties may indeed be in conflict with one another.

Associations and groups also align with each other to form larger associations and organisations. We have illustrated above the linking up of trade unions with political parties contributing to different ideologies. Conflicting situations may arise at different levels at which the groups are linked together. Groups operate at different levels having their own constraints and compulsions. It has been mentioned above that the trade unions in industrial units form federation and are aligned to political parties. At the level of the single industrial units, interests of workers in that unit have to be kept in view. At the level of the federation, interests of trade unions in different units have to be coordinated. And at the level of the political party, the interests of the federation of trade unions have to be coordinated with other such groups and federations that are aligned to the party. Thus the considerations that have to be kept in view at the three levels are different. As the scope of an association and organisation widens, the issues that are important from them also become wider. What seems a rational position from one point of view, may not be so at another level. Actions at different levels cannot, therefore, be easily arranged from a rational point of view. Which particular level is primary and which is secondary? Which position should have precedence over the others? A completely logical and rational arrangement is seldom possible. Which level of this linked-up arrangement of association does the individual member give his primary loyalty? From the individuals point of view the level of association which is closest, is most important. But, from

the point of view of the organisation, the highest level with which the association is attached, provides the overall rationality and, therefore, deserves the primary loyalty.

Such conflicts become important specially with regard to the loyalty to the state. State expects unflinching loyalty from all its citizens. An unqualified loyalty to the state is its ideal and all other loyalties must be subordinate to it. But there are examples where other identities gather more importance. There have been religious groups in India which give more importance to their religious identity. There have also been regional identities that have laid claims over and above the Indian State. Some racial groups have sometimes exerted their separate claims.

Many of these cases of conflict of loyalties are especially true of countries of Asia, Africa and Latin America that have emerged independent during the latter half of the present century. These countries have been under colonial rule for long. During the colonial period the ruling government gave much importance to divisions in societies on the grounds of race, caste, religion and language. This was part of the well-known policy of 'divide and rule'. There were systematic efforts to strengthen these divisive identities in the colonies. In the absence of any over-riding identity with the state, which was in any case alien, the separatist identities were strengthened. The colonial rule also kept these societies constantly underdeveloped and the traditional institutions did not experience any serious threat from the forces of modernization. When the new states came into being, often after long nationalist struggles, they were faced with such divisive forces. India was faced with the communal problem, that is far from being solved even after the decades of consistent efforts to counter it. The state themselves were trying to establish democratic system with the help of procedures and institutions that were

comparatively new to the population. While the traditional institutions had already established loyalties, the new institutions and processes of democracy had yet to build up such loyalties. Often these new processes resulted into strengthening of traditional loyalties. Electoral politics in independent India has had such an effect on Indian society.

The state is in a paramount position to maintain proper co-ordination of loyalties to different associations, operating at different levels. A proper ordering of such associations from this point of view is also the responsibility of groups themselves.

Developmental Concept of Associations

Voluntary associations have always been regarded as an asset for any society and state. There are many valuable sectors of social activity that can best be served by such associations. Many universally respected personalities in India e.g. Mahatma Gandhi, Vinoba Bhave and Mother Teresa have been associated with various voluntary associations. We often find states only too keen to accept and even sponsor and help, voluntary agencies.

The history of voluntary associations in India goes back to 1860 when a comprehensive law was enacted for registering non-governmental societies. It was called the Societies Registration Act of 1860. Other statutes that provide legal status to such bodies, came later—Indian Trust Act, Cooperative Societies Act, Companies Act of 1956 and Bombay Charitable Trust Act. During the period of great social reforms and the national movement, voluntary associations took up many activities like promoting education, initiating social reforms, taking up charity, and so on. After independence the number as well as the scope of voluntary agencies increased. While making notable contributions in social and political fields, these agencies operated, by and large, within the accepted scope of state activity and

the prevailing political mode. While during the British rule, the 1860 Act defined their shape and activities, the political ideology of the national movement initiated many of the agencies. After independence, the prevailing scope of political processes and developmental programmes encompassed the organisation and activities of voluntary agencies. By the 1970s the functioning of the political institutions and of the developmental programmes gave rise to a general scepticism about both the processes. There was some thinking about alternative development and the emergence of certain new types of agencies at the grass-root level. The line of such argument is given below.

Institutions of state and government are inevitably made up of the processes of politics that are primarily concerned with struggle for power in society. Such struggles for power follow a logic of their own and involve processes that are not always beneficial to the smooth working of the agencies of the state and the government. They are also not beneficial to the people in general. Let us take the example of elections once again. Political parties and individual leaders contest elections that provide them with an opportunity to occupy some position in the government. Winning elections therefore, become the primary aim of the political parties and leaders. While in government, they often take certain decisions that are advisable from the point of view of elections but not from the point of view of their effect on socio-economic issues. Agencies that take such decisions, as also those that implement the decisions, often find themselves in difficulties because the decisions are not proper. The people whom the governmental decision are supposed to benefit, are also at a disadvantage. Gaining power becomes the main objective of the process of politics. In this process the unequal society throws up leadership that is almost exclusively from the upper strata of the society. That is why many political institutions have lost the importance that they had in earlier years. The Congress party, for

example, that had taken a leading role during the Freedom Movement and had occupied central place in Indian politics and government after Independence, underwent a decline in later years. Such decline of political institutions, also contributed to the disillusionment with modern Indian politics. The processes and programmes of development that are largely dependent on governmental agencies, have generally been seen as helping the already existing inequalities in society rather than reducing them.

It is mentioned by many that the programme of development or even the basic idea and concept that are behind the programmes, create new problems while trying to solve old ones. Many of these new problems are of a serious nature and often posed threat to social and economic well-being. In fact, the nature of modern politics and design and programmes of development that we have discussed above, strengthen and support each other. Struggle for power is the main process of politics, and the development programmes are designed by the leadership from the upper strata of society. Both these, i.e. the process of politics and the design of development programme, have been questioned.

In fact, the nature of modern politics and the prevailing models of development reinforce each other. Thus struggle for power among social groups that are unequal is the mode of politics, and development programmes spearheaded by the leadership from the upper strata of society is the model of development.

In this backdrop of criticism of both the 'Model of Politics' and the 'Model of Development' discussed in the paragraph above, some popular movements emphasize the need for organising the people for wider, as well as for specific issues. Many of these movements are spontaneous and lack formal organisation. They may be anti-nuclear peace movements, or issues like preserving the environment, or advocating special rights for certain sections, like the women. The Chipko Movement initiated

in the hills of U.P. is a good example of such a movement, which was concerned primarily with preserving the trees on the hills and maintaining the ecological balance. Such associations are different in the sense that they do not wish to compete for position or power like other groups, though they would try to influence public policies. They are outside the 'power struggle'. Besides peace movements, feminist movements, and groups concerned with problems of ecology, another area that has been a focus of such movements is preserving of human rights.

Such an alternative view treats social problems, like poverty in terms of causes that are inherent in the social structure. Therefore,

even when development takes place, it may not result into reduction of poverty. In fact, we find that it has intensified along with the process of development and modernisation. The emphasis, therefore, should be on mobilising those groups that are directly effected adversely, e.g. the *dalits*, the tribals, the poor, the women, the ecologically threatened sections, for joint action. These organisations constantly highlight newer problems and mobilise new groups for action. They are different in terms of their objectives, organisation and working.

Identify one Indian organisation fighting for the rights of women. Find out what issues and causes they have taken up in recent years.

PRACTICAL ACTIVITY

You must have heard about some associations such as the Teachers Association, etc. working in the schools, town or city. With the help of your teacher take up one association for the study. While studying the association following points may be taken into consideration:

- (a) Affiliation to any political party.
- (b) Purposes and objectives of the association.
- (c) Activities of the association; what kind of work it does, and
- (d) In the recent past what major issues it has taken up (for example in case of Teachers Association, any issue regarding the service conditions of teachers). In pursuing those issues what methodology was adopted. To what extent the association succeeded in achieving its goals.

EXERCISES

1. What is an association? How do you distinguish between association and community?
2. Distinguish between pressure groups and political parties.
3. Enumerate the role of pressure groups in a modern democratic system.
4. Explain the role of voluntary associations in developing societies.
5. How does an association differs from the state.
6. Mention five different types of associations. Explain their role in social life.
7. Write short notes on the following :
 - (a) Primary functions of family.
 - (b) Developmental concepts of association.
 - (c) Right ordering of loyalties.

CHAPTER 4

State and Government

STATE IS ENDOWED with sovereignty over the territory and the people. Government is the agency through which such exercise of power becomes effective. The government represents the state organisation. Different forms of government have been discussed by scholars and many of these forms have been practised in different countries. The forms of government are contained in the constitution of the countries. The idea of constitutionalism suggests way and means to work out a governmental organisation which exercises power and ensures at the same time, individual freedom and liberty.

The new emphasis on the comprehensive definition of political process has introduced another term, the *Political System*. This term includes the inter-relationship between governmental organisation and the institutions of political process. The three terms—the state, the government, and the political system—refer to different levels of the working of institutions. While providing new terms and new definition, political scientists have been concerned with capturing the essence of politics and making the definitions more comprehensive. Very often they have been benefited by insights from other branches of human knowledge.

State and Government

The two terms, state and government, are often used as synonymous. State represents a comprehensive set of relationships and institutions, of which the government is an important aspect. As we have seen above, state includes characteristics like the territory and population over which it exercises sovereignty. The Marxist understanding of state is in terms of its basic 'class character', in terms of the social class that controls it and the class in whose interest it functions. State refers to such relationship in abstraction. But in order to exercise its sovereignty and use its power, the state must display itself in terms of concrete institutions. Sovereignty will have to be defined in terms of 'who will have how much and which power over whom'. Such relationship of power also must be clear. State must become visible in the shape of institutions and clear definitions of power. The government represents such visible, tangible, concrete aspects of the state. It is through its government that the state makes itself felt. Government is an apparatus for the functioning of state. It is organised in terms of public offices with defined legal power and its working is bound by certain procedures. In modern

forms of governments, as we will see later, such definition of power and procedures has become important. A set of institutions, individuals, occupying positions in the institutions, and procedures for constituting the institutions and for exercise of power, is referred to as the government. Two states may have the same characteristics, but they may have different forms of government. The government institutions may have the same name, but they may be entirely different in terms of their powers and functions. The rules and procedures that define the government also prescribe the method by which they will occupy those positions. Thus we have general elections every five years in India and a new government is formed after every such election. So it is possible that different governments come into power within the same form of state. The way in which institutions are arranged can be changed. Amendment to the Constitution, for instance, performs this function. Change in the form of state on the other hand, is more difficult to bring about. It may happen as a result of revolution, as it happened in Russia in 1917 and in China in 1949. The form of state may also change as a result of evolution, as it happened in Great Britain. New States may come into existence as a result of peaceful overthrow of foreign rule, as it happened in the case of India in 1947. With such changes in the form of state, the governmental form also undergoes a change. When a new state comes into being it defines the form of government according to its own preferences. It may change the governmental form even after defining it. Thus state is prior to government. Also, change in government is easier and frequent than change in the form of state. The state is more enduring than the government.

As compared to the sovereignty of the State, which means absolute power, the government can exert power within the legally defined boundaries. Governmental institutions, e.g. the executive, the legislature and the judiciary, have their respective powers and functions as defined

by the constitution. Persons in different positions in the institutions similarly have their defined powers and functions. Thus opposition to State by its citizens is understood as rebellion but opposition to a government is accepted as legitimate. In fact a constructive opposition has become a part and parcel of a healthy democracy.

In actual working as we have seen above, the state and the government become inseparable at times. Yet a distinction between the two is both necessary and useful. A new term that has come to be used in Political Science in the later half of the twentieth century is *political system*. It includes the concepts of state and government, but points at the interdependence of many other factors in their actual working.

Political System

There has been a general uneasiness among political scientists about limiting their studies only to formal and legal institutions. The realisation has been gaining ground that these institutions do not just 'get created' but are a result of complex interaction of a variety of forces, like the cultural, historical, social and economic processes. The emphasis, therefore, has been on the political process reflecting the complex interaction of forces. This led the science of politics beyond the legal and constitutional institution, to include the 'process wherever it exists'. In the meantime, details of the actual working of socio-economic groups and political institutions in different areas, became available for analysis. Empirical studies analysed specific sectors of activities. It became necessary to provide what W. J. M. Mackenzie called an *Over-Arching Theory*, that would include diverse conclusions and the complexities in a convincing manner. *The General Systems Theory* provided such a framework.

Generally associated with the work of Ludwig von Bertalanffy, the Austrian biologist; the systems theory gained ground during the early decades of the present century. It was protest

against dividing science into narrow compartments and insisted on unification of science. The necessity of suitable concepts and methodology was pointed out. In its elaboration, this movement was enriched by insights not only from Biology but also from other branches of human knowledge like Psychology, Anthropology, Mathematics and Electrical Engineering which contributed significantly in the development of this approach. In terms of its outlines, the systems approach suggests that different objects or elements stand in constant relationship with one another. Such relationships are in definite pattern (structure) and follow certain characteristic processes. Thus the three aspects of the inter-relationship are (a) identification of elements, (b) outlining the structure of relationships, and (c) detailing the processes that are specific to certain elements arranged in a structure.

Let us take an example from an earlier book *Understanding Environment*. The environment is a system consisting of four sub-systems—the Atmosphere, the Lithosphere, the Hydrosphere, and the Biosphere. They refer to air, land, water and biological spheres respectively. The relationship among these elements of the environment are 'dynamic' in nature. "A change in the physical environment (i.e. atmosphere, lithosphere and hydrosphere) brings about change" in biosphere. The four sub-systems are dependent on each other. "Organisms exist in the zones of contact between the atmosphere, hydrosphere and the lithosphere. "The process of relationship among the sub-systems is understood in terms of a balance of relationship.

The application of systems theory in Political Science includes three approaches: (a) structural functional analysis, (b) input-output analysis, and (c) communications approach. Having its origin in the works of British social anthropologists, Bronislaw Malinowski and A.R. Radcliffe Brown, the *Structural Functional Approach* in the field of Political Science flourished in the hands of American sociologists like Marion Levy,

Talcott Parsons and Robert K. Merton. Among these writers Talcott Parsons had undoubtedly the most important influence on the elaboration of this approach. Gabriel Almond applied this approach in the field of Political Science. A large number of studies of the 1960s on the Third World countries, clearly adopted this approach. As the title of the approach suggests the two points of analysis are structures and functions. Structures, after all, exist to perform certain functions. The effort is towards analysing 'what structures fulfill what basic functions under what conditions'. While the approach has come under a great deal of criticism, it has been an important approach in Political Science. David Easton's input-output analysis owes its main inspiration to the work of Parsons. But, it remains the most elaborate 'systems exercise' of analysis of political phenomenon. This approach concentrates on analysing the process of making decisions by the government. This naturally involves keeping in view pressures of different kinds and from various sources that act on the decision makers. Once such decisions are taken, the government has to ensure that they are accepted by the people, for which governmental authority is used. Political process is defined as authoritative allocation of values in society. David Easton has an important place in the development of modern approaches in Political Science. The communications approach in Political Science is associated with work of Karl W. Deutsch. This approach is concerned with the actual making of decision by government with information flow as the basic unit of analysis. The concept of political system that has emerged out of the diverse approaches and the work of social scientists emphasize that:

- (a) different elements of a political system are inter-related, and no element works in isolation. Changes occurring in any part of the system has its effect on other parts and finally on the system. In the example of the environment as a system mentioned above,

change in any of the sub-system, will effect the other sub-systems. Long-term changes in the atmosphere, lithosphere and hydrosphere lead to "extinction of certain species of plants and animals and evolution of new species adapted to the new environment. "Such changes in the environment were "responsible for the evolution of man about one million years ago". And changes in the sub-system finally affect the system, i.e. the environment.

- (b) Though inter-related, different elements constitute 'systems' by themselves. So there are systems and sub-systems. Taking the example of the environment once again, the four sub-systems that constitute it are, in turn, system by themselves, constituted of different elements. The structure of atmosphere is identified as the four layers of Troposphere, Stratosphere, Isonosphere and Exosphere. These four layers of the atmosphere are interconnected and have their specified places. Similarly the other three, e.g. the lithosphere, hydrosphere and biosphere are constituted of different elements that are their respective sub-systems. Thus the four elements of the environmental system are sub-system from the point of view of the larger system, and at the same time, are separate systems and include their distinctive elements. Demarcating such boundaries between systems and sub-systems at different levels is an important point of analysis.

Let us illustrate this approach with further reference to State in India as a political system.

Indian State as a System and its Sub-systems

In the highly interdependent world of today, no state can lead an isolated existence. India is a member of large system of nations; in fact, there are several such systems of which it forms a part.

It is a member of the United Nations Organisation and the impact of agencies like the International Monetary Fund, the World Bank, and the UNESCO is ever present. India is also associated with some other international associations like the Commonwealth of Nations, South Asian Association for Regional Cooperation (SAARC) and the Non-Aligned Movement.

As a member of these organisations, the Indian State has to keep in view their policies and pronouncements. Besides these collective agencies, India has relations with other countries on bi-lateral or multi-lateral basis. There are different levels of international associations of which Indian State is a part, having multiple layers, and different kinds of relationships. While carving out its policies, it has to keep in view such a complex international environment. Very often the policies of international agencies and even of nations, have definite impact on the policies of Third World country like India.

Indian State is constituted of economic, social, cultural and above all, political sub-systems. Each one of them has its distinctive elements. The economy consists of different sectors, like agriculture and industry, which themselves include many aspects and processes. While state tries to regulate these processes, they are important constraints on its working. Social and cultural factors act on the state in similar manner. And such impact is also among sub-systems themselves. While we make a distinction between the 'economic' and the 'social' factors, they affect each other in a definite manner. Changes taking place in one sphere affects processes in the other sphere as well. The economic sphere affects the social and in turn is affected by it. Any new economic activity brings about changes in social relationships and in social institutions. Industrialization which is an economic activity brings about changes in family structure and affects community life. There are changes also in attitudes and behaviour of individuals. Then, social change has an impact on economic process. Changes occurring in economic sphere become

important from political point of view. Green revolution that increased food production, also resulted in the emergence of an aggressive Middle Peasantry in the countryside, with a direct impact on the balance of political forces. Such examples of interplay of forces in different sub-systems can be multiplied.

The 'political' sub-system itself is constituted of several sectors of institutions and activities. To name some of them such as the constitution, institutions like the parliament, the council of ministers, and the supreme court, the political parties, the bureaucracy, the electoral system, and so on. Each of these have their own logic and sphere of working but are inter-related.

In this maze of institutions and processes, operating at many levels under diverse pressures and conditioning factors analysis of Indian State is indeed quite complex. This complex relationship among different elements, operating at various levels and interacting with one another, has to be arranged in manner that is comprehensive. Systems approach provides such a framework.

Give one example each of the social sub-system and one economic sub-system which affects the Indian Political System.

Constitutionalism and Constitutions

Constitutionalism has been one of the main milestones to preserve individual freedom. In its effort to define more specifically the scope of state and government, the intention has been to put limitations to their power and its use. That there should be an organised power in society in the form of State, and that the Government is an important organ of the state, is accepted. It is also agreed that these institutions are not only essential but also useful for the smooth functioning of society. Along with this, there has been a realisation that power of the state and of the government should not be absolute. There should be effective

checks on such power. The idea got momentum after the emergence of the doctrine of Natural Law, advocating restraint on monarchical power. There was emphasis, side by side, on freedom of individual as a valuable concept. Constitutionalism suggested a way of reconciling power of the state with individual liberty by prescribing the principles of organising state. It stood for dividing power and putting restraints on its use. If the form of the state, its institutions and procedures are governed by some overall laws, it was argued, the state power will naturally be limited by those laws. Recalling the original conflict between the church and the state, the monarch and the feudal lords, revolutions of different kinds, (in France, United States and Russia), and the overthrow of colonial rule in the Third World countries, you can see how the concept of constitutionalism has taken deep roots, and having a constitution is now considered the most natural thing for a modern state.

A constitution above all is an expression of faith embodying the hopes that people have from the state and the promises that they wish to make for the future. Declaration of the Rights of Man of 1789 was an important event that guided the constitution, not only of France, but of almost all the countries ever since. When the preamble of the Indian Constitution declares India as 'a Sovereign Socialist Secular Democratic Republic' it is an expression of such a principle of faith. The Directive Principles of State Policy represent the same sentiments. The constitution outlines the vision that the framers had at the great moment of working out the most important document of the state. The philosophical and conceptual framework of the state is expressed in the clearest manner in the constitution. When the Indian Constitution expresses its intention 'to secure to all its citizens justice, liberty, equality and fraternity', the objectives are set clearly. The question is, how can these promises and philosophical expressions be translated into reality. The detailed institutional framework and procedures are intended to ensure

them. Referring to the Indian Constitution once again, the adult franchise, Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and the Right to Constitutional Remedies, are some of the specific mechanisms for ensuring the objectives. A constitution thus ensures certain rights to the citizens and defines their duties. Part III of the Indian Constitution includes the wide-ranging Fundamental Rights, and the Forty-second Amendment introduced 10 basic duties of Indian citizens. Powers of the agencies of state are also defined. Constitution indicates what the government can do as well as what it cannot do. The constitution defines the relation between the people and the state, as well as among the people themselves. It works out their mutual expectations. Modern democratic institutions attempt to provide a responsible government. The system of elections, the working of legislatures, the organisation of judiciary, all these are mechanisms to attain these objectives. Besides the fact that having constitution itself is a check on the power of the state. The effort is to ensure a just state. The organisation and working of state is so defined that it meets the ends of justice.

The pious objectives mentioned above depend on the organisational structures that are provided in the constitution for their achievement. As we have seen above, the state exercises its power by means of the governmental structure. The organisational framework of the government is a means for the fulfilment of the overall objectives. Which institutions are most suitable? How should they be formed? Which powers should vest in them? What should be the checks on their power? A constitution is concerned with these important issues. Indian Constitution provides for a parliamentary system of government with a federal framework. The powers and functions of the institutions at different levels are defined accordingly. Thus there are certain over-riding principles that define and thus control, the machinery of governance. Effectiveness of

division of power depends on the way in which they are worked out. In a federal system, as we will see later, division of power is more complex, and the constitutional document is more important. Division of power, between institutions (e.g. executive, legislature and judiciary) or between levels (e.g. in a federation), is in fact detailed in the constitutional document.

A constitution is an extension of the philosophical and organisational framework into the future. It cannot, therefore, be a static document. State and government that are shaped by the constitution, have to face the realities of changing social, economic and political conditions in society. These changes have to be built into their working. As a result, it may become necessary to introduce changes in the principles, the arrangement, powers and scope of governmental machinery. All living constitutions provide for procedures for introducing changes by means of amendments. There is another level of changes that is both necessary and inevitable. Persons occupying positions in governmental institutions may have to be replaced by other individuals. Different socio-economic groups in society compete for power and such competitions are regulated and resolved by constitutional means. Let us take the examples of reservation of seats in legislature for the Scheduled Castes and Scheduled Tribes. It was realised by the makers of the Indian Constitution that these sections of population are particularly weak and they will not be able to compete with other social groups in any election. At the same time, if such a big portion is left out of the electoral and legislative processes, it will be a reflection on the working of Indian democracy. Seats are, therefore, reserved for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and the Vidhan Sabhas, under Article 330 and 332 respectively. And more than forty years after Independence, when it was realised that the condition of these groups has not changed substantially, the Sixty-second Amendment to the Constitution extended the reservation till the

year 1999. No institution of the government can continue with the same set of people in positions. There must be changes in the personnel keeping in view of the changes in society, as also the ideals of democracy. Every governmental institution requires renewal of its personnel. There may also be some individuals occupying positions, who misuse their power. Constitutional means are provided to remove such individuals from the positions they hold. Getting defeated in elections is a normal, and impeachment of public officials is an extreme, mechanism for removing such persons. Constitution provides for a smooth change in the system of government and state, by means of amendment and other such procedures.

A constitution thus provides the ultimate level of legality to the system of ideas and institutional framework of a state. It provides an institutional structure of the state that is ultimately legitimate. It links up the philosophical and conceptual framework of a state with the rational arrangement of institutional position, powers, and functions for their achievement.

Written and Unwritten Constitutions

Constitutions of most of the countries today came into existence as a result of a conscious decision to have such a document. The constitution of United States of America was given the final shape in 1787. The erstwhile Soviet Union enacted its constitution in 1917. The Indian constitution was a result of a long deliberation by the 308 members of the Constituent Assembly between December 9, 1946 and November 26, 1949. There are written constitutions providing the institutional arrangements and procedures. Some constitutions are more detailed than others. Indian constitution is one of the most elaborate constitutions with 395 Articles arranged in 22 Parts and 10 Schedules. Compared to this, the US constitution has only 7 Articles, of which the first four articles are quite short. The British constitution is the classic example of an unwritten constitution. Starting far back with Magna Carta in the year 1215, the

Glorious Revolution of 1688, the laws and institutions of British constitution have gradually evolved over the countries. There is no single document of British Constitution. It is constituted of constitutional conventions that have created precedents for the working of institutions, together with documents such as statutes and acts of Parliament.

A written constitution becomes necessary for many reasons. A state that comes into existence as a result of drastic change, may be a revolution, finds it necessary to start afresh with the desired form of government. The aspirations of the people and vision of leaders get enshrined in the constitution. This was the case with the American, the Chinese, and the Indian Constitutions. It is not an accident that all the federal forms of government (e.g. Swiss, Canadian, Indian and many others) have written constitutions. Division of power between the units is the most important feature of a federation and there must be document giving details of such a division. In the US, the original 13 states decided to join together on the basis of an agreed scheme of division of powers. Conflicts may arise among different units of a federation and matters of mutual concern. In fact, every federation has faced this problem sometime or the other. A document like a constitution must specifically define the powers of the units as also the limits to these powers. This would result in a consciousness of their powers and limits among the units, thus avoiding many situations of conflicts. Those parts of the Indian constitution that provide for centre-state relations are examples of such a function of constitution.

Rigid and Flexible Constitutions

A constitution is a political document. While it takes shape in a particular political atmosphere and reflects the political choice of ideas and institutions at that time, it provides for a structure and procedures for the future of the polity. Political situation in no country is static: it is under constant flux. New social and economic groups emerge,

with new ideas and demands. These forces of change affect the political process and institutions and the established political order has to respond to the forces of change. Yet the constitutional structure provides a force of stability in the midst of constant change and flux. Every constitution must provide for changes in the political set up by means of amendment procedure. The balance between change and stability is reflected in different ways in constitutions. Rigidity and flexibility of a constitution is reflected in process of amendment as well as in complex set of institutions provided in it. Written constitutions have an inherent tendency to be somewhat rigid, in so far as they provide for a specific procedure of amendment.

The British political system allows for a change in the constitution by means of laws passed by the Parliament. It does not make any distinction between an ordinary law and a constitutional law. Changes can be brought about by laws of the Parliament, which is supreme. This is an example of the most flexible systems of bringing about change. It has the advantage of adapting itself readily and smoothly to any new conditions and altered conceptions. This system, however, is suitable for a nation which has long established political traditions. The two party system in Great Britain ensures a healthy debate on issues and exercises political restraint. Any proposal for drastic change in the political set up is posed as a major issue for general election and is resolved through electoral means. The long period which Great Britain has had to adapt the political institutions and processes to changes in British society, has allowed the traditions to take deeper roots and thus act as a guard against frequent and too drastic changes.

Carl J. Friedrich prefers the term 'firm' to describe the rigid constitutions: "the epithet 'rigid' intentionally or accidentally prejudices the case". Such a constitution includes provisions for institutions that may be comparatively new to the political experience of the people. Social

institutions and political processes would require time to adapt to the new institutions and practices. During the period of such adjustments too hasty or frequent changes would not be advisable. Another argument in support of a specific amending procedure is that it guards against, what Alexis de Tocqueville called, 'majority tyranny'. Democratic systems have legislatures with representatives of political groups like political parties. Inevitably while some parties have more representatives in legislature, there are some others that are in a minority. When the legislative decisions are on the basis of majority support, there is always a possibility that the decision will not protect the views and interests of the minority. The majority usually gets the legislative decisions in its favour. This situation may not be acceptable in the case of an important decision, like changes in the constitutional provisions. A distinction is hence to be made between changes in ordinary laws and constitutional laws, where for the former majority rule is accepted but special provisions are made for the latter. This procedure becomes more important for societies that are undergoing rapid changes and where traditions are in a flux. In cases where social divisions are sharp and there are great diversities, an amount of stability in the political set-up is preferable. Under conditions of such diversities and change, emphasis on the fundamentals of the constitutional structure becomes necessary.

A constitution includes provisions for institutions within a defined framework. While some of the provisions are basic, others are secondary. This distinction was made long back by Oliver Cromwell in terms of the 'fundamental' and the 'circumstantial' aspects of a political set-up. This distinction was highlighted in the context of Indian constitution, when the Supreme Court proclaimed in its judgement in the Keshavanand Bharati case in 1973, and Minerva Mills case in 1980, the principle of 'basic structure' of Indian

constitution. The decision was that the amending powers of Parliament cannot be used to change the basic character of Indian constitution. In the light of the distinction, different amending procedures are provided in the Indian constitution for different provisions of the constitution. The constitutional provisions can be amended in three ways. There are certain provisions that can be amended by a simple majority in the two houses of Parliament. Articles 3, 4, 169 and 293 (A) are such provisions, that refer to the boundaries of States in the Indian Union, their names, and creation and abolition of the second house of legislature in States and Union Territories. But most of the remaining provisions of the Indian constitution can be amended by a two thirds majority. There are yet other provisions where in addition to the two thirds majority in the Parliament, an amendment also requires the ratification of more than half of the State legislatures. This procedure applies to the amendment of the procedure for election of the President of India, powers of the Central and State executive agencies, provisions relating to the

Supreme Court and other courts, division of legislative powers between the Centre and the States, representation of States in the two houses of Parliament and of the lists in the Seventh Schedule and finally the Article 368 which contain the amending procedure. The last category of amendment has to follow a more stringent procedure, because the affected provisions concern both the Centre and the States. Thus we see that different procedures have been provided for amending different provisions depending upon the importance that is attached to the provisions. For those provisions that were regarded as more important, a more stringent amending procedure has been provided, so that provision is not easily or casually amended. Then, there are other provisions that were considered not equally important and less stringent procedure was provided for them. But how is the comparative importance of different provisions decided? Such a distinction is made from the point of view of the overall view that the constitution makers had of these provisions.

EXERCISES

1. Bring out the distinction between the state and the government.
2. Explain with illustration the necessity of a written constitution in a federation.
3. Explain constitutionalism. Discuss its importance.
4. What is rigid constitution? Differentiate it from the flexible constitution.
5. Write short notes on the following:
 - (a) The state is more enduring than the government.
 - (b) Ordinary law and constitutional law.

Forms of Government

GOVERNMENT IS an important organ of the state. Distinction between the two is often unclear, because the citizens come into contact with the governmental power, while the state is a distant concept. The state finds its clearest expression in terms of the governmental institutions and procedures. The exercise of power is only by means of the organization of government. We have noted the points of distinction between the state and the government in the earlier chapter. Governments differ from the point of view of their organization. We find different kinds of governmental organizations in different countries. A classification of the forms of government is useful for understanding the bases of power, the institutions that are different in kinds and the power they possess, the relationship among such institutions, and most importantly, overall objectives of the institutions. It helps us in understanding the similarities and differences between governments and their working. In either case, the explanations may be in terms of variety of factors, e.g. historical conditions for the emergence of a governmental form, the socio-economic conditions in the society, the linkages with other countries, and so on. Thus a discussion on the forms of government is not limited to

their classification only in terms of constitutional institutions. It also includes the variety of ways in which the institutions actually work. This discussion is not static, but includes dynamic processes as well.

Problems of Classification

Any attempt at classification involves working out categories into which governments and their institutions found in different countries are listed. There are two ways of doing this. We can take into account the objectives of the state and the government and arrive at broad categories that seem reasonable. The second method is to analyse the existing government and then see what are the broad categories that emerge from the actual distribution of power and its use. Aristotle's well-known scheme of classification, where he arrived at three main forms of government on the basis of an analysis of more than 150 constitutions, is a good example of this exercise. Many recent studies in the field of comparative politics have made similar efforts. Whatever the form of classification, the categories must be worked out. When one set of characteristics are selected for classification in preference to some others, the

question of bias may arise. Why these categories, and not the others? Such preferences may have their roots in some cultural or ideological bias of the scholar or of the theoretical approach. It is not very easy to suggest completely objective or unbiased scheme of classification. Those who have other preferences may have a different scheme of classification. Democracy has been hailed as a preferred form of government but it has been defined in many ways. In many classifications of governments by American scholars the former USSR is not included in the list of democratic governments. But from another point of view, USSR along with other socialist states, represented the best examples of democratic governments. The scientific methodology, as we have seen in Chapter I, puts so much emphasis on objective analysis, which avoids questions of preferences. It is in this sense that scientific studies claim to be value-free. System of classification inevitably involve questions of selecting characteristics that are regarded as preferable.

Another difficulty of classification is that the terms that are used, have different meanings in different contexts and different languages. Institutions may gather different meanings. President of USA, France and India are quite different institutions, though the term that has been used is the same. Bureaucracies in Great Britain and in India are quite different in terms of their powers and functions. Same is true of other terms like the Parliament, the Prime Minister, the Judiciary, and so on. The constitution may provide for an institution based on certain assumptions and with some expectations. But in their actual working, institutions may become different. This points at the problem of classification where working of institutions is different from the constitutional provisions. There may be difference between theory and practice. The reasons for this gap are again quite varied.

No scheme of classification is, therefore, final and static. After the initial classification it always becomes necessary to go into the details of the working of each type of government. Dividing governments into the broad categories of democratic and non-democratic, serves a useful purpose of clearly describing the norms of democracy. Having done that, it will certainly become necessary to further classify the different types of democracies. There are different levels of such classification of governments, with different amounts of details. But this is an important academic exercise, in order to clearly understand the characteristics of different forms.

Forms of State

State and governments are so intertwined with one another that often the characteristics and objectives of one is taken to belong to the other. Characteristics that point at basic socio-economic relationships in the political process, refer to the character of the state. A capitalist state is with reference to basic economic relationships, the institution of private property, the groups in whose interest the state power is exercised and the primary characteristics of the state. Socialist state defines relationships in terms of reorganizing economic relationships and institutions. Private property is abolished. The state becomes the custodian of economic processes. The social classes and their relationship are reorganized. Distinction between democratic and non-democratic states are also with reference to the basic relationships, that are not limited to political institutions, but are extended to other social relationships as well. Many of these terms express the ideals that the state wishes to achieve. Socialism and democracy are such ideals for modern states.

Forms of government, on the other hand, refer to the institutions to achieve the objectives and are conditioned by the socio-economic

factors. The emphasis is on providing the institutional forms, with the required powers and functions.

Forms of Governments and their Classification

Any scheme of classification of governments must decide upon the basis of classification. Such an exercise owes its origin to Aristotle's classification of governments. He preferred a combination of two criteria useful to classify the constitutions that he analysed. One such basis was the number of people who hold power. Thus he distinguished between monarchy, aristocracy and polity, where one, few and many persons hold power in the three forms respectively. The second criterion used by Aristotle refers to the question as to whose interest the government works for. The three forms referred above are the governments that work in the interest of the society. They may also function only in the interest of the persons who have power. Such governments are their perverted forms. The respective perverted forms of the three types are tyranny, oligarchy and democracy or mobocracy as illustrated in the chart below.



Aristotle (384-322 B.C.)

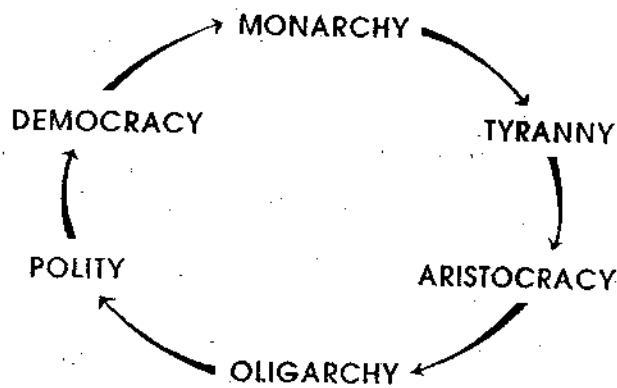
Eminent Greek philosopher. Teacher of Alexander the Great. Wrote extensively on various subjects like politics, philosophy, science and medicine. Famous works: 'Politics', 'Constitution'.

Aristotle also suggests a cycle of change in the forms of government, where a particular form undergoes degeneration before it is replaced by

Aristotle's Classification of Governments

<i>Number of people having power</i>	<i>Working in general interest</i>	<i>Working in perverted form</i>
One	Monarchy	Tyranny
Few	Aristocracy	Oligarchy
Many	Polity	Democracy or Mobocracy

another pure form. The sequence of change that is suggested is given in the diagram below.



distribution of power, the nature of the constitution, and the nature of the executive agency. A scheme of such classification is given below.

Some governments prefer to call themselves socialist, in terms of the broader social objectives that they wish to pursue. Others are described as capitalists in terms of the importance that they give to private property as also the policies of the state to further the interests of those who have property.

Democratic and non-democratic or authoritarian is the third category that we often

Classification of State and Government

<i>Basis of Classification</i>	<i>First Type</i>	<i>Second Type</i>
1. Nature of State (in terms of objectives, ideology, policies)	Capitalist	Socialist
2. Nature of exercise of power (in terms of importance given to individual rights and liberty)	Democratic	Authoritarian
3. Distribution of power : territorial	Unitary	Federal
4. Nature of Constitution	(a) Rigid (b) Written	(a) Flexible (b) Un-written
5. Nature of executive agency	Parliamentary	Presidential

Modern states are complex in terms of the scope of their activities, as well as in the theoretical understanding of the structure and working of governments. The basis of classification have also been widened. While some of these are restricted to the ways in which the government is organized, others are wider to include processes as well. Different criteria are used for classifying governments, such as objectives, ideology and policies, the way in which power is exercised, territorial

find in the schemes of classification. Faith and commitment to democratic ideals is undisputed, but the definition of democracy varies in terms of a number of considerations. While a detailed discussion on these issues will come later, one point that needs to be emphasised is that this distinction regards popular accountability of government as an important criterion. This approach takes into account the extent of popular participation as the main consideration. Greater the participation of the larger population in the government more democratic it is.

The distinction between the federal and unitary forms of government refers to the organization of centre of power in terms of the territorial coverage. When the entire territory is governed from one centre of power, it is a unitary government. Great Britain, Ghana, Ivory Coast and Chile are examples of such a government.

The territory may be divided into smaller segments deriving their independent government, in addition to the central authority that applies to the entire territory. Thus there are two levels of governments in a federation — one for the entire territory and the second for the smaller territorial segments. In India, we are familiar with the Union Government and the government in the states. There are many examples of this form of government—USA, Switzerland, Nigeria, Brazil, Malaysia and India.

The different types of constitutions, rigid and flexible, and written and unwritten have been discussed in Chapter 4.

The distinction between the parliamentary and the presidential forms of government refers to the relation between the legislature and the executive. The executive in the parliamentary form emerges out of the party support in the legislature.

The political party that generally has the majority in the legislature controls the executive as well. The Prime Minister and the Cabinet in Great Britain are good examples of this form of government. Among the new countries Ghana, Egypt and Tanzania have parliamentary forms of government. In the presidential form, the executive and the legislature are separate. The two institutions may or may not be controlled by different parties. Besides the USA, Chile and Brazil are examples of this form. There may still other forms that combine the characteristics of both. India and France have devised an arrangement where both the institutions of the President and the Prime Minister are in existence.

Having seen these five classifications, we have to keep in mind that they are broad categories that need closer examination of their working.

Many of the five pairs of the forms of governments also overlap. The second point that we have to keep in mind is that the types of government do not fall into neat exclusive categories. When we examine different governments, we find that most of them are mixed types having characteristics of more than one form. The term 'classification' has been replaced recently by 'typology' and government and state by 'political systems'. We have seen above that the term political system includes relationships that are concerned more with processes. After the 1960s, the typologies of political systems have included many more aspects of the distribution of power in society than the classification of governments discussed above. They also emphasized the actual working of institutions, rather than their constitutional composition only. Some of the more notable among these attempts are by Edward Shills, Robert A. Dahl, Gabriel A. Almond, S.N. Eisenstadt and Arend Lijphart.

Classification and Governments of the Third World

The five schemes of classification discussed above were developed primarily in the context of stable societies in Europe and other regions like USA that evolved their systems of government leisurely over a long period of time and often under conditions of plenty. Many countries of Asia, Africa and Latin America that gained independence after the Second World War as a result of decolonization, have experienced governments that do not fall in the neat categories of these forms of governments. The problems that these countries face arise from the fact that they have remained backward in many respects as they were under foreign rule for a long period of time. Changes have to be brought about in all the spheres—social, economic, and political. Bringing changes in all these spheres at the same time involve a determined effort and the process is quite

complex. To add to it, these changes have to be brought about within a short span of time. This is called 'simultaneous change' which the new countries have to bring about. Having remained colonies of other countries for long, these countries have meagre economic resources, that are needed to introduce programmes of development. Then, introducing many changes within short time, creates unstable situation in many sectors of society. Many of them face the problem of political instability as well. Conditions of instability are also created by other countries and by international forces. The result is that one form of government is replaced by another form in quick succession. There are cases where such changes have taken place even before a particular form of government has stabilized.

These newly independent countries have been colonies of the countries where the different forms of government discussed above, developed over a long period of time. Many institutions and forms of government of the colonial countries found roots in the colonies much before they became independent. There were also examples where newly independent countries adopted the governmental forms that were found in developed countries. But conditions in countries where the institutions were adopted, were quite different. As a result, while the form of government remained, it changed in substance during its working. Names that were given to the institutions of government did not clearly indicate their actual nature and working. For example, features of the Parliamentary system in India resemble the same type of government in England. But in its working the Indian system is not the same as that of England.

Two criteria of classification that have been emphasized specially in the context of the Third World countries are the predominant economic

policies pursued by the governments and the control of governments by the civilian and/or military leadership. With reference to the first criterion, distinction is made between countries following the capitalist path of development, and those that are socialist. Brazil, Mexico, Ivory Coast and Nigeria are examples of countries following the capitalist path. The countries that can be classified as socialist are Cuba, North Korea, Ghana (Under Nkruma), Tanzania (under Nyerere), and Chile (under Allende), and North Korea. India is a good example of a country following a 'mixed' policy.

Distinction is also made between the civil and military regimes in the Third World countries. India, Tanzania and Ivory Coast are examples of civil regions. The examples of military regions are Brazil, Thailand, Nigeria and Burma. Some countries have been alternating between civilian and military rules. Pakistan has had such alternating rules, which we will discuss in Chapter 6. The role of military has become important in the present day governments of the Third World.

The task of classifying states and governments is by no means easy. Many criteria are used and various considerations have to be taken into account. Classification is useful in arranging the different states and governments in terms of their main characteristics. It is possible to point at similarities and dissimilarities among them. In this process peculiarities of certain types of states and government also become clear. It helps us in comparing the objectives with the actual working. Classification of states and governments is a useful exercise.

In an outline map of the world identify those third world countries which are under military rule.

EXERCISES

1. Discuss the factors which determine the forms of government in a country.
2. What makes the task of classification of governments difficult?
3. Discuss the factors that result into frequent changes in the forms of government in the third world.
4. How would you classify governments in the third world countries?
5. Write short notes on the following:
 - (a) Democratic and authoritarian governments
 - (b) Classification and typology
 - (c) Aristotle's classification of government.

CHAPTER 6

Democratic and Non-Democratic Governments

IN THE PRESENT century democracy is not just another form of government, it is by far the most preferred form. There is hardly any country today which declares itself as 'non-democratic'. So much so, that we take democratic form of government as granted. But many countries were able to achieve the ideals of democracy only in the 20th century : Universal adult franchise was introduced in Germany in 1919, in Sweden in 1920, in France in 1945, and in Britain in 1948. Commitment to democratic ideals in the third world countries like India, took roots during the freedom movement and the institutional framework reflected these ideals. The word 'democracy' is derived from two Greek terms, *demos* and *kratia*. These two words together mean authority of the people.

More than a form of government, democracy is a way of life. It includes an ideal social system, aimed at general social welfare through the fullest development of human personality. That is possible only when the individual enjoys complete and equal freedom of action and freedom from unnecessary constraints. The democratic form of government helps create such conditions.

Democratic theory is based on three basic ideals: individual rights, liberty and equality.

Democracy as a form of government ensures these three principles. Individual is the basic unit and the organisation of democracy emphasizes that ideal. Individual rights and liberty are regarded as most important. Emphasis on equality advocates basic equality of individuals. Each individual has his own identity. Distinctions of any kind, e.g. on the basis of age, race, education, or gender, etc., are against the ideal of democracy. In order to ensure individual rights and liberty on the basis of equality, it upholds the principle of universal participation of people in the affairs of the government. The most direct form of participation is adult franchise, through which the government is constituted and representatives are elected. Participation, however, does not stop here. It should extend to participation in the decision-making processes. The constitution of the government, as well as its functioning, is subject to supervision and control by the people. While the governmental authority is recognised, individual rights and liberty are of paramount importance.

Democratic norms are absent in governments that follow authoritarian form. Non-democratic government is not based on the participation of the people, as democratic

governments are. Institutions of non-democratic government are also not accountable to the people for their actions. Terms that are often used to describe non-democratic governments are authoritarian, dictatorship and totalitarian. The characteristic which is common to all these terms is the unlimited use of power. While all governments need and use authority, (i.e. habitual obedience from its citizens) authoritarian governments have unlimited power.

Authoritarianism

Democratic and authoritarian government may be distinguished both in terms of their objectives as well as the means to achieve them. An authoritarian government decides what is good for individuals. The individuals do not have any freedom. They have neither rights nor liberty. The government decides on its own what policies should be pursued. The citizens do not participate in this process. When the activities of the state and the government cover the totality of individuals, it is called a totalitarian government. All the groups and all the activities in society are controlled by the central authority. Such a government also attempts to have control over the peoples' thoughts and their ideas. The government has unlimited power. Another term that is used in this sense is dictatorship. In the words of Alfred Cobban, "Dictatorship is the government of one man who has not obtained his position by inheritance but by force or consent, or a combination of both. He possesses absolute sovereignty, which is exercised in an arbitrary manner." Such a government can even be controlled by a political party. It is based on the use of force, with unlimited power at the command of the dictator.

An authoritarian government can take quick decisions. Efficiency is another merit that is often mentioned as a quality of such a government. This form also at times provides strong and stable government. This is the justification that is often put forward by the military rulers of some Third

World countries. An authoritarian regime is able to ensure high sense of patriotism among its citizens. On the other hand, such a government does not give any importance to individuals in the governance of the country. They do not have any civil or political rights. Based on force, authoritarian governments are likely to use more violence. Since power is controlled, change of government or even of leaders, is not smooth and peaceful. Such changes take place either by means of *coup d'etat* or as a result of revolutions. In either case, force is used in the overthrow of government. Authoritarian governments are likely to use force also in their relations with other countries. Since institutions of such government are not based on the participation of the people, and are not accountable to the people, the moderating influence of public opinion is not effective. Moderation of actions and toleration of other's viewpoints are not found in these countries. Such governments do not help the cause of international peace.

Authoritarianism is more of a tendency where power comes to be centralized. In fact, many democracies develop authoritarian tendencies at certain times. Then some leaders are more authoritarian than others. This affects their style of working. Such leaders are found even in democracies. There are many countries in the Third World that alternate between democratic and authoritarian forms of governments. Pakistan is an example of such a country. A civilian rule took over in 1947, which lasted for a decade. This was followed by thirteen years of military rule, first under Ayub Khan and then under Yahya Khan. Z.A. Bhutto came in 1971 to head a civilian rule. Again general Zia-ul-Haque took power in 1977 and continued for eleven years. The present phase of civilian rule started in 1988.

'Democratic' and 'authoritarian' are traits or qualities that political systems and leaders exhibit. A leader in a democratic system can be authoritarian in the style of his functioning. There

may be differences between leaders from this point of view. There may be certain periods in the history of a democratic country when 'authoritarian' tendencies become dominant. In India, for example, there has been uninterrupted democracy since 1947. But during the years 1975-1977 national emergency was imposed when 'authoritarian characteristics of the political system were more in evidence. 'Democracy' and 'authoritarian' should, therefore, be regarded as qualities the governments and leaders display in different degrees. We often find that while some governments maintain the democratic form, they are authoritarian in actual working. Democracy, in fact, remains an ideal to be achieved.

Forms of Democracy : Direct and Indirect

Direct rule by the people is the purest form of democracy, where all the people take part in the activities of the government. Greek city states as described by Plato had such a system. The village republics in ancient India provided for direct participation. Some such forms, like referendum and initiative, are in vogue in Switzerland and in some states in the USA. This form of direct participation, is, however, possible only in those cases where the population is small. In the city states, which were quite small in size, participation in the affairs of the government was restricted only to the citizens, and did not extend to the slaves and not even to women. In modern times, where states are larger in area as well as in population direct democracy is not possible. In those cases of smaller states which are very few, and in those sectors of activities which are small, participation of all is not effective. Democracy is, therefore, understood in modern times as a form of indirect rule by people. Smaller groups of people are elected or selected, to act on behalf of the population. This is known as the system of representation. Proper and effective representation has been a matter of much debate among writers and philosophers. Questions that have often been

asked in this regard are: Who is to be represented? What should be the size of the representative groups? How to ensure that the representatives are responsible and answerable to the people? Answers to these questions have included suggestions about institutions and processes that are suitable for democracy. Election of representatives at regular intervals is finally accepted to ensure representation.

- (i) In addition to referendum and initiative, recall is another device to ensure direct democracy. Find out its meaning.
- (ii) Find out the meaning of plebiscite.

Characteristics of Democratic Government

Based on the ideals discussed above, the democratic form of government ensures basic principles of liberty and equality. The government is based on the general consent of the people. This is known as public opinion. To achieve such consent and also to make it effective, government is elected for a specified period of time. General elections are held every five years in UK. Members of Parliament and State Assemblies in India are also elected for five years. Such elections are held on the principle of universal adult franchise, which gives all adult citizens a right to take part in the elections. In USA, the Presidential elections are arranged at an interval of four years.

Vote of every individual carries equal weight. Free and fair elections are the basis of the formation of democratic governments. Representatives who are thus elected make laws for the country. The arrangement is justified on the argument that the laws passed by the elected representatives cannot but keep in view the wider interests of the people. Election of representatives for a specified period makes them directly responsible to the people. Democratic government

also provides for equal opportunities to the people to compete for positions in government. Thus everyone who has a right to vote also has a right to contest election.

While people express their opinion in terms of votes, it is but natural that there will be differences of opinion with regard to the contesting candidates and also the issues at hand. Differences are also possible among the representatives when a decision is being taken. There will be some who will favour a law while others may have some reservations. In order to sort out this situation, democratic governments follow the majority rule. A view, or an opinion, which is supported by a majority of votes is accepted.

Once the elections in a democratic government are over, the minority which expressed itself against an issue, or who voted against the elected candidates, is bound by the majority decision. The principle of majority rule was emphasized, first of all, by the great leader of Athens, Pericles, who lived in the 5th century BC. On the other hand, the minority view and minority voters, are always given due importance in decisions about public policy. How to determine majority? Simple majority is the most widely accepted system, where the view that gets the highest number of votes to support it is accepted. The second that is adopted sometimes is the proportional representation where the proportion of support that a candidate gets, is reflected in the constitution of representative body. The system of absolute majority refers to the support of more than half of votes. Out of the different systems of deciding the majority, the simple is most widely accepted system.

While following the norms of democratic governments discussed above, the overriding consideration is to make the government responsible and accountable to the people. In order to limit the powers of the government, democratic system provides certain laws and rules that ultimately guide the working of government. Principles and procedures outlined above (e.g.

liberty, equality, free and fair elections at regular intervals, equal opportunities, majority rule, etc.) are enshrined in the *fundamental law of the land* and are not left to the government's sweet will. These fundamental laws are set usually in the form of a constitution, but they may also be in the form of well accepted conventions and norms rooted in the traditions of a society. In any case the Rule of Law is the accepted norms for a democratic form of government.

Strengths and Weaknesses

Democratic form of government has become a part of the political thinking in modern times. No country would like to declare the adoption of a non-democratic form of government, though the definition and understanding of democracy differs from one ideology to the other. Strengths and weaknesses of the democratic form of government are discussed in order to have a better understanding of its working, expectations and limitations. Such a discussion may also help the better working of democracy.

The principles on which the democratic form of government is organised, (e.g. individual liberty, freedom, open and fair elections, majority rule, etc.) are aimed primarily to establish a direct link between the government and the governed. The means that are adopted are designed to make it explicit that the government is brought into the position of power by the consent of the people, who will have occasion to review the working of the government. If found wanting the government can be voted out of power. Such confidence among the people that the government is in power only after, and because, they have expressed their support and also that the government can lose power if people's support is withdrawn, makes the government acceptable to the peoples. The people willingly obey such a government. This provides natural legitimacy to the government. The entire process of democratic form provides the basis for such legitimacy. The laws passed by

the democratic institutions through democratic processes are readily accepted and willingly obeyed by the people.

Democracy emphasizes equality among individuals and ignores differences among them. This upholds the principle of natural rights, which assigns equal rights to individuals. It opens up avenues for equal rights and equal opportunities for all. Participation of the people provides an occasion to understand the political process and institutions and ensures greater involvement of the people. In the process, the people are better informed and educated about the government institutions and their own rights and duties. Democracy provides the most effective training to its citizens. The confidence shown in the capacity of the people to govern themselves creates a sense of self-respect and dignity in the individuals. It elevates their personality. It also produces a feeling of cooperation, good-will and a sense of belongingness among them. This ultimately helps the political system to achieve more integration and success. As J.S. Nill put, "it promotes a better and higher form of national character than any other polity".

On the part of the government, the democratic process makes it naturally sensitive to the popular will, wishes, needs and demands. Such a government is constantly alert to make its working more conducive to the popular interest and general welfare. All the sections of the population are important for the election. Democratic government is more sensitive to the welfare of the people. It helps the government to bring what Bentham calls the "greatest good of the greatest number".

Society and government should be in harmony with one another. But both are subject to changes of various kinds and of varied dimensions. A society is in constant flux, where new forces, new ideas and new groups of people, emerge to replace the old. These forces often find it necessary to bring about changes in the prevailing governmental form. The democratic process

provides for mechanisms of smooth changes in the usual course during elections, as also more drastic changes within the accepted norms. Thus different political parties compete for power and different people compete even within the parties. The elected institutions and representatives are sensitive to the changing social forces, which allows the governmental policies and programmes to reflect the changes. A democratic government is able to readily adapt to the changing conditions. Stability of democratic form of government results both from its level of legitimacy as well as its capacity to adapt to changes.

The democratic form of government has some weaknesses as well. By treating all people equal, it fails to recognise individual talents. It gives more emphasis on quantity rather than quality. In effect, democracy becomes not rule of the best, but of the average. A system of government that is constantly open to pressures and counter-pressures in the society, may find itself constrained to function in most desirable directions. There is a possibility for the government to opt for the most popular rather than the most desirable decision. Different sections of a society differ in terms of their interests and preferences. In the midst of the conflicts and conflicting situations, the decisions taken by the government may not find favour with all the sections of the society. The government may also find certain decisions desirable which do not get ready support from the people at large. Faced with such situations the democratic government which depends upon popular vote, is easily swayed by the consideration, whether the decisions will be acceptable by the people or not.

The system of elections forms the basis of forming democratic government. There are problems in its actual working. It is based on the assumption of equality among human beings. This condition is never satisfied completely in any society. There are different kinds of inequalities, some of which are inevitable. The most glaring example of inequality that has a

direct impact on elections is economic inequality. People who are better off have greater control over the process of elections. The preferences of the poor are often affected by those of the rich. Inequalities of different kinds e.g. economic, social, religious, racial and on the basis of sex, have an impact on the election process, where it is not always possible to conduct free and fair elections. Another factor that is mentioned in the context of election is the mechanisms to control public opinion. Means of propaganda like the press, the radio and the television, play a major role in creating opinion among people. These media are controlled by certain economically predominant groups in society. In many cases the government in power has control over such means. Public opinion that ultimately gets reflected in voting is largely a result of manipulation of such forces. Interest groups and pressure groups also play an important role in this regard. The role of demagogues is also important in swaying the popular vote.

The majority rule that we have discussed above, at times results into, what De Tocqueville called, 'majority tyranny'. Either in general elections or in the case of decisions of democratic bodies like the legislature, there is always minority which is unable to influence the outcome of elections or of decisions. The government that comes into power, after all, represents only the majority. In the legislature a party may get majority of seats even on the basis of minority of votes in elections especially in the simple majority system. Under the simple majority system the candidate who gets the highest number of votes wins. If there are many candidates contesting election from the constituency, the votes are divided and the candidates who gets elected finally might have got the votes of a minority of total vote. And if this is the situation in many constituencies, candidates who go to the legislature may, in fact, have got minority of votes.

Let us examine in the table below, the votes polled in favour of the Congress party in the Lok Sabha elections :

TABLE
Percentage of Votes Polled for Congress Party in Lok Sabha Elections 1952-1991

Year of Election	Percentage of Votes
1952	45.00
1957	47.78
1962	44.73
1967	40.73
1971	43.70
1977	34.52
1980	42.70
1984	49.10
1989	39.33
1991	36.80

Thus the Congress Party has never got an absolute majority (i.e. more than 50 per cent of votes) in any election. Votes in its favour has varied between 34.52 per cent in 1977 and 49.10 per cent in 1984. Yet the party has remained in power at the Centre for the major part of the 45 years after independence. One can say that it was in power on the basis of the support of the minority votes. But under the parliamentary system of government, such a party that controls majority of seats in the legislature (on the basis of minority votes) can take decisions for the whole society.

The system of elections and the democratic institutions are quite costly. The state has to incur large expenditure in organising and managing the general elections involving large number of people. The number of voters in India which was 173,213,635 in 1952, increased to 235,184,209 in 1984, increased further to 514,126,380 on the

eve of 1991 elections. The voting was held in 4,79,012 polling stations and 23,95,676 public officials were engaged in managing elections in 1984. When elections are held at such a scale, the expenditure is massive. Government of India spent Rs 856,259,358 in organising the elections in the 20 states in 1984. The 1989 parliamentary elections cost Rs 154.22 crores for the state. In a democratic form of government, there are occasions when elections have to be arranged besides the general elections. In India, besides elections to the Parliament and the state legislatures every five years, there are other elections, e.g. the election of the President of India and election to local institutions like the Municipal Corporations and the Gram Panchayats. The expenses incurred on all these occasions have to be met out of the society's resources. The institutions that come into being after various elections have to be maintained and they have to function. Expenditure on this account is also substantial. The paraphernalia that is associated with democratic form of government is a strain on the resources of society. The critics point out the wasteful and extravagant tendencies of democratic systems. Such arguments and criticisms are based, of course, on the assumption that the benefits from the democratic system are not commensurate with the costs.

The system of public accountability makes it necessary for actions of the government to be controlled and legitimised by popular consent. Mechanisms like legislature and ministerial control often delay decisions. Legislative process itself is time consuming. The system of popularly elected leaders in governmental positions means the control of the amateur in administration while many governmental decisions of modern states require some amount of specialised knowledge of issues, as also of procedures. There may also be situations where technically and administratively advisable decisions are shelved due to reasons of popularity. The charge is often made that the democratic system does not always provide the most efficient system of government.

Conditions for a Successful Democracy

Society determines all forms of government, but the effect is more with regard to democratic governments. This is so because the institution of government comes into being as a result to popular participation. The system of franchise assigns importance to every individual in society. It is, therefore, necessary for the people to have sense of discrimination between the 'desirable' and the 'undesirable'. A strong commonsense and a high level of consciousness about the affairs of the state are always helpful. While education is important from this point of view, a distinction is often made between formal educational qualifications as is imparted in schools and colleges and political education. The latter may exist even without a higher level of schooling or college education. It has been amply proved by democracies like India where the number of literates and of educated is still small. This does not mean that formal education does not have any role. It is desirable in itself as an important factor in the development of human beings. So far as the individual and his development is the point of central importance for a democracy, education remains an important factor.

Some conditions have specifically been mentioned by J.S. Mill. Capability of the people to have a democratic government and a sincere desire on their part is essential for the success of democracy. The people should also be prepared to save the democracy when it faces some crises. Performance of duties by the citizens is equally important.

Taking part in elections is important and the people should have a continuing interest in the functioning of the democratic government. Election is the culmination of a complex process of decisions in institutions like political parties and interest groups. Candidates for elections have to be chosen from among the contenders. Parties and candidates also undertake vast campaigns to seek support of voters. Voters' groups debate among themselves about the comparative merits

and demerits of candidates. All such processes proceed elections. There is need for wider popular involvement in all these activities. While election is the culmination of certain kinds of processes, it is the beginning of other processes. Representatives are elected and institutions come into being for taking decisions. An alert public opinion which examines decisions critically and gives suggestions about issues, make these decisions more suitable for the society. The people must take interest in the process of making these decisions, as also in their contents and consequences. Such continuing interests on the part of the people make the decision-making agencies more responsive to popular needs and demands. These decisions are readily accepted by the people, not only because the government has taken them and would implement them, but also because those who have to accept the decisions, understand what they are and what are their implications.

Democratic government requires a higher level of consciousness among the people about their rights and duties, because popular will is the basis of his government. The right to elect the government is important. This includes the right to change the government. Besides this, citizens have other rights also that are far ranging and require restraints in their use. For example, citizens have a right to protest against the government and its decisions. There are different kinds of freedom that are guaranteed to the citizens. But these rights should be used with utmost caution and restraint. It is also important for the citizens to be conscious about their duties along with the rights. As we have seen above, rights and duties are two sides of the same coin. Rights of one individual can be ensured only when other individuals perform their duties. Right to freedom can be enjoyed only when others perform their duties not to interfere with those rights. Since a democratic government gives more rights to its citizens, it requires a greater sense of duty also. There are certain duties, like voting, that the citizens must perform in order

to enjoy the right to elect. It is through elections that a form of popular control on a government is enforced.

In order to exercise rights and perform duties, the citizens of a democracy should be able to express their choice freely. At the time of election, people should be in a position to vote according to their own preferences. Individual freedom is the most important basis of democracy. This often becomes difficult in a society which does not have social and economic equality. In situations of inequality, people who are at lower levels of social categories (e.g. caste) and who are poor, cannot exercise their rights according to their free choice. As the process of election is becoming more and more expensive, it is only the economically well off sections of the society, who can contest the elections. The poorer sections are also often dominated by the rich, with the result that the preferences of the poor are often dictated by the rich. The same kind of dominance is found with regard to higher caste groups over the lower. Sections that are well off socially and economically, occupy a dominant position and thus influence the choice of others. The vast sections of Indian population that are poor or occupy an inferior social position, like the Scheduled Castes and Tribes, and landless labourers, do not find it very easy to exercise their rights. More unequal a society, greater the difficulties for its democratic working. The level of socio-economic development is an important determinant of the functioning of the democratic form of government.

Democracy follows the majority rule both in elections as well as in its working. A candidate and a party which gets majority of votes in elections comes to positions of power. In taking decisions, for instance in legislature, the majority rule is followed. The procedure gives importance to the majority group in the society. But democracy has to work out a consensus of which it has to manage affairs of the state. It has to keep in view not only the interests of the majority, but also of the

minority. In fact, a democracy has to make special efforts to preserve and protect the minority rights. Respect for the rights of the minority is important for a democracy.

Tolerance of opinions, of outlook, of parties, and of principles are, in fact, necessary. Different ideals and ideas flow from the society itself. Tolerance leads to healthy competition among rival groups, and thus, strengthens democracy.

Democracy provides a place of importance to the electoral minorities, who may not have expressed their voting preference in favour of the political party in power. Such minorities are not merely tolerated, but their views and their interests are treated with respect. Parties and leaders in opposition have a place of importance in democracies. Specially in a parliamentary form of government, the party which controls the majority of seats is in control of the government. Then there are members of legislature belonging to the political parties that are in minority. The opposition refers to these members. They keep a constant watch on the activities and performance of the party in power. They ask questions and make alternative suggestions. In elections there is always a possibility that a party which has been in opposition, becomes a majority party at other times. In such situations the opposition should be in a position to provide a government to the country. In countries like UK and India, the opposition and its leader is important in the working of parliament. Opposition acts as an effective check on the government. In the absence of an opposition, a democracy may turn into a dictatorship of party, or even of a person.

The ideals of democracy are incompatible with imperialism and colonialism in any form. The outlook and the policies of a democracy must be moulded accordingly.

Paradox of Popular Participation and the Third World Countries

Democratic form of government depends on the participation of the people, for its existence as

well as for its working. It provides for specific mechanism for such participation in the form of election and universal franchise, and institutions like legislatures, political parties and pressure groups. While the entire democratic process is thus based on it, participation may pose some difficulties in the working of government. There is the problem of non-participation by certain sections of populations on the one hand, and of over-participation, on the other. The two aspects of participation are discussed below.

No democratic society has been able to ensure that 100% of the people will take part in the affairs of the state. Even those who participate do not do so in equal degree. If we take the most obvious form of participation e.g. voting in elections, we find that even in older and more developed democracies the percentage of voters has been low. The average percentage of voters who cast their votes in election is 74% in UK, 59% in USA and 53% in Switzerland. In India it has been around 60 per cent. Such percentages are still lower for other forms of participation. There may be several reasons for non-participation. Inequalities may result into a situation where people with lower income and/or lower status do not find themselves in a position to express their preferences. Such groups may also abstain due to a feeling that their participation has no meaning because the outcome will anyway favour those who are in a dominating position. There may also be lack of faith in the democratic system, when some feel that it is not responsive enough and their participation will not make any worthwhile impact, and that their vote has not value. Lack of knowledge of the issues, or even of the right to participate itself, has also been mentioned in this regard. There may also be situations where people are not able to decide under various pressures, whom and what to support. If affecting the course of events of government is the objective of participation, some other sections may feel that outcome will be to their liking even without their participations. So the non-participants are spread

over to different sections of the population, having different reasons. All these groups are not exclusively separate groups; they indeed coincide with one another. Besides these groups generally, every society has some political groups that have disagreement with the prevailing form of government and who favour radical changes.

The groups of people who participate, have different degrees of involvement. At the minimum level, there are those who just cast their votes during elections. There may indeed be no involvement with the process of election and even no knowledge about the issues, parties, and candidates. There may be others who do not only vote, but take part in other activities of political parties. Some may work in favour or against a contesting candidate. Some may participate as candidates contesting elections. If we talk about participation with regard to the activities of parties, pressure groups, and interest groups, the number of people taking part in such activities is still smaller. So there are levels of participation.

Lack of participation is only one part of the problem. Too much of participation by too many people also creates problems at times. Societies consist of diverse groups with diversity of interest. The groups which participate promote their own interests, and these groups have expectations from the government. The government may find too many such pressures and may not be able to respond to, leave alone satisfy, all of them. In such a situation, sections which participate may find that their expectations remain unfulfilled. The government in the face of the participant groups, may find it necessary to introduce measures that would coordinate and control different groups and different demands. Often such measures are the beginnings of authoritarian measures. Many Third World countries which found themselves helpless against participation explosion, turned into military regimes.

The twin phenomena of non-participation and over-participation are the main concerns of the pluralists, like David Truman, Robert A. Dahl,

Charles E. Lindholm, Nelson W. Polsby, David E. Apter, and Arend Lijphart. The analyses and emergent solutions fall under two categories: the *Liberal Pluralists and the Radical Pluralists*. The first groups of writers, concerned with an effective sharing of power, advocate for competitive centres of power in society to ensure greater interaction among groups. Competitive elites from diverse groups occupy positions of power. While competition among groups and among elite offer opportunity to people for greater and meaningful participation, it also ensures democracy. Thus Robert A. Dahl's polyarchy means rule by many, with a form of democratic hierarchy. Such arguments and suggested arrangements, however, are based on the analysis of stable societies, which are not so sharply divided, as is the case in advanced industrial countries like USA. Some amount of consensus is perhaps necessary for the success of the Liberal Pluralist solution. In societies of the Third World with sharp class divisions and conflicts, competition is among unequal groups and individuals.

The other set of solution from the *Radical Pluralists*, does not rely on any form of intermediaries between the people and the government. The effective solution, according to them, lies in direct and effective participation of the people. This is likely to be achieved by properly organised smaller political units, where the people can participate directly. The solution lies not in arranging hierarchy of institutions, but giving power directly to communities. Experiments of self-management at factory level in Yugoslavia, of Ujamaa villages in Tanzania, and worker groups in Swedish automobile industry, are quoted as examples of this arrangements. Conceptions of grassroots initiatives in India referred earlier in Chapter 3, fall in this category of solution for effective participation.

Thus democratic form of government with noble ideals and objectives, is not an easy alternative. It is necessary to work out such a system with utmost care to ensure its successful working.

EXERCISES

1. What is democratic government? How would you distinguish it from authoritarian and totalitarian forms of government?
2. Discuss the merits of a democratic form of government.
3. Discuss the conditions that are essential for successful democracy.
4. Why is direct democracy not possible in modern times?
5. Write short notes on the following:
 - (a) Role of mass media in democracy
 - (b) What is polyarchy?
 - (c) 'Non-participation' and 'Over-participation' in the process of democracy.

Parliamentary and Presidential Forms of Government

THE THREE MAIN functions of a government are the executive, the legislative, and the judicial. These functions are assigned to different institutions. The distinction between the Parliamentary and the Presidential forms of government can be made from the point of view of the relationship between the executive and the legislature and the extent to which they are independent of each other. Under the presidential system the two are separate, while in the parliamentary form the executive emerges from the legislature. The parliamentary system is characterised by 'fusion of powers', and the presidential system by 'separation of powers'. Another distinguishing feature of the two forms is the location of the executive power. In a parliamentary system the head of the government is different from the head of the state. The President of India and the Crown in Great Britain are Heads of States, while the Prime Ministers in these countries are Heads of governments. There is no such distinction in a presidential system, which has a single executive authority. The President of USA is the executive authority under that system. Great Britain and USA are the classic examples of the pure types of the parliamentary

and the presidential system respectively. There are yet other forms that share the characteristics of both.

Parliamentary System

The legislature is constituted mostly of representatives of the people, who are elected as members of different political parties. The leader of the party having majority in the legislature is called upon to be the Prime Minister, who is the head of the executive branch of the government. A Council of Ministers is formed by the Prime Minister from among the members of legislature belonging to the same party. The entire executive institution is constituted of members of the majority party. The Council of Ministers includes a smaller group named Cabinet. In India, besides the Cabinet Ministers, there are Ministers of State and Deputy Ministers and at times, Parliamentary Secretaries also. The cabinet consists of more important members and the Prime Minister consults them more regularly. They hold independent charge of important portfolios of the government. Ministers of State look after a government department along with a Cabinet

Minister. They are also made in-charge of some departments independently. Deputy Minister are attached to the Cabinet Minister and Ministers of State to assist them in the discharge of their functions. For important subjects like Finance, two or three Deputy Ministers are attached to the Minister. A Parliamentary Secretary has a limited function of assisting a Minister in handling the affairs in the legislature. Article 74 (1) of the Indian Constitution provides for the appointment of the Prime Minister by the President of India, and for the appointment of the Council of Ministers under Article 75(1). The ministers are appointed by the President on the recommendation of the Prime Minister. Theoretically ministers hold their office during the pleasure of the President. The Prime Minister selects his/her own team of ministers, who may be asked to resign if the Prime Minister so desires. If the Prime Minister loses confidence of the legislature, he/she resigns along with the members of the Council of Ministers. This happens also when another leader from the same political party becomes the Prime Minister. He/she may select his own Council of Ministers.

The Prime Minister is appointed on the basis of the position of political parties in the legislature. In case the distribution of seats in the legislature is such that a party has a clear majority, the appointment of the Prime Minister becomes a foregone conclusion. There may, however, be a situation where the party position is not so clear and someone has to take a decision about it. The Head of the State, like the British Crown and the President of India, is assigned this function.

Once in position, the Council of Ministers is collectively responsible for all the functions of the Prime Minister and his (or her) government. The collective responsibility means that the decisions of the Cabinet must be supported by all its members in public. As Harry H. Eckstein explains, "the acts of each member are acts of all, and all stand or fall together". If a minister

expresses disagreement with a decision of the Cabinet, he/she must resign from the minister-ship. It also implies that if the Prime Minister loses confidence in the legislature, he/she has to resign along with his Cabinet. While being collectively responsible for all the decisions of the Cabinet, the ministers are responsible for government departments in their charge. These are called ministers' portfolio. Thus in India, there are ministers in-charge of Home Affairs, Foreign Affairs, Finance, Industry, Agriculture, and many other departments. Every minister is responsible for the policies and the working of department under his charge. Ministers have individual responsibility for their departments. Issues are taken for a Cabinet decision only when they are politically controversial. In ordinary circumstances ministers take decisions pertaining to departments and subjects in their charge. Ministers are wholly responsible for the functioning of these government departments. Thus responsibility of the Minister is both individual and collective. The responsibility and accountability is to the legislature. In the case of loss of confidence in the legislature, the Prime Minister and his/her Council has to resign from the office. One important power vested in the Prime Minister and the Council is that they can dissolve the legislature even before it has completed its full term.

The Parliamentary system ensures responsible government and takes every precaution for that. It is ensured by means of accountability to the legislature and thereby to the public opinion. In the absence of such a link, the Ministers and the Prime Minister may act in a dictatorial fashion. Legislative accountability is an effective control also on the policies and the working of government departments.

Presidential System

This form of government is based on the principle of separation of powers between the legislature

and the Executive. Taking the example of the US, the Presidential election is separate from that of the legislature, namely the Congress. The two houses of the Congress, i.e. the House of Representatives and the Senate, are elected on different electoral principles and for different periods of time. The president is elected by the people for a fixed term of four years and derives his legitimacy directly. He is also not a member of the legislature. The President and the Congress function independently. The legislature does not have any control over the presidential functions and cannot remove him from his position, except through the extreme step of impeachment. The President addresses both houses of legislature and may send messages if he so desires. But he cannot dissolve the legislature.

The President of USA selects a group of advisers which forms his Cabinet. But members of the Cabinet do not hold legislative seats. In fact, if a legislator is appointed to a Cabinet position, he has to resign the legislative seat. The members of the Cabinet have no accountability to the legislature. They are responsible to the President. The President of USA is both the head of the government and the head of the state.

The principle of separation of powers in terms of keeping the three organs of government distinct and independent, will not work if pushed to the extreme. After all they constitute the organs of the same government and have to function in a coordinated manner. None of them should be allowed to have undisputed power to pursue decisions without keeping in view other organs. If this is allowed, the three institutions may function at cross purposes. There may even be conflicts among them. Constitutions, therefore, avoid making separation of powers too rigid. Powers are separated, but the lines of connection between institutions are also provided, so that institutions keep check on each other and they function in a balanced manner. This is known as the system of checks and balances. Let us examine some examples of such measures from the US

Constitution. Senate, the second house of legislature, has right to refuse confirmation to appointments made by the President. It has thus some share of executive powers. The President has veto powers with regard to the bills passed by the legislature, when he reserves putting his signature on the bills. This gives the President a right to put check on legislation. Then, in cases where the President uses his veto and reserves his signature, the legislature can pass the bill again and declare it as an Act. The judges have a tenure of life, but they can be impeached. The constitution provides for an independent judiciary, but the number of judges and their salaries are determined by the legislature. The President can negotiate treaties with other countries, but the approval of the senate by a two-thirds majority is essential. The executive, the legislature, and the judiciary have their separate powers, and at the same time, keep a check and maintain balance among each others' functioning.

Two Examples of the India and France

While the basic features of the two forms of governments have been discussed as pure forms, there are countries which have both the positions of the elected President and the Prime Minister. India and France are two such examples, where the former makes the Prime Minister more powerful and in the latter the Presidential position is more important.

Based on the British model, the Indian system of government has the Head of State in the position of the President. He has the power to call the leader of the majority party in the legislature to form the government. But he is elected indirectly by the elected members of legislature in the Centre and the States. Whereas the President of India remains a constitutional Head of the State, the real powers are in the hands of the Prime Minister, who controls the majority in the Parliament. Since the electoral

college for the election of the President is constituted of the members of legislatures, the strength of political parties is important. As Head of State, the President has powers that sound quite important, but the political position of the Prime Minister indicates a clear location of actual power with the Prime Minister.

The French system follows a different pattern. Instability of the government under the provisions of the Fourth Republic enacted in October 1946, was chronic. Drastic changes were brought about with the introduction of the Fifth Republic in 1958 under the leadership of Charles de Gaulle. It provided for the election of President by a large electoral college constituted, not of legislators, but mainly of local councillors. A significant change was introduced in 1962, providing for direct election of the President. He nominates the Prime Minister who in turn constitutes the Council of Ministers. The ministers cannot hold membership of legislature. In case a member of parliament is appointed a minister, he has to resign from legislature. The President presides over the meetings of the council of ministers. He is the real source of governmental policy. The Prime Minister and his ministers do not have the relationship with the parliament which gives these positions all the importance in other parliamentary systems. In its effort to provide for a strong executive, the French system has turned the parliament into a weak institution. Real power lies with the President of France.

Such systems have to strike a balance between the Head of State and the Head of the Government, namely the President and the Prime Minister. The constitutional position and power of the two institutions is determined by the political experience of countries. In actual working, we do find controversies regarding the comparative power of the two institutions that arise because of the processes of politics.

Merits and Defects

The parliamentary system ensures better coordination between the legislative and the executive branches of government. The party which controls the majority of seats in the legislatures, also has its leader as the Prime Minister to lead the executive. The legislative process is, in fact, controlled by the executive. While it ensures smooth working of the two institutions, it results into concentration of the legislative and executive powers. Legislative controls over the executive is limited. Under the system of separation of powers in the presidential system, the two institution function separately and act as mechanisms of control over one another. Such a system may also create situations of conflict between the legislature and the President.

Once elected the presidential system allows the President to remain in office for the terms almost undisturbed. There is no mechanism of popular control on him. The parliamentary system is more sensitive to public opinion, which is reflected in the legislature. The ministers participate in the activities of the legislature. In fact, they have to defend the governmental policies and actions almost every day in the legislature. They are present during the parliamentary debates. In their capacity as legislators, they are also in constant touch with their constituencies. The presidential system does not provide for this form of constant interaction between the executive and public opinion.

Parliamentary system provides training to the legislators before they occupy ministerial positions. The legislature with its necessary links with the executive, provides such a training. The system of collective responsibility ensures a system where the power and responsibility is shared by a group of ministers, with final and constant accountability to the legislature. In the presidential form the executive power resides in one individual, with little control from the

legislature. There is greater possibility of a presidential form turning into an authoritarian system. Another aspect of such arrangement is that decisions are quicker in a presidential system, because one person has to take the decision and he is responsible for it. In a parliamentary system power lies in the office of the Prime Minister and the Council of Ministers, which is finally responsible to the legislature. The legislature, in turn, has many members. So the process of decision-making is in the hands of the many persons and institutions. It is, in a way, dispersed and is also time-consuming.

The executive under both the systems is elected to office for a specified period. The British and Indian Prime Ministers are elected for five years, while the American President has a four year term. There may well be situations when a change of leadership becomes necessary within that period. There may be valid political reasons for such a change. The parliamentary system permits such change of leadership within the usual course of deciding the majority in the legislature. The presidential form does not allow such a smooth change of leadership. Constitutions do provide for impeachment, but that is an extreme step, and requires elaborate, and often, difficult procedures. Leadership in a presidential system can not be changed in the middle of a term in the usual course.

The security of tenure of the presidential form has its positive aspects also. It brings about a government that is more stable. Once elected to office, the President can pay attention to taking political decisions without any undue interference. In a parliamentary system, on the other hand, the executive is constantly engaged in maintaining the legislative majority and may find it difficult to take decisions, especially if they are likely to give rise to protests from some sections of the society. In a situation where a party has a thin majority, the parliamentary system may indeed turn out to be quite unstable, with frequent changes in government. This

happens in countries having multiple parties that are sharply divided and agreement on political matters is not easy to arrive at. Such a government is not effective. It is often argued that a presidential form provides for a stronger, more effective government. This is one of the grounds on which suggestions to change the Indian political system into a presidential form is made.

The points of strength and weaknesses of the two forms of government that we have discussed refer primarily to the constitutional and legal provisions. A more important part of the story is in fact contained in the political process and in the working of institutions like political parties. The level of political maturity in the country also determines the working of the two forms of government. The two party system as it has developed in England and in the USA goes a long way in the functioning of the parliamentary and the presidential systems. In other countries with a tradition of multiple parties, with thin margins of support, as in France, the parliamentary system resulted in governmental instability. The French system strengthened the position of the president in the constitution of the Fifth Republic under the leadership of Charles de Gaulle. In India, there has been broad consensus around the Congress ideology, inspite of the multiplicity of parties. Except on some occasions the parliamentary system has functioned satisfactorily in India. It is, therefore, necessary to keep in mind the political background of the country and the working of political parties in order to understand the functioning of the parliamentary and presidential forms of government.

Trend Towards Executive Leadership

Modern times have seen increasing emphasis on the predominant position of the executive head of the government. In older systems like the Great Britain and the USA, this has happened as a result of drift of political forces. In other

countries like France, the need for a strong executive leadership was felt and was included in the constitution.

The British Parliamentary system has, in fact, turned into a *Prime Ministerial System*. The Cabinet headed by the Prime Minister has come to occupy a pivotal position. Most of the legislations are initiated by the Cabinet. Prime Minister is the leader of the political party that has majority in the Parliament. And that party because of the majority, dominates the proceedings. Parliamentary decisions can not be against the wishes of the majority party. Prime Minister and the Council of Ministers dominate the parliamentary process because they control the majority party. James V. Bryce talked about the 'Decline of Legislature' in the 1920s in his famous book *Modern Democracies*. The main reasons for a 'great growth of executive power', as K.C. Wheare explains it, has been the expansion in the activities of the modern state. State functions in fields like economic planning required executive action. The industrial and technological aspects of these activities require some expert knowledge in the subject. In the field of law-making, executive power has increased with the frequent use of delegated

legislation in ever-widening fields of activities. The international situation giving so much importance to defence policies has also contributed to the increasing power of the executive head.

The presidential form of government is clearly centred around the leadership of one individual. Even in the parliamentary form, which intends to provide the leadership by the group, the position of the Prime Minister has become important. At the time of general elections the contending candidates for the position of the Prime Minister become the main issue. Every election, therefore, is a form of referendum. This is true not only of Great Britain, but of countries like India as well. The leadership of Pandit Jawaharlal Nehru, Smt. Indira Gandhi, and Shri Rajiv Gandhi has been the most important issue during national elections.

The Third World countries, fully concerned with the process of development, are also committed to the ideals of democracy. In order to devise an executive system that is strong, effective, and at the same time subject to checks and balances, many of them find the presidential system more attractive.

PRACTICAL ACTIVITY

Divide the class into two groups. Let one group be the supporter of the presidential form of government in India, and the other group the supporter of the existing parliamentary form of government. Students may be asked to prepare for the debate in advance.

With the teacher acting as a Coordinator, let there be a full-fledged debate on this issue in one period.

EXERCISES

1. What is a Parliamentary System? Discuss its essential features.
2. What is a Presidential System? Discuss its essential features.
3. Between the two systems, the Parliamentary and the Presidential, which one do you consider better? Why?
4. Explain the reasons why India has opted for a Parliamentary system of government.
5. What do you understand by dominance of executive leadership?
6. Write short notes on the following:
 - (a) Collective Responsibility
 - (b) Individual Responsibility
 - (c) Separation of Powers
 - (d) Checks and Balances
 - (e) Constitutional Head

Unitary and Federal Forms of Government

GOVERNMENT EXERCISES its authority over a territory. For better control over the territory, which may be large, it is constituted of smaller units. The relationship between the central government, having jurisdiction over the entire territory and the smaller units, determines whether the government is unitary or federal. A unitary form of the government has regional units, and their authority is totally subordinate to the central government. A system where neither is subordinate and the central and regional governments are coordinates, is called a Federal Government. There is a third system, known as Confederation, in which the central government is subordinate to the regional governments. The distinction between the unitary and the federal forms of government refers to distribution of government power in terms of territorial jurisdiction.

Unitary Form

In this form there is a single unit of government that has jurisdiction over the entire territory. The territory is divided into smaller government units, which exercise limited powers that are delegated by the central government. Thus the government departments have their regional offices in the

areas demarcated for administrative convenience. There are local institutions for the performance of municipal functions. The county in England and the Department in France are examples of such administrative units of local government. These institutions perform only such functions as are delegated to them. The actual power resides in the government which decides to delegate certain functions and powers. The local institutions act on behalf of the central government, which can increase or decrease, or even take away, such powers. The central government can create these institutions and can also abolish them if it finds it necessary. The local institutions do not have any position independent from the central government.

Make a list of those countries which have unitary form of government.

Federal Form

There are two levels of governments in a federal system—one at the central level and another at the level of the units. The latter are not subordinate to the former; both derive their power from the same source, that is the Constitutions, which is written and is the supreme law of the land.

Demarcation of power between the centre and the units is enumerated in the constitution. Balance of power between the two levels differ from federation to federation. Thus while the US Constitution clearly gives more importance to the units (i.e. the States), the constitution of Canada provides for a stronger federal (i.e. the central) government. The Indian Constitution divides legislative power between the Centre and the States enumerated in the three lists: the Union List, the State List, and the Concurrent List. The first two lists include subjects on which the central legislature and those at the state levels respectively can make laws. Both the legislatures have 'concurrent' legislative powers on subjects enumerated in the Concurrent List. In spite of such demarcation of legislative powers, some other provisions of the Indian constitution make the Centre more powerful. Different federations, thus, provide for the distribution of power between the centre and the units, but the balance between the two differs. Such balance depends upon the historical process that preceded the emergence of these federations.

Confederal Form

Some independent states may form a league for some specific purpose. The authority and scope of the central government is limited. Switzerland declares itself a Confederation, with greater powers with the Cantons. The European Economic Community (or the European Common Market, as it is often called) came into being in March 1957, as a result of the Treaty of Rome. With a membership of 12 countries, it is a large and prosperous trading area, with certain individual rights enjoyed by the member countries. The Council for Mutual Economic Assistance (COMECON) is another group of countries. There are other such organisations, where countries of a particular region or belonging to a particular ideology, have come together for specific cooperative activities.

The confederal form is often regarded as a stage prior to the formation of a full-fledged federation. States that come together for limited purposes and are cautious in surrendering their authority to a common government, may ultimately decide in favour of such a merger. The process of making up of the United States of America, when the 13 original states decided to form the federation, is an example. Confederal form is often the transitional stage before a federation comes into being.

Process of Emergence of Federations

What are the reasons that motivate different units to come together or a bigger unit to divide itself into smaller ones, to form a federation? Under what condition a federal government is formed? A discussion of these factors is important from the point of view of the organisation of federal government. Some states may decide to come together because of the threat of external forces and of aggression from other states. The Swiss federation came into existence finally in 1848. It had been under constant threat from neighbouring states since the thirteenth century. On several occasions such threats became real, and they provided the basis for the formation of the Swiss federation.

An important factor for the emergence of federations has been a sense of nationalism, a sense of belongingness to a common cause, to a common culture, and to a common heritage. Geographical units and groups of people may appear to be separate and discrete but they may feel bound together by these forces. This provides a basis for a federal government. Resistance to a common enemy often provides such a sense of nationalism. Many countries of the Third World that have gained independence in the present century from the colonial countries, developed the sense of nationalism during their struggle for freedom. The struggles, many of them quite prolonged, brought together people who became conscious of their culture and common heritage

that strengthened their common pride. During the freedom movement in India, people from different regions, belonging to different religions and speaking different languages, were bound together with a high sense of nationalism. But since the diversities were as important as the sense of belongingness, a federal form of government was found suitable.

In their effort to come together to form a federation or a confederation, the units are also motivated, at times, by economic factors. The economic gains that may accrue because of the union is important. Thus writers have often talked about the 'economic basis' of a constitutional governmental form. There are some cooperative units like the EEC and COMECON that are solely aimed towards economic cooperation.

The break-up of colonial empires after the second World War brought into existence a number of new nations that chose the federal form of government. These countries are in different regions of the World—Asia, Africa, South America, Middle East, and the Carribean. They were under the colonial rule of different countries. Many of these regions came together during the colonial rule. In an effort to expand their control over larger territories, the colonial powers brought diverse units under single administration. These were primarily administrative units that included diverse regions. People from different races, speaking different languages, from different religions and having different cultures, were brought together for administrative convenience. During periods of expansions, the colonial powers occupied territories in a way where countries were also split between empires. The Indian subcontinent was not under the British rule only. There were regions that were controlled by the French, the Dutch, and the Portuguese. In fact many of them continued even after the British had left. Even during the colonial rule, it was thought necessary to recognise the diversity in the actual organisations of the colonial administration. When the people under a particular rule launched

their struggle for freedom, the federal form was often accepted as the most natural form of government. In many countries colonial governments, which felt increasing pressure for associating the restive population with the governance of the country, itself adopted the federal form in its administration. During the last stages of colonial rule many countries had a federal form initiated by the colonial rulers. Sometimes it was accepted during negotiations between the colonial rulers and the leaders of the nationalist movements. Thus the basic federal structure was introduced in India in 1935. Some examples of other federal governments brought about in this way are : Malaya, Nigeria, West Indies, Indochina and Indonesia. These countries were under different colonial rulers the British, the French, and the Dutch. The federal nature was also reflected in the organisation of the nationalist movement and nationalist parties. Thus when these countries became independent, the federal form was the most natural choice for many of them. This allowed the new constitutions to take care of the opposing forces of unity and diversity.

Find out the reasons for which the state of Jammu and Kashmir has been given a special status by the Indian Constitution.

Characteristics of Federation

A federal system is made up of two levels of government—one for governing the entire territory consisting of all the units, and the second that have their jurisdiction limited only to single units. In India the first is called the 'central' or the 'union' government, and the second is named the state government. The 25 States in India have their respective governmental set-up. So is the case with other federations, e.g. states in the USA, provinces in Canada, states in Australia, and units like Union Republics, Autonomous Republics, and Autonomous Regions in erstwhile USSR. The question that has been important for the

constitution-makers of federations have been the Division of Power between these two levels of government. Countries have worked out different schemes of such distribution.

The two levels of government that exist simultaneously in federations must have powers and functions laid down clearly. It cannot be left to the convenience of time and only to conventions and traditions, though they are quite important. A written constitution laying the principles of such a division, and giving clearly respective functions of the governments, becomes necessary. The Indian constitution provides the distribution of the executive, the legislative, and the judicial powers between the Centre and the States. The legislative powers are, in turn listed in the Seventh Schedule of the Constitution, giving in detail, the Union List, the State List, and the Concurrent List, having 97, 66 and 47 subjects in the lists respectively. The important point to be noted in this regard is that the specific powers and functions at both levels of government are derived from the same source, i.e. the Constitution.

Federations, thus, have a legal document defining the areas and subjects over which governmental units have powers. There may be situations when the provisions are understood in different ways by the governments. There may be conflicts between different levels of government. It may become necessary to provide authoritative interpretation that is binding on the governmental units. This function is performed by an independent judiciary. Again, the constitution that defines the powers and functions of the judiciary makes its interpretations binding on governments. Its composition, powers, and functions are defined in a manner that the judiciary is independent of the different branches of government and of the government in power.

The two principles of unity of the nation and the diversity of regional units are reflected in different ways in federations. Some federal systems recognise double citizenship—one for the country and the other for the regions. Thus a

citizen of the United States of America is simultaneously a citizen of one of the States. Other federations like India have single citizenship.

The two levels of governmental organisation are reflected in the system of representation in the central legislature. While the country as a whole is represented by one house of the legislature, the other house represents the units. In the US, the House of Representatives consists of elected members from the entire country. For the constitution of the Senate, every State, irrespective of its size and population is given equal status and importance. Each one of the States elect two representatives for the US Senate. Council of States in Switzerland represents the Cantons. The Supreme Soviet in erstwhile USSR was constituted of two houses. The Soviet of the Union was elected according to the population, with one representative for about 3,00,000 of population. The other house, known as the Soviet of the Nationalities was composed of 32 delegates each from the Union Republics, 11 from each Autonomous Republic, 5 from the Autonomous Regions and 1 from autonomous area. The two houses of the Indian Parliament are based on the same principles of representation. Members of Lok Sabha are directly elected from the constituencies in the country. The Rajya Sabha represents the States and Union Territories. Its members are elected indirectly by the members of legislative Assemblies of the States. The number of Rajya Sabha members to be elected from a State or a Union Territory is determined in terms of their population. In addition to the elected members, there are 12 members nominated by the President of India. The nominated members have special knowledge or practical experience in the fields of literature, art, and social service. Thus while the federal legislatures follow the same principle of representation, there are differences in their composition.

Power to amend the constitution is important for every country having a written constitution. It

is, after all, the most important legal document for the country. The characteristics of a federal form that we have discussed above are enumerated in the constitution. Any amending process of a federal constitution requires the explicit participation of the units.

The Federal Balance

The basic features of the federal form elaborated above provide the outlines of the principles of organisation. Federations differ in terms of the importance that they give to the centre and to the units. The distribution of powers between the two levels of government in federations exhibit different patterns. While in the US the States are more important, the Indian Constitution gives more importance to the Centre.

The difference between federations in this regard can be understood in terms of different forces and factor. The historical process in the making of federations is important. In those cases where the units decide to form a federation, the units also decide which powers are to be passed on to the centre. In other cases, where a territory is divided into units to form a federation, it is the centre that decides which powers the units should have. The initiative in the first case is from the units, while in the second case the federal form is adopted after dividing a country into federating units. The two cases are illustrated by the processes which resulted into the adoption of the federal form in the USA and in India. The thirteen states resolved in 1787 to form the federation of United States of America and formulated a constitution accordingly. Similar process was followed in Switzerland. The Indian Constitution decided in favour of a federal form of government and the country was divided into smaller units, called the states. These units have also been changed and often new units have come into being.

Conditions for a Successful Federation

A constitution only provides the structure of

government. The actual working of institutions depends on many factors.

Different units that constitute a federation should not be geographically separate from one another. There should be geographical contiguity. Two such cases where it became difficult to keep the federation intact are Pakistan and the West Indies. The two regions, the West Pakistan and the East Pakistan, were separated by 1609 kilometres of Indian territory.

The West Indies, organised in the federal form in January 1958 consisted of ten islands or groups of islands. In both the cases the federal form did not have a smooth working. While East Pakistan became an independent state of Bangladesh in 1971, the Caribbean federal experiment was given up in 1962 with the withdrawal of Jamaica and Trinidad. It does not mean, however, that federations cannot manage regions that are far away from each other. British Columbia is a part of Canada and the USA has added Alaska and Hawai as States in the federation. The important factor is that in the formative years, when the institutions of the federations are still nascent, the area should be geographically compact.

An equally important factor is the balance between forces of unity and those of diversity. A federation is formed when units are diverse, but they come together to accept one system of government. Such a government will succeed only when the sense of unity is strong. The units that are diverse must have certain elements common that will provide the sense of unity. Such binding force may be in terms of culture, religion, and common heritage. Nationalism plays an important role in this regard, as was the case with countries like India, where diverse groups joined together to gain freedom. Federal system was the culmination of the nationalist struggle in these cases, which provided a common purpose.

Once a federation comes into being, the diversity of the units should be kept in view while formulating policy. The units are often unequal in

terms of size, population, and level of economic development. Irrespective of such variations, the units should be treated as equals—a status that is often ensured for legislative representation. In terms of programmes of socio-economic development, it is important that less developed areas do not feel deprived. Hence, the emphasis is on even development of units. A federation has to be especially careful about balanced development of different regions and of federal units.

The judiciary has a special place of importance in a federal system. It is the guardian of the constitution and is also responsible for providing authentic interpretations to the constitutional provisions. It also resolves conflicts of different kinds. A neutral and independent judicial system is important for a federal system.

The representation of federal units is provided in a house of legislature. We have seen that the Senate in the USA, Council of State in Switzerland, Soviet of Nationalities in erstwhile USSR and Rajya Sabha in India specifically provided for such representation. It is important for a federation that adequate representation is provided so that their demands as units are reflected in the deliberations of the legislature. The same kind of balance is often sought in the composition of the executive also. The central Council of Ministers in India tries to maintain regional balance in having ministers from different regions.

Merits and Demerits of Unitary and Federal Governments

A unitary form of government locates power at one level and provides for a unity of purpose in government. It provides for a single efficient government. There is also greater uniformity of governmental administration. It can decide how power is to be exercised and which functions should be delegated to other agencies and to local level agencies. There is thus greater flexibility in its working. On the other hand, a unitary form overburdens the central government. It does not

give any constitutional recognition to local units, which may be in a position to manage local affairs in a more effective way. This form is not suited for large diverse countries. Since power is concentrated at a single level, there is a greater fear of a unitary government turning into an autocratic one.

Federal form of government provides for a clearly laid-out distribution of power. It thus provides for exercise of power by authorities which are most competent to do so. The subjects that require uniformity in decision-making (e.g. defence of the country and foreign affairs) are handled by the central government. Those subjects that are affected by local conditions and require local initiative are given to the federal units. Thus the federal system is the best example of ensuring unity and allowing local diversity, at the same time. This is an ideal form of government for a large country with social, economic, cultural diversities. By recognising local diversities, it also gives more opportunities for local initiatives which is often beneficial for encouraging economic development. By giving the institutions at local levels power and responsibilities to manage affairs at their own levels, the system allows for a greater participation of the people. The people are more familiar with, and hence more interested in, problems of local importance. Such association also acts as education to the people in the affairs of the government. The federal system provides an elaborate division of power. Power is dispersed, not centralised. This by itself curbs tendency on the part of the government to become autocratic.

The federal form also suffers from some disadvantages. The central government shares power with the federal units, which at times puts some limitations on its working. This becomes apparent with regard to functions like defence and programme of economic development. We find that the federal systems provide for enhanced power to the central government under certain conditions, as is true of the Emergency provisions of the Indian Constitution. Division of power

between the two levels of government, at times, results into conflict between the centre and the units. Judiciary is empowered to resolve issues of conflict. There are other important functions also assigned to the judiciary e.g. to act as a guardian of the constitution. Such enhanced importance to the judiciary in a federal scheme adds one more level of conflict between the judiciary and other organs of government, like the executive and legislature. The federal system recognises different regions of the country as units of government and administration. The people often identify themselves with the region. Such a situation may result into divided loyalty of the people between the country and the region. Regionalism has been a threat in many federal systems.

The comparative advantages and disadvantages of the unitary and federal forms of government are important. More significant than these theoretical considerations are the socio-economic characteristics of the country, its size, and the historical process that a country undergoes in its constitutional development. Diversity and size, as we have seen above, determine which of the two forms will be suitable for a country. Then the institutions and practices that take shape over a period of time determine the form of government. We have examined such processes earlier in the context of development of federal forms of government in USA and India.

Trend Towards Centralisation and the Federal Solution

As we have seen above, developments in the

fields of science and technology and the expansion in the state activity, has resulted into centralisation of powers in political systems. With the acceptance of the ideals of Welfare State, economic development has become the central concern and planning is accepted as one of the main functions of governments. Military and defence are organised at a scale which make the government more and more powerful. Such forces have affected federations as well, with the result that the Central government have emerged as more powerful. There are many activities that are planned at the Centre and the units act as implementing agencies. The partnership between the two is not always equal.

Along with this development, another process that has affected political system of modern times is the increasing political consciousness of people. Democracy and its norms have made the people more conscious of their rights. They are also conscious of what the State should provide them with. More demands are being made from the State. Such demands are not only from individuals, but also from social groups and regions. A federal form allows the political system to face these problems in terms of the arrangement of institutions. Federal form is also a pragmatic form of government. No wonder a study of new federations claims that "the federal solution would seem to be more popular today than at any time in the last 150 years".

EXERCISES

1. What do you understand by Federation? Discuss its characteristics.
2. Distinguish between the Federal and Unitary forms of government.
3. Discuss the conditions that are favourable for the successful working of a Federation.
4. Examine the factors which are responsible for the formation of a Federation.
5. Discuss the merits and demerits of a Federal form of government.
6. Write short notes on the following:
 - (a) Confederation
 - (b) Division of Powers
 - (c) Role of Judiciary in a Federation

CHAPTER 9

Socialist Government

IN THE EARLIER discussion on forms of governments we have seen that one form of such classification is in terms of objectives, ideologies, and programmes of governments. These are based on certain ideas and ideals that a government may seek to fulfil by its programmes. All governments have some ideals and objective before them. But some of them state it in clear terms as the basis of their organization and different organs of the government are designed to fulfil those objectives. There may be some others that may achieve the same objectives without really making them the sole basis of organization. From this point of view, we made a distinction between Capitalist and Socialist forms of government. These are predominant ideologies that have been important in political thought. In very general terms the first refers to the policies of supporting private capital and free market, while the second refers to public ownership and planned economy. This distinction between the Capitalist and Socialist forms has been made in such clear terms to make the comparison easier. In fact, the distinction between the two system is not so clear. Even a Capitalist government takes upon itself certain activities rather than leaving it entirely to the private enterprise. They often own and manage large

enterprises. Also planning is not entirely absent in capitalist systems. The socialist systems, on the other hand, find it advisable to leave certain activities to be organised in the private sector. The two systems of government often share some of the characteristics of each other. This is specially true in today's world which has seen the 'collapse of the socialist world' especially in erstwhile Soviet Union and other countries like Poland and Yugoslavia. Starting in 1989 with the unification of Germany, the 'collapse' has been so dramatic and so sudden that any analysis of it is bound to be partial and incomplete. The 'Socialist bloc' and the 'Capitalist bloc' among the countries of the world seem to be coming together in the process of a global change. And yet 'socialism' as an ideal with its emphasis on equality, especially in economic field, and concern for the betterment of the common man, remains important and forms the basis of programmes of governments in many countries.

Socialism as an ideal to be achieved was advocated by scholars, like Saint-Simon, Ludwig Feuerbach and Robert Owen, long before socialist societies and socialist states came into existence. Different shades of ideologies affirming themselves to the socialist ideals have been



Karl Marx (1818-1883 A.D.)

Born in Germany of Jewish parents. Father of Scientific socialism. As an exponent of Communist ideology, his works have inspired socialist movements all over the world. Famous works : 'Das Capital', 'Communist Manifesto'.

suggested in the history of political ideas. While the French Revolution of 1789 provided a glimpse of the application of certain ideals of socialism, like liberty, equality, and fraternity, the elaborate ideological basis was provided by Karl Marx and Lenin. Socialism argued and elaborated so eloquently by a number of scholars mentioned above, remained in the realm of ideas till 1917, when the ideals formed the concrete basis for the Russian revolution. It provided a opportunity to organize the state and the government in a way that the ideals of socialism could be attained. The Chinese Revolution in 1949 was another landmark in the organization of socialist states. They provided the models for many states that adopted the socialist form.

The decade of the Russian and Chinese revolutions were also the period of decolonisation. Countries of Asia, Africa, and Latin America that were colonies of the European powers, were involved in struggle for freedom and many of them gained their independence during this period. The Marxist ideology and the Soviet and Chinese experiments in the new form of government, presented a picture to which many of the new countries were attracted. In fact, commitment to the socialist and Marxist ideologies had taken roots in most of the new countries much before they became independent. The countries of the Third World that were colonies before they became independent also wanted to break away from the capitalist system to which most of the colonial countries belonged. The socialist alternative was attractive to many of them. The internal backwardness of these societies and the economic problems that they faced were inevitably related to their earlier colonial status. The 'socialist solution' was attractive also from the point of view of the reorganization of socio-economic structure of the society. The experiment with socialism found favour in the Third World.

The number of states that proclaimed and organized socialist governments have increased since 1917. Authentic surveys published in 1984 suggested that the 15 major socialist states accounted for about a quarter of the world's territory and about a third of the World's population. They are spread in almost all the continents of the world. Many of them made a place for themselves in the world on the basis of achievements in different fields—economic, social, political, and military. Socialist form of government is comparatively a new addition in the discussion of classification of government forms. This form can be discussed from two view points. We may outline the main features of the ideology and discuss the governmental institutions that are conducive for the attainment of these ideals. Another way of discussing it may be to see what governmental

institutions are found in those countries that declare themselves socialist. The two viewpoints are related with one another, but they differ in terms of emphasis. A combination of the two viewpoints will be more fruitful.

While there is a broad agreement about the ideals of socialism, its understanding is different among different countries. The difference follows the subtle variations in ideological commitment as also the extent to which countries are prepared to bring about drastic changes in socio-economic institutions. Thus there are liberal democracies like India which profess, and even make some sincere attempts to achieve, the ideals of socialism e.g. social and economic equality and planned economy. Then there are those which call themselves Democratic Socialist, with commitment to the ideals of both democracy and socialism, and would not like to sacrifice one for the other. The third category of Socialist countries are those which are called Communists, like Albania, Bulgaria, China, Cuba, Democratic Peoples' Republic of Korea, Laos, Mongolia, Socialist Republic of Vietnam, as also some other countries that followed the same principle still recently, like German Democratic Republic, USSR and Yugoslavia. These countries reorganized the socio-economic relations in their societies after a revolution which they achieved to a great extent. Constitutions of these countries have provided for institutions which, in their understanding, are best suited to achieve the ideals of socialism. We discuss below the distinctive features of socialist states and governments which contribute to the ideology of Marx and Lenin.

Reorganization of Socio-economic Forces

The Socialist and Marxist analysis of social process gives primacy to the economic forces. The property relationships that spring from the prevalent mode of production determine the nature of society. A particular kind and stage of such relationships determines the nature of social classes, that compete among themselves for domination. Social and political institutions

including the state, result from such class contradictions. We have discussed the Marxist theory of state earlier in Chapter 2. In order to overcome such a situation of 'contradiction' among classes it is necessary to reorganize the society basically in terms of its economic relations. Abolition of private property and ownership of means of production and distribution by society, rather than by individuals, are important initiatives from this point of view. Such a reorganization would affect the structure of social classes. There will be no ruling and exploiting class. Class contradictions will be abolished. With workers control over the means of production, the socialist society will be constituted of the single class of proletariat, that is the working class. The State will no longer represent the pattern of domination of one class over the other. It will represent the interests of the whole society and will be controlled by the proletariat (i.e. the working class). Such a process of change has to start with reorganization of economic relationships.

There are three ways in which those states that have adopted the 'socialist', 'Marxist-Leninist' ideologies came to power. One, through overthrow of a government i.e. after a revolution, as it happened in 1917 Russian revolution. In China, Yugoslavia and Vietnam, it was a result of a civil war or a war with another state. Second, with the help of military and political help of some socialist countries, as it happened in Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Rumania, Mongolia, North Korea, Albania and Laos. Third was the case of Cuba which declared itself Marxist-Leninist as its guiding principle only when the revolutionary government had established itself. Even in those countries where revolutions provided an opportunity to the socialist states to establish new institutions and new relationships, such a reorganization has not been an easy task. Soviet Union declared itself a socialist state in 1936. The Constitution was redrawn in October 1977 under the leadership of

L.I. Breznev. It reasserted the federal principle in the soviet political system and strengthened the rights of individuals. But more dramatic changes were yet to come. This happened when Mikhail Gorbachev came to power and in 1989 attempted to bring about a drastic change in the social, economic and political basis of the Soviet State. The policies of perestroika and Glasnost that looked like trickles of reforms, provided to be torrents of change, that swept away the entire state that was known as USSR. The strong winds of changes have affected other socialist states, more notable among these have been German Democratic Republic that has ceased to exist and has merged into a united Germany, and Yugoslavia which was in the midst of a serious civil war. This 'collapse', however, does not mean the disappearance of 'socialism' as an ideal. There are certain basic forms of governmental organization that can be regarded as contribution of the socialist state system.

What are the distinctive characteristics of the socialist state? While discussing this we will include the example of the erstwhile USSR, which was one of the earliest experiments of the organization of socialist state. For many other such states, that came into existence later, the socialist system presented a model of organization of state. Let us discuss some of the characteristics of socialist states.

Political Parties in Socialist Societies

The number as well as the ideology of political parties in socialist societies is based on the analysis of the nature of economic force that we have discussed above. Since socialist societies will have achieved a stage where, in place of multiplicity of classes, there will be only one class, i.e. the proletariat, there is no place for multiplicity of political parties. There is also a single ideology to be pursued. Socialist societies usually have a single political party. In some such states the number of parties had been more than one. Besides the Communist parties, Bulgaria

had one more (The Bulgarian Agrarian Peoples' Union), Poland had two (the United Farmers' Party and the Democratic Party) and German Democratic Republic had four such parties (the Christian-Democratic Union, the Democratic Farmers Party, the National Democratic Party of Germany, and the Liberal Democratic Party of Germany). China, Czechoslovakia, North Korea, and Vietnam are also 'socialist multiparty' systems. But these parties did not contradict the main party in terms of ideology.

The activities of the political party are not limited to short-term gains in electoral field. The party has many other roles to perform. One important role is to act as a vanguard of the socialist ideals and not only represent it, but also ensure that it is reflected in society and in polity. The party plays the dominant role in this sense and guides, and even controls, the governmental and administrative actions. This is reflected in many ways. In many cases the position of the party leader and the head of the government is the same (e.g. in Cuba and Laos). In Cuba, Mongolia and erstwhile GDR, the party leader and the chairman of the national assembly was the same. Then, there is a personal liaison between the party leadership and the armed forces, as for example, in Albania, where party leader, due to his position, is the commander-in-chief; or in Cuba, North Korea and Romania, where the party leader is also the head of the state and in that capacity, holds the office of the commander-in-chief.

The party also influences the decisions about appointment of people in important institutions. This system is known by the term *nomenklatura*. Under this scheme, appointments to leading positions of the state administration, the judiciary, the foreign service, economic enterprises, the military and social organizations, require approval of the party.

Such a conception of the role of the party will naturally require a strong and firm leadership to pursue its goals. In order to promote its ideology

and serve the interests of the society, it requires a disciplined and unified, rather than a fragmented and loose structure. The party has a monolithic structure.

Democratic Centralism and Party Structure

Requirements of party structure and participation of party members are reconciled by the Principle of Democratic Centralism, enunciated by Lenin. Firm leadership and a unified structure of the party, however, do not mean that the participation of the numbers of the party, i.e. the workers, is in any way restricted.

The formal organization of the Communist Party of the erstwhile Soviet Union (CPSU) reflects the Principle of Democratic Centralism. While the CPSU was the supreme body, it was based on a well-arranged hierarchy of party units. At the bottom of this hierarchy were the basic units of the party in factories, state farms, schools, armed forces, and residential units like villages. The basic units also had branches at these levels. The delegates to the area were elected by basic units and these delegates elected the Regional Conferences. The Republican Congress, elected by the Regional Conferences, elected the CPSU. At each one of these levels, there were full-time officials of the party. While the lower levels elected members at each successively higher levels of the party, decisions taken at higher levels were obligatory on the party units. The lower units obeyed the decisions and the policy directives of the higher bodies. The question of party discipline became important at this stage. Each party body was responsible for the working of lower units in the area. It not only asked for information about their performances and issued new policy directives, but also finally approved the appointment of personnel. The last mentioned power made the control of upper units really effective. Thus the party organization combined the participation of members and units of the party with strict discipline and united structure. The cadre could "thus act as transmitters of central



Nikolai Lenin (1870-1924 A.D.)

A great Russian leader. Made marxism a practical political ideology and led the Russian Revolution of 1917. Famous works: 'State and Revolution', 'What is to be done?', 'Imperialism the Highest State of Capitalism'.

policy and mass demands, familiarise the members with the day-to-day problems of the villages, help create party branches and participate in a mass education movement". A record of this activity of the cadre was to be maintained and critically examined by the higher levels of party organisation. An evaluation of the assigned activities of the party cadre, by the higher levels is a constant process. Party committees report regularly to the party congress at the appropriate level. The individual members can bypass the leadership in the organisation and can appeal and complain to higher bodies in the party. Individual appeals and complaints can be made to the highest level, right up to the Chairman of the Central Committee. While the members of the party have

a right to appeal to higher levels in the organisation, the task of maintaining discipline is assigned to party control commissions.

The Communist Party of China (CPC) is based on its primary organs located in factories, mines and other enterprises, peoples' communes, offices, schools, neighbourhoods, and companies of People's Liberation Army. Party functionaries at this level are elected every year. Local bodies have standing committees, with the secretary as the head. Local party congress is elected every three years. National Congress, elected every five years, is the highest organ of the CPC. The Central Committee of the Party is elected by the National Congress.

The CPC emphasises that party committees at all levels maintain democratic centralism, the principle of collective responsibility with individual responsibility, and maintain the "mass line". Mao-Tse-Tung clarified the mass line that required each cadre to work as a link between the people among whom it worked. While the central policies were explained, the cadre was also to collect opinions that would be the basis of future policies.

Such an organization of a party is highly centralized from top to the bottom, as perhaps it is intended to be. In actual working, this arrangement does not encourage participation from lower levels, that it seeks to do in theory. The higher levels of the party get isolated from the realities of the society and is not quite sensitive to the socio-economic and cultural changes taking place in society. The party organization becomes rigid and also top-heavy. In such a situation, the political party is unable to perform the important function of acting as a link between the people and the government. Party becomes part of the government. Many other kinds of aberrations (such as corruption and arrogant leadership) also occur, that are typical of a top-heavy organization which is not subject to popular control. After the collapse of the USSR many weaknesses in the working of CPSU have come to light.

Process of Elections

The organization and actual conduct of elections depend upon the justification for this process. Since the socialist society claims to have a single economic class, that of the proletariat (i.e the working class), there is no competition among different economic classes. The single ideology serves the interests of the single class. Actual process of elections, therefore, is within the different units of the party organization. Once such electoral choice is ensured in elections to governmental institutions, like the legislature, are limited to the party candidates. There is no contest between candidates of different parties.

In the erstwhile Soviet Union, the actual process of election was witnessed at the time of nomination of candidates within the party. This process took place in stages at different levels of the party. The candidates who were successful in getting nominated, registered with the District Electoral Commission as candidates of the sponsoring agency. On successful nomination, a candidate appeared before the constituents. Thus the supremacy of the party was apparent in the electoral process also.

Governmental Institutions

Separation of powers among different institutions is not so important in socialist governments. Since the organization of power is based upon strong commitment to single ideology, there is no apprehension about concentration of power. State power is vested in the representative bodies at each level of the state organization. Representative bodies have all the powers, at least formally, and it is not shared by the executive and judicial branches of the government. These two other branches are 'auxiliary' organs that function in a manner that helps the representative bodies. Constitutions of the socialist states do not 'regulate' different branches of the government on the principle of checks and balances as we find in liberal democratic states.

The socialist representative assemblies are different in their conceptual basis. National assemblies in China and Cuba are not based on general election, but are elected by representative bodies at lower levels. The same was true of the assembly in Yugoslavia. In these countries, as also in Hungary, representation at regional level (e.g. province and district level in China) are also elected by bodies that are located at levels lower to them. 'Socialist Parliaments' also do not take part in the functioning of the state on regular basis. Their meeting sessions are just one or few times in a year, which are attended by all members and last for only one day or at the most a few days. There are some exceptions to this, as was in Yugoslavia, where the Federal Assembly, as well as other representative bodies, were in permanent session. Sessions of Sejm in Poland lasted for two or three months. The regular functions of such representative bodies are performed by a smaller permanent body, which acts as a 'substitute' parliament. Such bodies, however, did not exist either in GDR or in Yugoslavia. Assemblies in some cases have developed into effective forums of discussion, as was the case with Polish Sejm, and Yugoslav Federal Assembly.

System of Judiciary

The two functions of the judiciary mentioned by the constitutional experts are those of adjudication and of rule enforcement. The first refers to the role of judiciary in ensuring justice for the citizens. Citizens have certain rights guaranteed by the state and in those cases where such rights are denied, (or the citizens feel so) they can approach the judiciary. Judiciary also settles disputes between citizens, as also between citizens and the organs of the state. Thus the judiciary sits in judgement, i.e. adjudicates, over such matters of conflict. It means ensuring individual freedom and liberty against infringement by the government. This also involves interpretation of law. As you already know the judiciary is often

given a position and a status by the country's constitution that is above other institutions like the executive and the legislature. This is specially true of federal forms of government. Socialist conception of law, however, is different. According to Marxist analysis, a law and justice, along with other functions and organs of the state, reflect socio-economic conditions of the society. In a socialist society, therefore, the judiciary also takes part in 'building of socialism and communism'. According to this conception, judiciary is the protector of the ideology. Law serves to 'enforce political decisions'. States' policies are more important than law. Instead of protecting the rights and freedom of the individual, law protects the social interests. The state and the party is the protector of the rights of citizens and the institutions of government represent the interests of the society. Under this system, the judiciary does not act as the "guardian" of the constitution, as it is in the case of India, or the US.

The other function of the judiciary is to ensure that whatever laws and rules are made by the government are enforced properly. The judiciary is a part and parcel of the set of institutions that are responsible for protecting the socialist society and state system. Thus it is the rule enforcement function of the judiciary that is emphasized more.

Keeping in view the general philosophy of the organization of government, the highest court of justice, as also its subordinate courts, is constituted of elected members. The National People's Congress elects the President of the Supreme People's Court which is the highest judicial body. The Supreme Court of the USSR consisted of judges elected by the Supreme Soviet. So was the case with the Federal Court in Yugoslavia. The judges were appointed for a period equal to the period of the institution which elected them and they could be recalled at any time. Then came the intermediary courts of the Supreme Courts of the Union Republics in the

USSR. The judges of this court were also elected. As the base of the system were the peoples' Courts having a professional judge and assessors elected directly by "general meeting of industrial, office and professional workers".

Another important function of the judiciary that holds true especially in federal systems like the USA and India, is that of protecting the constitution. In these cases the judiciary can see if law of the state is in conformity with the provisions of the constitution. To perform such function, both in USA and in India, there is Supreme Court. There is no such highest court of justice in the socialist state to perform such functions of acting as the "guardian" of the Constitution (except in Yugoslavia where a court existed). As we have seen above, the socialist state does not advocate "separation of powers" as is the case with a constitution of USA. Only institution that has powers to decide on question of 'constitutionality' is the representative assemblies or their presidiums. Representative bodies in Rumania and Hungary set up special bodies to perform this function. Socialist states have an institution called procuracy which supervises the observance of the constitution in terms of 'socialist legality'. This is a centralized body and is responsible to the representative bodies or their presidiums.

Socialist Objectives in Liberal Democracies

Besides those states which have clearly declared Marxist-Leninist ideal as the basis of their governmental form, other states that fall within the broad category of Liberal Democracies, like Great Britain and India, also accept socialism as an ideal to be achieved. The term 'socialist' was added in the Preamble of the Indian Constitution by the Forty-second Amendment of 1976. There are many other provisions that emphasize the socialist ideals of the Indian Constitution. Many states in this category have Socialist and Communist political parties competing in elections. In Great Britain, besides the Communist

Party, the Labour Party which advocates socialist ideals has been quite important. The Labour Party has even formed governments on some occasions. Communist Party of India has a long history in India and after independence it has been a national party. It is one of the main opposition parties at the Centre, and was partner in the National Front that formed the government in 1989. The left parties have been in power in many states. It formed a government in Kerala as far back as in 1957. In West Bengal parties belonging to left ideology have been in power since 1977. Tripura is another region that had a leftist government. France has an established Communist Party founded in 1920. Besides, there are other parties like the Socialist Party and the Radical-Socialist Party. Parties with such ideologies are found almost in every Third World country.

The ideals of welfare state have brought the objectives of those states closer to Socialism. As we have seen above, all the states, irrespective of their ideological positions, are welfare states. Neither are the ideals and institutions of economic planning limited to Socialist governments. Socio-economic planning is the most important function of modern states and many states have a central agency for performing this function. Planning Commission is such an agency in India. The same is true of the social control of the processes and institutions of production. Investment of funds by government in different programmes of socio-economic development has been increasing in many states. Public Sector received much importance in economic planning in India. Many activities affecting the lives of people at large are organised as state enterprises.

An Evaluation of the Socialist Form of Government

Socialist societies have their staunch supporters as well as bitter critics. As we have discussed above, socialism has been a cherished ideal for many political systems to achieve. With the advent of socialist states as a distinct form of government,

the supporters claim that it is an old Utopia that has been achieved. The critics point at the actual working of Socialist societies and argue that there is a gap between the socialist objectives and ideology, and its practice. The ideology as spelled out by Marx and Lenin are not reflected in true sense in the Socialist and Communist states. The criticisms have been less on the objectives, but more on the actual working of the socialist states. There have been critics even in earlier years who said that communism was "God that Failed". But quick and abrupt development in the socialist countries in Europe have thrown the entire socialist block in disarray. Communists all over the world, who saw their ideology as the one that would serve the human kind the best to have suddenly become defensive. The Berlin Wall was brought down literally by the people in 1989, which saw the merger of GDR with ERG. Within two years, the all-too strong, not by way of saying but actually, USSR disintegrated into several independent states, some of which formed a commonwealth of Independent States. The fierce fighting among the ethnic groups and the disagreements among the states about sharing the division of the assets of the erstwhile USSR, brought to the surface the veneer of unity that the communist ideology had claimed. Yugoslavia was another country to fall and a civil war is in progress there. Why did this disintegration take place? Which forces were responsible for it? These are complex questions that will be analysed

by commentators. It is enough to note here that the socialist state and form of government has suffered a serious set back.

Let us not be carried away by the recent developments but look forward to the positive aspects of the Socialist form of state. With the growth of the Socialist Block as an alternative framework, the consciousness about the socialist concerns was high all over the world. Even the non-socialist block had to bring about changes in its policies and became sensitive to social concerns. The socialist state presented a new picture of hope to the countries of the Third World when they gained independence. The Socialist Block helped maintain a balance in international politics, that helped the states of the Third World in the process of consolidation in the initial phases, when it was needed most. The Soviet-help that India received, both politically and economically, is well known in the context of consolidation of democracy, as well as for the protection of its external frontiers. After the collapse of the USSR as a country and as a balancing force, there are apprehensions about the impact of a Uni-Polar World that has emerged.

Give the reason which led to the disintegration of the Soviet Union. Make a list of the 15 Republics which earlier constituted the Soviet Union.

EXERCISES

1. Distinguish between liberal democracies, democratic socialists and communists. Support your answer with examples.
2. Explain the role of political parties in socialist states.
3. What is the role of a judiciary in a socialist state? Illustrate your answer with the example of the erstwhile Soviet Union.
4. What is Democratic Centralism? Illustrate your answer with reference to the former Soviet Union.
5. Write short notes on the following:
 - (a) Significance of elections in a socialist state.
 - (b) Socialist objectives in liberal democracies.

Landmarks in the Constitutional Development in India

POLITICAL INSTITUTIONS that were enshrined in the Constitution of India developed gradually over the hundred years that preceded Independence. It was on December 31, 1600 that the Royal Charter permitted the East India Company to trade in the Indian subcontinent. The Company's organisation and its relationship with the British government was shaped by the governmental permission given from time to time. There was constant conflict during all these years between the British government and the East India Company. While the British government progressively increased its control over affairs in India, the East India Company insisted on autonomy with regard to its activities. Increasing control over more and more Indian territory over the years, however, indicates clearly the British intention of establishing a government in India. The popular revolt of 1857 provided the occasion for imposing direct rule of the British government.

The 1857 Revolt was only the culmination of popular discontent against the British domination that had been building up. There was, thus constant pressure of public opinion in India as well as in Britain, to bring about reforms in its

governance. It was to contain such demands that the Indian National Congress was founded by A.O. Hume in 1885. It was to act as a 'safety valve' for the British rule. It would guide the popular discontent, especially of the educated classes, into channels of constitutional provisions. It was also intended to use the Congress as a platform that would keep the British government informed about the popular demands. But the India National Congress proved in later years to be an important institution that spearheaded the spread of popular consciousness. Constitutional developments that were introduced from time to time were in response to the popular pressures expressed by the Congress.

Government of India Act of 1858: The British Parliament provided for direct rule under this Act. It established absolute control of the Queen of England over the government in India. Such control was to be exercised by the Secretary of State, who was accountable to the British Parliament. He was to be assisted by a Council of India. The Council consisted of 15 members—eight of them to be nominated by the British Crown and the Board of Directors of the East

India Company was to nominate the remaining seven members. Experience of having served in India was necessary for becoming a member of the Council. The Governor-General represented the Crown in India and was assisted by a nominated Executive Council. Similarly, each province had a Governor or Lieutenant Governor, who was assisted by an Executive Council at that level. Thus the line of command was very clearly drawn. The Provincial Governors were under the control of the Governor-General, who worked under the control of the Secretary of State. The ultimate control was that of the British Crown and the Parliament. In this system of imperial rule the local public opinion in India did not find any place. In fact, this became the main issue in the constitutional reforms that were brought about by later Acts of the British Parliament,

Indian Council Act of 1861 : Constitutional development was initiated under this Act. It provided for the inclusion of non-official members in the Executive Council for performance of its legislative functions. The position of the Governor General was kept intact. His prior approval was required to bring a bill for the consideration of the Council. He had the powers to use the veto in such cases. The Governor-General was empowered to issue ordinances. Legislative Councils were introduced in the provinces also. Again, the approval of the Governor-General was required on several matters.

Indian Council Act of 1892 : The non-official members under the previous Act of 1861 consisted either of big zamindars, retired officials, or the Indian princes. They hardly satisfied the Indian aspirations for representation. The Indian National Congress had, in the meantime, gained importance and was making demand for representation. There was also a demand from the European merchants to give more freedom to the government in India from the India's office in England. Reforms were suggested by the

Committee headed by Sir George Chesney and incorporated in the Act of 1892. The main elements of this Act were to increase the number of "additional members" both in the Imperial Legislature and the Provincial Legislatures, whose election process was also specified. Though it proposed for a limited election, representation was ensured for the important sections of Indian population. The non-official members were to be elected by bodies like the Chambers of Commerce, Universities, Municipalities, and District Boards. The powers of the Council were enlarged. The annual statement of revenue and budget could now be discussed in the Councils. The members also could put questions to the Executive about its actions. Thus the Act of 1892 marked the beginning, though a limited one, of the principle of election of members of legislature.

Indian Council Act of 1909 : As the Act of 1892 was being criticised as falling short of popular expectations, the nationalist movement in India came to be dominated by Extremist leadership. Leaders like Bal Gangadhar Tilak, Bipin Chandra Pal, and Lala Lajpat Rai brought renewed pressure on the British government. Lord Morley, the Secretary of State for India, and Lord Minto, the Viceroy, both agreed that some reforms were necessary. Report of the Sir Arundale Committee formed the basis of the new Act that was passed in February 1909.

The membership of Central Legislature was enlarged with elected non-official members. The election was limited and also indirect. Provincial Legislatures, the land-holders' constituencies, Chambers of Commerce, and the Muslims could send their respective representatives. Similar provisions were made for the Provincial Legislatures. Universities, Municipalities, District Boards, and the Muslim population, were recognised as constituencies that would elect non-official members to Provincial Councils.

The functions of the Legislatures were

increased. Members were empowered to move resolutions on budget and ask questions on other matters of public interest. Some subjects like the Armed Forces, Foreign Affairs, and the Princely States were, however, kept outside the purview of the legislatures.

The Act of 1909 provided for a larger number of non-official members in the legislatures. In fact, such members constituted the majority in the Provincial legislature. The Principles of election was accepted more clearly, though it was still indirect and limited. Legislative functions were also improved. But by providing separate representation to the Muslim population and that too, giving such representation in excess of their population, the Act did a permanent damage to the nationalist movement. As aptly expressed by Pt Jawaharlal Nehru in his famous book, *The Discovery of India*, "a political barrier was created round them (i.e. the Muslims) isolating them from the rest of India and reversing the unifying and amalgamating process which had been going-on for centuries". Representation to Muslims not only marked the beginning of communalism but also gave rise to such demands by other communities. Thus the Sikhs secured special representation in 1919. The Harijans, the Indian Christians, the Europeans, and the Anglo-Indians also made demands for representation. In fact, communal representation became one of the main issues in subsequent constitutional reforms.

Government of India Act of 1919 : In spite of the efforts made by the British to create a division in the Indian nationalist movement, the Muslim League and the Indian National Congress came together to demand the end of the British rule. Nationalist cause overshadowed the communal concerns. Such efforts culminated in the joint session of the Muslim League and the Congress at Lucknow in 1916 and resulted into the famous Lucknow Pact. The Pact established a definite unity of action between the two organisations. It

put forth a joint proposal for constitutional reforms. The activities of Annie Beasant's Home Rule Movement, the Ghadar Party in foreign countries, and the involvement of Britain in the First World War, forced the government to review the situation in India. Montague, the Secretary of State for India, came out with his statement of August 20, 1917, which declared the British intentions of increasing the "association of Indians in every branch of the administration and gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of British India". Montague came to India on November 10, 1917, and had detailed consultations with the Viceroy, Lord Chelmsford, and leaders of the Congress and the Muslim League. The proposals for reforms were contained in the Montague-Chelmsford scheme, which formed the basis for the Act of 1919.—

The Act reduced the powers of the Secretary of State for India. A new office of the High Commissioner of India, to represent the Governor-General, was created. The composition and functions of the Central Executive and the Legislative Council underwent change. The number of Indian members in the Executive Council was increased, though marginally. Subjects for administration were grouped under two lists—the Central and the Provincial. Instead of only one legislature at the Centre, two houses of the Council of State and the Central Legislative Assembly were provided for. Property qualifications were prescribed for electing members to the legislatures. Communal representation was retained.

More far-reaching changes were proposed for the administration of the Provinces. Subjects in the Provincial list were further sub-divided into Reserved and Transferred subjects. The reserved list was within the purview of the Governor, who distributed these portfolios among the nominated members of his Executive Council. This list included subjects like Law and Order,

Justice, Irrigation, Land Revenue, and Prisons. The transferred subjects were under the Indian Ministers, who were appointed from among the members of the legislature. Subjects like Education, Public Works, Local Self-Government, and Public Health, were included in this list. This government by two authorities came to be known as the system of Dyarchy.

The size of the Provincial Legislative Councils were increased and at least 70 per cent of their members were to be elected. The system of direct election was accepted, but high property qualifications, the communal electorates, and special weightage to certain communities was retained. The functions of the councils were also increased.

While these reforms were introduced, the important powers were still retained by the Governor-General, and the Governors in the Provinces. The system of Dyarchy came in for severe criticism. The division of subjects between Reserved and Transferred subjects were often arbitrary and illogical. These discrepancies came to light when the provisions of the Act came in operation. Besides, important powers, e.g. financial, were in the reserved list. Cases of conflict between the members of the Executive Council, administering the Reserved departments, and the Ministers in charge of Transferred subjects, were frequent. Moreover, the Ministers were responsible to the Governor, and not to the legislature. Provisions of the Act fell far short of popular expectations.

The Simon Commission 1927 : Section 84 of the Act of 1919 had provided for the establishment of a Statutory Commission to review the working of institutions introduced by the Act. Such a Commission was appointed in 1927 under pressure from the nationalist movement, as well as political situation in Britain. The Commission under the chairmanship of Sir John Simon included two members from the Labour Party, and one each from the Liberal and the Conservative Parties. Such a composition of the

Commission with no Indian member, became one of the issues on which it was opposed. The commission reached India on February 3, 1928 and was greeted by an all-India *hartal* as a protest. The leadership in the Congress was divided on the eve of the Calcutta Congress of December 1928. There were some leaders who were prepared to accept the Dominion Status for India, which meant limited freedom under the overall control of the British. Others, mostly of the Left Wing in the Congress, wanted immediate independence. The latter group included leaders like Jawaharlal Nehru and Subhas Chandra Bose. The period during which the Simon Commission was touring India was full of protests, with loud slogan of "Simon Go Back". The British Government also did not hesitate in using repressive measures. The report of the Statutory Commission was finally published in June 1930.

The Simon Report suggested certain changes in the Executive and Legislative set-up of the Centre and of the Provinces. The Central Legislative Assembly, to be called Federal Assembly, was to be constituted of representatives elected on the basis of the population of the provinces and other areas. Members from Provinces were to be elected by Provincial Councils by the method of proportional representation. The system of Dyarchy in the Provinces was to be abolished. Ministers, to be appointed by the Governor from the party having majority in the legislature, should control all the subjects. The franchise for the Provincial legislature were to be increased to three times its existing number. Communal representation was to continue. The commission recommended for a new institution of the "Council for greater India" consisting of members from the British Provinces and other areas like the Princely States. The Commission visualised the establishment of a Federation, though not in the immediate future.

The Nehru Report : Accepting the challenge of the Secretary of State, Birkenhead, to produce a constitution of India that would be acceptable to

all the parties in India, the Congress called an All Parties Conference in Delhi on February 28, 1928. A Committee of nine members, with Pt. Motilal Nehru as the Chairman, was constituted in May that year to prepare a constitution. The proposals contained in the Nehru Report provided for a secular constitution, with joint electorate of all communities. Communal electorate was rejected. A number of Fundamental Rights were proposed. A Parliamentary system of cabinet government was to be headed by the Prime Minister. The central legislature was to consist of two houses—the lower house to be elected directly and the upper house to be elected by the members of provincial legislatures. Provinces were to be organised on linguistic basis. The Report accepted a federal set-up with clearly defined powers of the Centre and Provinces. Cabinet system with a Chief Minister, was recommended in Provinces also. There were other provisions with regard to the Princely States, the Supreme Court, and Public services.

The Report, though accepted at the All Parties Conference at Lucknow, ran into heavy weather in the All Parties Convention held at Calcutta in December 1928. The provisions of the Communal settlement of providing a joint electorate of all communities of the Nehru Report, was challenged by Mr. M.A. Jinnah.

The Round Table Conferences, 1930-1932: Even before the Simon Commission Report was published, Lord Irwin the Governor-General of India, had declared that the provisions would be discussed at a Round Table Conference of groups and individuals representing different Indian and British interests. The first such conference started in London on 12 November, 1930, and was attended by members mostly nominated by the British. There was agreement on the federal principle, with autonomy to the provinces, but the question of separate electorate for religious and other such groups was a point on which members disagreed. The Congress, had not participated in this conference. The Gandhi-Irwin



M.K. Gandhi (1869-1948)

Great Indian leader and thinker. He launched Non-cooperation Movement in 1920, Civil Disobedience in 1930 and Quit India Movement in 1942. He was largely responsible for Indian independence. He gave vision of a non-violent society. He also worked for the abolition of untouchability. Famous works: 'Women and Social Injustice', 'Satyagraha in South Africa', 'Economics of Khadi'.

Pact in February-1931 brought about an understanding between the British and the Congress. The Congress participated in the Second Round Table Conference. Mahatma Gandhi was the only representative of Congress. Mrs. Sarojini Naidu and Pt. Madan Mohan Malviya attended the Conference as nominees of the British government. Representatives of other communities were also invited. This conference resulted into actions like the Communal Award and the Poona Pact which provided special representation not only to the religious groups, but also to certain caste groups among the Hindus. The provisions were opposed with renewed vigour by the Congress and other nationalist groups. The Third Round Table Conference was held in November 1932. A white paper was issued, which

was examined by the Joint Select Committee of the British Parliament under the Chairmanship of Lord Linlithgow. Its recommendations formed the basis of the Act of 1935.

Government of India Act of 1935 : The Act of 1935 brought about certain important constitutional changes. Retaining the overall control of the Crown and the British Parliament, the powers of the Secretary of State were curtailed, especially with regard to the Provinces. Federal form of government was accepted, with existing eleven Provinces, the six Chief Commissioners' Provinces, and those of the Princely States that opted to join the federation. The activities of the government were divided into the three lists—the Federal List, the Provincial List, and the Concurrent List. The residuary matters, i.e. those that were not covered in the three lists, and certain emergency powers, were vested in the Governor-General. The Central Executive was to consist of the Governor-General and the Ministers. The Act introduced Dyarchy at the Centre. The Reserved Subjects were within the purview of the Governor-General's powers and Transferred Subjects were administered by the Ministers. For the administration of the Reserved Subjects, the Governor-General could appoint Councillors to advise him. Legislatures, both at the Centre and the Provinces, were to have two houses, i.e. the upper house and the lower house. The electorate was enlarged, but the principle of universal adult suffrage was not accepted. Communal representation was extended still further to provide special representation to smaller sections. The Act abolished the Dyarchical system in the provinces and accepted the principle of Provincial autonomy. Provinces were recognised as autonomous administrative units. The Ministers, responsible to the Provincial Legislatures, were made incharge of different matters of administration. Governor, however, retained the discretionary powers.

It was provided in the Act that the federal

form will become operative only when 50 per cent of the States agreed to join the Federation. Since the Princes did not agree to join, the federal principle was kept in abeyance. Those provisions of the Act dealing with Provincial Autonomy, came into operation on 1 April 1937. In the elections, the Congress Party secured absolute majority in five provinces and in three, it was the party having the largest number of representatives. The Muslim League did not fare very well. The election results, once again, proved the secular basis of Indian society. The Congress Party formed government in eight Provinces and continued in office till October 1939. The differences between the Congress and the British Government became sharp when the Second World War broke in Europe in September 1939. The British held that India as a part of the British empire was a party in the War. The Congress, on the other hand, took the view that the War was an entirely British affair and that India should not be a party to the British involvement in the War. But they could not carry the Muslim League along. The British policy in this regard was declared by the Viceroy, Lord Linlithgow, in his statement of 17 October 1939. The Congress disagreed with the British policy and the Congress ministries in the Provinces resigned.

While the movement led by the Congress was becoming more and more effective, the Viceroy came out with a declaration on 8 August 1940. This is known as the August Offer. It was accepted that framing of the new constitution was "primarily the responsibility of Indians themselves, and should originate from Indian conceptions of the social, economic and political structure of Indian life". This exercise, it was promised, would be taken up immediately after the War. The Executive Council of the Governor-General was to include some Indian representatives.

The August Offer was found unsatisfactory, and Mahatama Gandhi launched his famous agitation known as Civil Disobedience. There

were large scale arrests of Congress satyagrahis, which included many important leaders. The War situation had also become worse in the meantime. The British government was under pressure from the Allies to arrive at a settlement. Winston Churchill, the British Prime Minister, announced in March 1940 that Sir Stafford Cripps would visit India to bring about a constitutional settlement.

Cripps Mission 1942 : Sir Cripps held consultations with leaders of important parties and sections of Indian opinion and put forth his proposals. According to him a constitution making body was to be elected after the end of the War by the members of the provincial legislatures. One tenth of the membership of the lower houses of the legislatures were to be elected by the system of proportional representation to form the constitution-making body. It will also have representative from the Princely States. The proposal gave freedom to Provinces and to the Princely States to accept or not to accept the constitution. While the proposals gave a concrete shape to the provisions of the August offer, it was rejected by almost all the sections of Indian opinion. The Congress, the Muslim League, and other sections of Indian society, all had their own reasons for the rejection of the Cripps proposal. The Congress was critical of the nomination of States' representatives by the Princes. It also disapproved of the idea of giving option to the Provinces and the States to accept or not to accept the Constitution. The Muslim League found that the idea of a separate Muslim nation was not accepted by the Mission. It also insisted on a separate electorate. And all the parties found that the Cripps Plan referred to an arrangement in future, whereas they insisted on immediate steps. The Cripps proposals were subsequently withdrawn on 11 April 1942.

The Congress reacted with the Quit India Resolution in August 1942 and the entire Congress frontline leadership was arrested by the British. There was unprecedented popular upheaval and

the movement became violent in many places. The government resorted to repressive measures. Mahatma Gandhi undertook a fast for twenty one days and was released on 6 May 1944. He continued negotiations with Mr. Jinnah. Lord Wavell came out with fresh proposals in 1945.

The Wavell Plan : It was concerned mainly with the Viceroy's Executive Council. It was proposed to make the Council more "representative" of the different communities. The subject of External Affairs was to be placed under the charge of an Indian minister.

The Simla Conference : It was called to suggest the names of Indian members for the Viceroy's Executive Council. The Conference failed due to stiff position taken by Jinnah on the communal issue. The failure of the Simla Conference convinced the Congress leaders of the irreconcilable communal division. This episode made the creation of a Muslim majority country of Pakistan inevitable because of the persistent position adopted by the leaders of the Muslim League.

The year 1945-46 saw significant developments. The trials of Indian National Army Officers held in November 1945 attracted public attention. The three officers, P.K. Sehgal, Shah Nawaz Khan, and Gurbaksh Singh Dhillon, were defended by the Congress leader, Mr. Bhulabhai Desai. Death sentence of the officers had to be suspended in the light of public resentment. On February 18-23, 1946, the Naval Mutiny took place in Bombay. In the meantime Mr. Clement Attlee of the Labour Party replaced the Conservative Prime Minister of England, Mr. Winston Churchill. The new government announced to send a Parliamentary Delegation to India in the winter of 1945-46 to report on the Indian situation and "to help her to attain her freedom as speedily and fully as possible". The Cabinet Mission was headed by Lord Pethick Lawrence, the Secretary of State, and consisted of Mr. A.V. Alexander and Sir Stafford Cripps.

The Mission reached India on March 24 and submitted its proposals on May 16, 1946.

The Cabinet Mission ruled out the Muslim League demand of formation of Pakistan. It suggested the setting up of a Union of India leaving the residuary powers with the provinces. The Plan included the suggestion about the composition of a Constituent assembly with representative of different communities in proportion to their population. The details of the working of the assembly were also provided. While the constitution was being formulated, an Interim Government was to be formed at the earliest.

When negotiations for the Interim Government started at Simla, there were differences between the Congress and the Muslim League on the number of their representatives to be included. A caretaker government was set up with the responsibility of supervising elections to the Constituent Assembly. The Assembly was elected with representatives belonging to the Congress and the Muslim League. The Muslim League, however, announced boycott of the Assembly meeting. The meeting was finally held in December 1946 and elected Dr. Rajendra Prasad as the Speaker.

The working of the Interim Government as well as of the Constituent Assembly was fraught with uncertainty, because of the non-participation of the Muslim League. The British Government forced the pace of events in the meantime. Prime Minister Attlee announced on 20 February 1947, that "it is (their) definite intention to affect the transfer of power into responsible Indian hands by a date not later than June 1948". It was left to the new Viceroy, Lord Louis Mountbatten, to work out the details. His main task was to negotiate with the leaders of the Congress and the Muslim League about the creation of Muslim country.

The Mountbatten Plan announced on 3 June 1947, accepted that partition of India was inevitable. It contained proposals regarding the method of division of Provinces. The Punjab and

Bengal Legislative Assemblies would decide, by a simple majority whether those provinces would be divided. Other areas like Sylhet and North West Frontier Provinces would take such decisions by means of a referendum.

A separate Constituent Assembly for Pakistan was set up on July 26, 1947.

The Indian Independence Bill was introduced in the British Parliament on July 4, and received the royal approval on 18 July 1947. It provided for an interim Constitution for India and Pakistan by amending the Act of 1935.

Indian Independence Act of 1947: The Act was a simple and short document, consisting of 20 clauses. It declared that power will be transferred to India and Pakistan on 15 August 1947. Their respective Constituent Assemblies will prepare constitutions for the two countries. The Assemblies will also function as the legislative body during the interim period. The Princely States would be free to decide whether they would remain independent or would join one of the countries. The office of the Secretary of State was abolished. The Governor-General and provincial Governors were to function as constitutional heads. They were expected to function on the advice of Council of Ministers.

The proposal for a Constituent Assembly was a part of the Cabinet Mission Proposals as we have discussed above. The plan ran into difficulties mainly because it was tied with the proposal of forming the interim government. The Muslim League raised certain objections regarding representation of its members in the government. Agreement between the League on the one hand and the Congress and the British on the other seemed to have developed in a manner that no clear solution was in sight. On the issue of the formation of the Constituent Assembly, the Congress felt that the process of election to the Assembly should go ahead and it should be constituted while, the interim government issue was being discussed. Muslim League, however, felt all along that the two issues, i.e. the Interim

Government and Constituent Assembly formed part of the same package of Cabinet Mission proposals and that the two should be taken up together. Non-cooperation from the Muslim League with the Constituent Assembly was apparent from the beginning. The British government and the Congress agreed to go ahead with election to the Constituent Assembly. Elections for the 296 seats for the British India were completed by the end of July 1946. The Muslim League took part in the elections. The Congress won 205 seats. The Muslim League won 73 seats out of the 78 allotted to the Muslims. Sikhs, who were reluctant in the beginning decided to elect their 4 representatives. The Assembly was to meet on December 9, 1946. But the impasse continued. Through the objectives Resolution (mentioned in Chapter 12) was passed on January 22, 1947, the Constituent Assembly was mostly ineffective. Hectic activities in coming months made it clear that partition of the country was inevitable and a united Constituent Assembly would not function. Mountbatten Plan of June 1947 proposed concertely the possibility of separate Constituent Assemblies for the two countries.

The Constituent Assembly of India had 299 members after the withdrawal of the Muslim League. It reassembled on 31 October 1947, and started the work of framing the Constitution with great earnestness and dedication. The Assembly divided its work into different committees—Union Constitution Committee, Union Powers Committee, Committee on Fundamental Rights, etc. A Drafting Committee was appointed under the chairmanship of Dr. B.R. Ambedkar. The draft constitution was prepared in February 1948. After a thorough public debate on the provisions,

the Constituent Assembly met again in November 1948, and took up a detailed clause by clause discussion. The second reading of the Constitution was completed in October 1949 and the third reading was over on 26 November 1949. The new Constitution of India came into force on 26 January 1950.

Many institutional arrangements that found place in the Constitution of India had, in fact, evolved during the long process of constitutional development discussed above. The most striking example of such institutions has been the federal principle. It was accepted by the Congress and the Muslim League in the Lucknow Pact of 1916. Simon Commission emphasized the use of the federal structure. Finally the Government of India Act of 1935 brought about a federal system where the Provinces derived their power from the British Crown. The Indian nationalist leadership was committed to introduce the federal system when India became independent. The Act of 1935 had already introduced the federal form of government. The Parliamentary system, that defines the relationship between the Executive and the Legislature, also was not alien to India. The Constitution of India, thus, represents a happy combination of the wisdom and the vision of the constitution makers and the constitutional forms and procedures that evolved over a period of time.

After going through this chapter what do you think is the role of the British in introducing the communal problem in India? Do you think that it is partly the creation of our own people? Discuss these questions with your teacher.

EXERCISES

1. Critically examine the main features of the system of Dyarchy introduced by the Government of India Act of 1919.
2. Discuss the main political events that preceded the Government of India Act of 1935.
3. Discuss the system of Provincial Autonomy introduced by the Act of 1935.
4. Write short notes on the following :
 - (a) Nehru Report
 - (b) Main features of the Act of 1909
 - (c) Cabinet Mission

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Heritage of National Movement

INDIAN NATIONAL MOVEMENT continued for more than half a century and covered a region of continental dimension. The society had phenomenal diversity and backwardness. The movement was face to face with the most formidable power of that time, the British Empire. The balance of forces were quite unfavourable to the movement. And yet, the movement grew year after year, not only in terms of the sections and regions from which it received support but also in terms of its impact. As the movement grew, the British Empire felt more and more threatened. Finally the British had to leave. All this was achieved with remarkable patience, using unique peaceful methods. The achievements of the movement were remarkable indeed. While this historical fact has to be accepted, there were certain aspects of it that have come in for criticism. In a political movement carried on at such a scale and against such odds, there is always a possibility of emergence of negative factors. At certain times, they may be inevitable, while at others the leaders may have to make compromises, and yet on some occasions there may be outright mistakes committed by leaders. The movement was, therefore, a mixed bag that included positive as well as negative aspects. The party that spearheaded the movement and leaders who were

in the forefront also had an opportunity to give a beginning to the Indian constitution and dominated politics of the country during the crucial initial decades. The movement therefore, had a great impact on the nature of Indian politics and on government after Independence. Again, there were both negative and positive aspects of the heritage of Freedom Movement that shaped the Indian political system and provided a healthy start to Indian polity. We have to keep in view the fact that many other countries that gained independence at the same time as India, could not sustain democracy. This was mainly because of the nature of heritage of our National Movement.

The basic features of Indian political system that emerged after independence developed during the long-drawn national movement. As the movement progressed from its early phase in the middle of nineteenth century, it brought within its fold new regions and new social groups. The movement was effective in Bengal, Maharashtra, and Punjab in the beginning, but it spread over to other areas like Gujarat, Bihar, UP, Central Provinces, and Andhra in later years. Besides the Presidency areas of Bengal, Bombay and Madras, and other regions that came to be known as the British Provinces, the movement enveloped the

Princely States as well. Thus the entire geographical region, which was fragmented into different kinds of administrative units came to share the nationalist sentiments. This provided the regional solidarity that is required of a nation.

Wide Social Base

The national movement spread not only to wider geographical areas, but also included wider social groups. Indian society has been diverse socially, culturally, and economically. There have been different religious groups as well. This diversity was greater during the British rule. Sections of population were divided into different castes among Hindus. Muslims had their own social divisions. Economically the society consisted of various groups, including the very poor and the very rich. There were vast differences from the educational point of view as well. Each one of these social groups had their respective social and economic interests. The national movement gradually came to include more and more sections of population. By the time it approached the second decade of the twentieth century, the Congress had become a mass movement. The Non-cooperation Movement led by Mahatma Gandhi was the culmination of this process, when all sections of the Indian population, irrespective of their diverse social and economic interests, came to participate. Diverse groups came together to achieve the goal of independence from foreign rule. The national movement was a great force to bring about the unity of purpose among groups. In the process of fostering such unity, the movement provided a purpose that brought the different economic interest groups on a common platform. Sections of Indian population had long been discontented for different reasons. Even before the Indian National Congress came into existence, there were instances of people's protests. Agrarian leagues organized in the Pabna district of Bengal in 1873 against the Zamindars, riots in Maharashtra Deccan against the money lenders in 1875, tribal rising in the 'Rampa' region in Andhra in 1879,

are examples of some such protests. The *kisans* and the industrial workers had their organizations.

Their opposition was mainly against the immediate 'oppressor'—the zamindars, the money lenders, or the industrialists. The national movement presented to these groups a higher objective of 'throwing out the British Raj'. By doing so, it also brought the *kisans* and zamindars, and the workers and the owners of industries, together to support the national movement. Instead of conflict among different sections of Indian population, which would have been to the advantage of the British Raj, the national movement brought about a sense of solidarity among diverse socio-economic groups. This was a development that was beneficial to the process of nation-building in later years.

Social Movements

No movement organised at the national level can overlook the interest of specific socio-economic groups. The *kisans*, the industrial workers, the owners of industry, the zaminders, all of them had their respective interests which they sought to pursue and preserve. The national movement took up their cause in course of organizing them together. Mahatma Gandhi started his Champaran Satyagraha in Bihar in 1917-18 to protect the interest of poor peasants. This was followed by the Kheda Satyagraha in 1919. Peasant movements in Rae Bareilly and Faizabad in UP in 1920 were on a wider scale. The Moplah Revolt in Malabar in 1921 included the agricultural workers and tenants belonging to the Muslim community. *Kisan Sabhas* were formed and became active in Bengal, Punjab, UP and Bihar. Similarly, the industrial workers organised themselves into trade unions. With the establishment of industries, expansion of trade and of banks, there emerged the Indian middle class connected with trade, commerce and industry. The Bengal Chamber of Commerce was started in 1887, and the Indian Merchants' Chamber was founded in Bombay in

1907. There was Marwari Chamber of Commerce that was started in Calcutta in 1900 and South Indian Chamber of Commerce in Madras. Finally in 1925, the Indian Chamber of Commerce came into existence. Activities of such social classes were increasingly integrated into the nationalist movement during the first decade of the twentieth century. The Swadeshi Movement and boycott of English goods, was attractive to the Indian industry, especially to the textile industry. This would in effect mean the goods produced in India would get encouragement. This was welcomed by the industrialists. Industrialists like Birla, Bajaj, Ambalal Sarabhai, Kasturbhai Lalbhai, became supporters of the Congress. While organisations of interest groups were becoming active, the nationalist movement provided an umbrella under which they came together. By taking up issues on behalf of specific groups and to the overall objectives of Freedom, the support of the groups became more realistic. The movement looked to them as serving their specific interests, as well as the ultimate objective of gaining independence.

Social Reforms

While making constant efforts to gain support from different sections of the Indian people, the leaders of the freedom movement were always concerned about the reforms that were needed in the Indian society. Most of the leaders of freedom movement were well-known social reformers. Raja Ram Mohan Roy, who is often described as the Father of Indian Nationalism, started the Brahmo Samaj as far back as 1828. This movement was responsible for abolishing many of the evils of Hinduism, like the Sati and child marriage. It also took up the task of educating the people by opening schools and publishing magazines and books. Similarly, M.G. Ranade started Prarthana Samaj in Bombay in 1867/Arya Samaj founded by Dayanand Saraswati in 1875 was the most widely spread movement. The chain of Dayanand Anglo-Vedic schools and colleges

became popular since 1886 when first such college was founded. "The Samaj played a progressive role in the earlier stages of Indian nationalism", says A.R. Desai. The Ram Krishna Mission founded by Swami Vivekanand, aimed at 'protecting India from the materialist influences of western civilization'. The Theosophical Society, associated with the name of Mrs. Annie Besant, was primarily a spiritual movement. It was also associated closely with reforms like the abolition of child marriage, pardah and illiteracy. Its contributions in the activities of Indian National Congress, specially in the Home Rule and Swadeshi Movements, were important. The role of Ahmadiya Movement, Anjuman-i-Himayat-i-Islam, Navdkhatul-Ulema, the Aligarh Movement, Khudai Khidmatgar movement, are also well known with regard to reforms in the Muslim community. The Shiromani Gurudwara Prabandhak reform movement and the Singh Sabhas were started by the Sikhs. All the well-known leaders of the national movement were also known for their role in bringing reforms. The list of such leaders includes names like Ram Mohan Roy, Gopal Krishna Gokhale, Bal Gangadhar Tilak, Aurobindo Ghosh, Lala Lajpat Rai, Iqbal and above all, Mahatma Gandhi.

Progressive thinking of those involved into the Indian national movement was clearly evident in three fields where reforms were suggested : caste system, position of women, and untouchability. Brahmo Samaj, Prarthana Samaj and Arya Samaj, all of them opposed the division of Indian society into rigid caste groups. Satya Shodhak Samaj of Jotiba Phuley of Maharashtra and Self Respect Movement of Madras were opposed to the domination of upper castes.

Evil customs like sati, pardah, child marriage, devadasis and the condition of widow, were attacked for the emancipation of women. The leaders laid emphasis on women's education. After 1919, women's participation in politics increased a great deal. The efforts of Mahatma Gandhi in bringing women in the mainstream of

political activity has been noteworthy. The women have also been active in kisan movements.

Untouchability has been the most blatant manifestation of caste system. The reform movements and the Indian National Congress laid special emphasis on the removal of untouchability. Mahatma Gandhi's concern for this group, whom he called the Harijans, was of special importance. B.R. Ambedkar came to be recognised as their spokesman. The All India Depressed Classes Federation was important for taking up the cause of the untouchables. All Indian Harijan Sevak Sangha was founded by Mahatma Gandhi in 1932. Such concerns were shown by the Congress Ministries that came to power in some provinces in 1937. By taking up these issues, the leaders of the national movement emphasized principles of equality and of democratic rights that formed the base of their demand from for freedom British rule.

Secularism

Integration of different religious groups of the Indian society was a major concern of freedom movement. The British had followed a conscious policy to divide the Indian society into religious groups. Most of the communal organisations in fact thrived on the British support. Playing one community against the other helped the British to keep the national movement under control. Whenever the constitutional concessions had to be given to the sections of Indian population, the British always emphasized the divisions in Indian society. Communal representation was introduced as far back as the Indian Council Act of 1909, and was not only retained but expanded in subsequent constitutional reforms. Such actions finally resulted into the partition of the country in 1947. There was a strong commitment, side by side, among the leaders of the freedom movement that religion cannot, and should not, form the basis of Indian nation. In fact, there were several occasions,

when the Congress and the Muslim League joined hands on specific issues. The partition of Bengal in 1905 provided one such occasion of closer contact. The Khilafat Movement of 1919-20 was another occasion, when the cooperation between the two communities was evident. The Lucknow Pact of 1916, on the eve of the Montague-Chelmsford Reforms, was yet another example of cooperation between the Congress and the League. The Congress always had important leaders from the Muslim community. Secular ideas formed an important aspect of the Congress ideology. When power was finally transferred in 1947, secularism was one of the main planks on which the Constitution of India was based. This is evident by the fact that the principle of secularism finds a prominent place in the Preamble of the Constitution.

Socialist Ideas

The leaders of the freedom movement put more emphasis on broad ideological positions and programmes. Narrow considerations that referred only to some sections of the society did not find a place in their programmes. Thus differences among leaders were expressed in terms of Moderates, Liberals and Extremists, No-changer, Swarajists, Congress Socialist Party, and the like. With the emergence of the Congress Socialist Party, the movement had a definite inclination towards socialism. This thinking had important supporters like Pt. Jawaharlal Nehru and Subhash Chandra Bose. The leaders of the Congress were always conscious of problems of backwardness and of poverty and regarded socialism, with its emphasis on economic upliftment and equality, quite attractive. The Revolution of 1917 in Russia provided a new vision and promise and sought to show a new path. Socialism became a doctrine that provided guidance to many policies in later years.

Politics of Consensus

The freedom movement, as we have seen above, included people from different socio-economic groups, diverse occupations, different regions, and different ideological groups. The Congress party had to carry these differences along in order to maintain the unity of the movement. There were individuals and groups in Congress, who had sharp ideological view points on issues. We have examined some of them earlier. But it was always thought advisable to follow the safe path of broad agreement and consensus rather than forcing an issue to be decided on the basis of majority-minority support. When an issue is decided on the basis of consensus, there is an effort to accommodate different viewpoints. This makes the decisions acceptable to larger number of people and groups. Thinkers of national movement like Mahatma Gandhi provided sound basis of the policy of consensus. The Congress Party developed into a party advocating neither the ideology of the left nor of right, but that of the Centre, quite in line with the politics of consensus. This meant that it refrained from taking any extreme positions. This 'middle of the road' policy had a positive impact. But its negative aspect was that the society and economy did not undergo any drastic change.

Basic Values

The basic values that were reflected in the ideals of the constitution of India, thus, took shape during the Freedom Movement. This was true of principles like secularism and socialism, as also of constitutional provisions like the federal system. The slow evolution of these norms allowed enough time to be accepted by the people and to gain legitimacy. When these ideals were included in the constitution after independence, they had already been accepted by the Indian nation. No special efforts were required to persuade the people to accept the principles. This was specially true of the norms of a democratic system of

government. Much before the first general elections were held in 1952, the people had become familiar with the system of elections and of the elected representatives. The freedom movement had already made the Indian population familiar with the democratic institutions and procedures as also with many of the principles like socialism and secularism.

Constitutional Method

The Freedom movement had consistently emphasized the importance of the constitutional method of change. The leaders had shown remarkable patience with the British rulers. They always relied upon making demands within the accepted procedures and institutions. The Gandhian method of protest, e.g. Satyagraha and Civil Disobedience, were unique, that often baffled the British rulers. Even when they found reforms in institutions like the Governor's Executive Council, the legislature, the civil services, not entirely to their satisfaction, the leaders refrained from resorting to drastic measures. Protests and peaceful demonstrations were normally accepted. The resolutions of the Congress contained proposals for reform. Channels of negotiations with the British were always kept open. This laid the foundation for the working of the democratic institutions, which requires constant negotiations with diverse groups and accommodation of diverse demands.

Party System

Working of democracies have emphasized the usefulness of political parties. They are the intermediaries between the democratic institutions and the population at large. Besides the Congress, many other parties too came into existence, e.g. Swaraj party, Communist party of India and the Ghadar party. Emergence of a predominant force like the Congress party was an important contribution of the freedom movement. Growth of this monolithic party helped the Indian political

system to maintain stability in the crucial beginning years of freedom. After independence, the Congress maintained its predominant position for a decade and a half. It was during this period that the foundations of Independent India were laid. The Congress was helped a great deal by the legacy of the freedom movement. It was also useful in providing Indian democracy a sound beginning to take roots in the Indian soil. Organisation and the working of the Congress Party was such that included people from diverse groups, representing different regions and interests, and having different view points. This diversity was, in fact, encouraged in the Party. It did not impose strict discipline that would exclude diversity. This is what Rajni Kothari called the "Congress System" that provided the framework for the working of Indian democracy in the initial years.

Democratic Leadership

The leadership that emerged during the freedom movement was the most valuable asset for Indian democracy. The movement provided not only the framework of ideals and institutions, but also the persons who were trained in working according to the ideals. The list of frontline leadership of persons like Gandhi, Nehru, Rajendra Prasad, Abul Kalam Azad and B.R. Ambedkar, is quite impressive. They gave a direction to the healthy working of Indian democracy. Besides these leaders, there were leaders at other levels—at the provincial, districts, and even village levels.

Committed leaders had emerged at almost all the levels during the freedom movement. They came from different walks of life. They had varied background. When institutions were organised under the new political set-up after independence, trained and committed leadership was available to occupy positions of power. Freedom movement was a great training ground for leaders, as well as for the citizens.

Popular Consciousness

With expanding base of the freedom movement, large sections of the Indian population became politically conscious. Such consciousness included the awareness of the different aspects of socio-economic life and also the different levels of the society. Besides the idea of Indian nation, the people came to know about their rights and privileges. They became familiar with the leaders, institutions, and processes of democracy. Besides such consciousness for citizenship, they became aware of their sectional interests as farmers, labourers, and industrialists. As we have seen above, such movements that referred to specific interests formed part of the mainstream of the nationalist movement. The reform movements presented yet another level of consciousness. Social evils were also highlighted which required reforms of different kinds for various sections. The freedom movement thus provided a level of popular consciousness that proved to be the driving force for Indian democracy.

EXERCISES

1. What major changes were brought about in the Freedom Movement after 1920 ?
2. Discuss the role of Social Reformers in the Freedom Movement.
3. Indian national movement had a wide social base. Explain

4. What do you know about any two basic values which took shape during the national movement ?
5. Write short notes on the following :
 - (a) Secular ideas in Freedom Movement
 - (b) Democratic leadership emerging in the Freedom Movement.
 - (c) Politics of consensus
 - (d) Women's participation in the national movement.

CHAPTER 12

Preamble to the Indian Constitution

THE PREAMBLE contains the basic ideals and basic underlying principles of a constitution, stated mostly in moral terms that indicated the desired direction for a political system. In the detailed arrangement of institutions, positions, and procedures, constitutions always pay primary attention to these ideals. They provide the justification for constitutional provisions.

The ideals of Indian constitution took shape during the freedom movement and were inspired by its distinguished leaders. The nationalist sentiments had consistently emphasized that any constitution for India must be formulated by the Indians themselves. It should not be imposed from above by outsiders. Sovereignty of the Indian people had been emphasized. Different kinds of inequalities and exploitation in the Indian society had been attacked during the movement. As we have already seen above that the freedom movement always paid attention to social reforms and its leaders have been well-known reformers. Efforts at reforms reflected the ideals that the freedom movement had before it. Constitutional methods had been one such ideal that was consistently emphasized. When the Cabinet Mission Plan came in May 1946, the Indian National Congress saw an opportunity to try its

hands at constitution-making. The resolution of the Congress Working Committee on June 24, 1946, declared the objectives as immediate independence and opening out of avenues leading to the rapid advance of the masses economically and socially. It was further elaborated at the Congress session held in November 1946 on the eve of the meeting of the Constituent Assembly. This resolution declared that "it stands for an independent sovereign republic wherein all powers and authority are derived from the people, and for a constitution wherein social objectives are laid down to promote freedom, progress and equal opportunity for all the people of India"

The Constituent Assembly which gave shape to the Constitution of India faced at the outset the task of stating its basic objectives. The ideals of national unity had gathered prime importance because of the spectre of partition already haunting the working of the Assembly. The basic objectives for the constitutions found expression first of all in the objective Resolution introduced eloquently by Pandit Jawaharlal Nehru on December 13, 1947, which represented such expression of determination on the part of the members of the Constituent Assembly. Some of the important provisions of the Resolution were as follow.

- (1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for the future governance a constitution;
- (2) wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people;
- (3) wherein shall be guaranteed and secured to all the people of India justice—social, economic and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association, and action, subject to law and public morality; and
- (4) wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other classes,”

The Resolution was widely welcomed and debated by the members of the Constituent Assembly in the middle of December 1946. The two limitations that the members mentioned repeatedly was the absence of the Muslim League from the Assembly and the uncertain status of the Princely States. This introduced an element of hesitation on the part of the members. After a debate once again, the Resolution was adopted by the Assembly on January 22, 1947.

Based on the Resolution, the Drafting Committee considered the Preamble as proposed by B.N. Rau. This stage of discussion saw further refinements of concepts like ‘sovereignty’ and addition of certain terms like ‘fraternity’. Other terms like ‘democracy’, ‘justice’, ‘liberty’ and ‘equality’ were widely discussed, where these abstract terms were given concrete meaning. Dr. B.R. Ambedkar’s contribution was marked at each stage. The Preamble was adopted at the last stages of the working of the Constituent Assembly so that it was in conformity with the constitutional provision. It was considered necessary almost three decades after the independence to introduce terms of ‘socialist’, ‘secular’ and ‘integrity’ of the nation by the Forty-second amendment passed in

1976. The Preamble to the Constitution of India reads as follows:

“WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and secure to all its citizens:

JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation; IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION”.

Read the preambles of the constitutions of the USA and India. Find out the common objectives laid down in the preambles of the constitutions of both the countries.

The preamble is a very comprehensive expression of the philosophy on which the constitutional structure is based. Different parts of the preamble outline the source from which the constitution derives its authority. The type of government and the objectives of the Indian political system are also outlined. Since the constitution is a legal document, the date of its adoption is clearly mentioned. The preamble states that the “People of India” represent the source of authority of the constitution. The will of the people was expressed in the resolution of the Constituent Assembly. It is also clear that the people decided on their own to adopt the Constitution. It has not been imposed by any external agency.

The type of government that the constitution provides for is defined in terms of Sovereign, Socialist, Secular, Democratic, and Republic. As we have seen above sovereignty is a necessary

aspect of any state. It refers to the unquestioned acceptance of the authority of the state within its territory, as well as by other states. Any decision of the state will, therefore, be accepted by its citizens. Similarly, other sovereign states will recognize the Indian states as having legitimate authority over its territory and the people.

The terms Socialist and Secular were added in the Preamble by the Forty-second Amendment, passed by the Parliament in 1976. As we have seen above both the ideals were emphasized, again and again, by the leaders during the freedom movement. There were suggestions during the debates in the Constituent Assembly also for the inclusion of these terms in the constitution. K. T. Shah moved such an amendment on two occasions. It was pointed out that other provisions of the constitution took care of both the ideals. Such ideals are emphasized in the constitutional provisions of Fundamental Rights which provide rights to Equality and rights against Exploitation. Social and Economic Justice are important provisions of the Directive Principles of State Policy. Similarly, Liberty of Belief, Faith and Worship and Equality of Status and Opportunity were adequate explanations of the idea of Secularism. Moreover Articles 25 to 28 provide for right to Freedom of Religion. Still these ideals had to be emphasized by the Amendment of 1976. Swarn Singh, Chairman of the Congress Committee on Constitutional Changes, pointed out that the insertion of the term "socialist" showed the nation's resolve to work for 'a new socio-economic resolution.'

Debates on the ideals of democracy in the Constituent Assembly were given shape by important leaders like Jawaharlal Nehru and B.R. Ambedkar. It was emphasized that both political and economic aspects of democracy are important. Giving right to vote to the citizens is important, but it is not enough. It had to be considered along with economic democracy. B.R. Ambedkar defined social democracy 'as a way of life which recognizes liberty, equality and fraternity as the



Dr. B.R. Ambedkar (1891-1956 A.D.)

An eminent jurist and educationist. Leader of the scheduled castes and a dedicated fighter for the cause of the oppressed people. Chairperson of the drafting committee set up by the Constituent Assembly. Famous works : 'Castes in India: their Mechanism, Genesis and Development', 'Who were the Shudras?', 'The Untouchables', 'The Buddha and His Dhamma'.

principles of life'. Thus the Constituent Assembly took a comprehensive view of democratic ideals. The system of adult franchise provided the basic rationale for democracy. The constitution also provided for an independent and impartial body like the Election Commission to conduct the elections in a free and fair manner. While the representatives to the legislatures are elected by the people, the governments both at the Centre and in the States, are responsible to the representative body. The head of the state, the President, is also elected, by a process specifically defined for this purpose. The Democratic Republic ideals are thus satisfied by these provisions of the constitution.

PREAMBLE TO THE INDIAN CONSTITUTION

The ideals of Justice, Liberty, Equality and Fraternity, prescribe the objectives of the Indian political system. These terms formed the points of extensive debate in the Constituent Assembly. Different aspects of justice— social, economic and political—were discussed. The achievement of ideals of welfare state and putting an end to discrimination on the basis of caste, community, race and religion was emphasised. Political justice was to be elaborated in terms of different aspects of liberty. Equality was defined by Ambedkar 'as a sense of common brotherhood of all Indians'. The term Fraternity was proposed by Ambedkar. He pointed out that 'without fraternity, equality and liberty will be no deeper than coats of paint'. Concepts of liberty, equality and fraternity formed 'a union of Trinity in the sense that to divorce one from the other was to defeat the very purpose of democracy'. These ideals find place in Parts III and IV of the Constitution which contain the Fundamental Rights and the Directive Principles of State Policy. Discrimination on grounds of caste, community, race, and religion are sought to be prevented. Special provisions are made to protect the interests of Scheduled Castes and Scheduled Tribes and other weaker sections of the society. Different provisions of the Directive Principles take care of the problems of establishing social and economic democracy. Fundamental Rights guarantee liberty of thought, expression, belief, and worship. Equality of status and opportunity are also provided. Abolition of untouchability and of titles indicating social distinction and inequality, point towards the ideals of fraternity.

The preamble mentions the dignity of individual and the unity and integrity of the nation together in the same clause. This indicates the importance that is attached to the individual as the

basic unit of Indian polity. While guaranteeing different kinds of freedom in Article 19 of the Fundamental Rights, the Constitution subjects them to certain 'reasonable' restrictions mentioned in Clauses (2) to (6) of this Article. These restrictions refer to the sovereignty and integrity of India and Public Order. The court of law can decide whether a particular 'restriction' imposed by the government is 'reasonable' or not. The term 'integrity of the nation was added in the preamble by the Forty-second Amendment. This emphasis was thought necessary because of the problems of dissension faced by the Indian polity from time to time.

The final paragraph of the preamble puts on record the exact date when the constitution was adopted. It emphasizes once again the principle of sovereignty of the people which 'adopted' the constitution. The principle of legitimacy is strengthened by the declaration on behalf of the people 'to give ourselves this constitution'. It is thus a self-enacted and self-imposed constitution.

A point of view that is often put forth is that the preamble does not form part of the constitution. It is a general statement of the resolve to follow certain principles. This view was expressed by Mahavir Tyagi in the Constituent Assembly. This position was reiterated by the Supreme Court of India in the Berubari Case in 1960. The Court's decision was different in 1973 in the Keshavanand Bharati case. It was held that the preamble is important so far as it outlines the 'basic structure' of the constitution. Any amendment to the constitution cannot alter the provisions that refer to the 'basic structures'.

**Is preamble a part of the Indian constitution?
Discuss it in the class.**

EXERCISES

1. What are the guiding principles mentioned in the preamble of the Indian constitution? Discuss briefly.
2. Write short notes on the following:
 - (a) Necessity of a preamble in a constitution
 - (b) Objectives of resolution of 1947,

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Basic Features of Indian Constitution

THE NATURE of Indian Constitution has been determined by many factors. Important among them were the nature of Indian society, the aims and ideals that took shape during the freedom movement, the characteristics of the Constituent Assembly, and the socio-political events that took place at the time when the constitution was being framed. Indian society is heterogeneous which includes people belonging to different religions and social groups. Besides, there are many castes and tribal groups. There are glaring economic inequalities. These factors were kept in mind when principles of secularism, socialism, equality, and protection to the weaker sections of the society were emphasized in the Preamble of the Constitution. The Indian sub-continent included British administered provinces of various types and varied sizes, as well as the Princely States.

There were more than 500 princely States, spread all over the territory. They covered "40 per cent of the surface area and sustained 20 per cent of the population of the subcontinent". Some of them were substantial like Kashmir and Hyderabad, and some others were "no more substantial than a large village." They were governed by different kinds of rulers, who had special political and administrative position during

the British rule. At the time of independence, these states had the option of joining either India or Pakistan, or even remain independent. Many rulers used this occasion to gain advantages of different kinds. Sardar Patel's political skill, which combined persuasion with toughness, was responsible for the integration of the princely States into the Indian Union. There were also small enclaves like Goa and Pondicherry that were ruled by other countries like Portugal and France. Geographical integration was the primary task of the constitution-makers.

While this diversity was reconciled in the freedom movement, it developed certain ideals over the years. These ideals referred to the much needed socio-economic reforms. Fundamental Rights and the Directive Principles of State Policy include many such measures. Specific constitutional reforms and institutions that came into existence especially after 1919, also became a part of the political tradition that the constitution could not ignore. Constitutionalism was one such commitment. The parliamentary system and the federal structure are other examples of such influences.

The Constituent Assembly that was engaged in the task of formulating a constitution of free

India came into existence under certain circumstances and included members from different walks of life. It was formed on the basis of representation to certain communities and to certain sections of the society. There were representatives from the 'General' category and 'Muslims'. The Sikhs of Punjab had separate representation. While the Congress Party had an overwhelming majority, other political parties that were represented were Muslim League, Unionist, Unionist Muslims, Unionist Scheduled Castes, Krishak Praja, Scheduled Castes Federation, Sikhs (Non-Congress), Communist, and some independents. Then, there were representatives from the Governors' provinces and from the princely states. Such was the diversity that the Constituent Assembly had to reconcile. This could be contained by means of keeping in view their interests and infusing a sense of idealism among the members. The latter task was achieved by the many distinguished persons who were members of the Assembly. They included prominent leaders of the freedom movement, well-known legal and constitutional experts, people with commitment, and men with immense administrative experiences. The list of 17 members of the Drafting Committee of the Constituent Assembly includes names like B.R. Ambedkar, K.M. Munshi, Alladi Krishnaswami Aiyar, N. Gopalaswami Ayyangar, T.T. Krishnamachari, Vallabh Bhai Patel, J.B. Kripalani, Jawaharlal Nehru, and B. Pattabhi Sitaramayya. This galaxy of members brought with them their knowledge, expertise and experience to enrich the constitution. Provisions of the Constitution provide evidence of the knowledge of other constitutions of the world.

The communal problem had developed during the freedom movement. In fact, it was the main issue that surfaced again and again at every turn of the constitutional reform. Partition of the country and the resulting communal violence was a permanent scar on the body politic. It convinced the constitution-makers of the vulnerability of

Indian political system that had to manage the diverse society. No wonder the federal system which reflects the diversity, is biased in favour of the strong centre. As a result of these diverse influences, the Constitution has certain distinctive characteristics.

Any discussion on the basic features of the Constitution poses certain problems. The Constitution itself does not declare its basic characteristics. These have to be derived from its provisions and institutional structure. Which of these are basic? There may be different view-points on this question. However, there is a broad agreement that there are certain characteristics of the Indian Constitution that constitute its basic features.

Constitution Derived from Many Sources

The constitution-makers were so keen to work out the best possible document that they borrowed heavily from the constitutional provisions and institutions of different countries. This process was helped by the presence of constitutional experts like B.R. Ambedkar and B.N. Rau.

The Government of India Act 1935 was the biggest source for the Constitution because about two-thirds of the provisions are similar. Many of these provisions, as we saw above, had evolved as a result of earlier Acts. The Constitution depended on Great Britain when it provided for the parliamentary form of government, the process of law-making, the institution of Speaker of the legislature and single citizenship. The federal structure is the most important American institution that we find in the Constitution. There are other provisions that have been taken from the constitution of USA, e.g. the supremacy of the constitution, independent judiciary, judicial review, elected head of state, the procedure for impeachment of the President, and the process of ratification of the constitutional amendment by State legislatures. Part III consisting of the Fundamental Rights reminds us of the Bill of

BASIC FEATURES OF INDIAN CONSTITUTION

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Rights in American constitution. The Constituent Assembly seems to have depended on the constitution of Ireland when it provided for the Directive principles of state policy in Part IV. The method of the election of the President, and nomination of members in the Upper House at the Centre (i.e. Rajya Sabha) for contribution in the fields of art, literature, science, social service, etc., are other provisions that may also be traced to the Irish constitution. Definition of Indian federation as 'A Union of States' and giving residuary powers to Union, are similar to the constitution of Canada. The Australian federation provided the idea of Concurrent List contained in the Seventh Schedule under Articles 245-255 of the Constitution of India. Article 21 explaining the 'Procedure established by law' is similar to the provisions in the constitution of Japan.

Such similarities with constitutions of other countries attracted many points of criticism in the Constituent Assembly and afterwards. The Constitution is termed as 'borrowed', as a 'Patch work', as 'Scissor and paste affair', as 'slavish imitation of West', and 'not suited to the genius of the people'. In spite of these criticisms we find that at every stage the constitution-makers made necessary modifications while adopting a provision from some other country. The combination of different provisions provide the Indian Constitution its unique character. These institutions are in accordance with the ideals and commitments that had evolved in the Constituent Assembly.

An Elaborate Document

The Constituent Assembly took about three years to enact the constitution that was divided in 22 parts, 395 Articles and 8 Schedules (two more Schedules have been added since then). There were many reasons for this lengthy constitutional document. The members of the Constituent Assembly had a vision of social change which they wished to be reflected in this legal document.

The Directive Principles of State Policy represent such intentions. Ideas and institutions that the Assembly found attractive in other countries had to be accommodated. Two such institutional frameworks that had to be reconciled were those from the political systems of the Great Britain and United States of America. The parliamentary form of government had to be reconciled with the presidential system. Another set of characteristics that needed to be harmonized was the federal structure and the unitary principle. The heterogeneous nature of the units only added to the regional diversity of the political units. The constitution-makers did not want to leave any gaps in the constitution that would create problems later. In an effort to tackle such a complex set of factors, they preferred an elaborate constitutional document. The length of constitution led the well-known constitutional expert, Sir Ivor Jennings, to describe the Indian constitution as a rigid constitution. But the fact that the constitution has had more than 70 amendments suggests that it is not as rigid as the constitutions of USA, Australia and Switzerland. It is also not as flexible as the British. The Indian Constitution combines the characteristics of rigidity and flexibility.

Procedure for Amending the Constitution

A constitution is a living document, which has to adapt itself to the changing socio-economic conditions in society. Amending procedures help this process of adaptation. A written elaborate constitution, federal structure and provisions of Fundamental Rights—these provisions in the Constitution of India are sufficient grounds for having a rigid constitution. This position had strong supporters in the Constituent Assembly. There were others who advocated flexibility. They were conscious of the fast changing Indian society, which would need vast programmes of socio-economic change. The Constitution, they argued, must be flexible enough to adapt itself. The procedure for amending the Constitution that was

finally adopted followed a compromise by dividing the constitutional provisions into three categories and providing different procedures for amending them.

There are about three dozen Articles in the Constitution that can be amended by Parliament by a simple majority of members present and voting before sending it for President's assent. The provisions that can be amended in this manner pertain to names and boundaries of States, creation or abolition of Legislative Councils in States, codification of parliamentary privileges, fixing quorum in Parliament, salaries and allowances of the President, Governor, and Judges of Supreme Court and High Courts, etc. This amending procedure is simple and flexible.

For amending the second category of constitutional provisions, a special majority of Parliament is required. Such an amendment must be passed by each House of Parliament by a majority of the total membership of the House. But this majority must not be less than two-thirds of the members of the House present and voting. Like other bills passed by Parliament, it is sent to the President for assent. This procedure applies to most of the provisions in the Constitution.

The third type of amendment is more difficult to pass. Besides the special majority mentioned above, such amendment must be approved by at least 50 per cent of the State legislatures. Only then can it be sent for President's approval. Provisions that are required to be amended in this manner are those dealing with the procedure for the election of the President of India, executive powers of the Union and the States, constitutional provisions for the Scheduled Castes and Tribes, changes in the Union and State Lists contained in the Seventh Schedule, representation of State in Parliament, and changes in Article 368 that deals with the process of bringing about amendment in the Constitution. It is quite evident that these provisions are comparatively more important, for which a more difficult procedure of amendment is laid down.

In over four decades after the introduction of the Constitution, more than 70 amendments have been passed. The speed and frequency of amendments has increased over the years. The number of amendments during the first decade of 1950-1960 was only 9, while it increased to 15 during 1960-1970. During the five decades of 1970-1989 the political situation in the country was such that as many as 39 amendments had to be made. And during the years 1990-92, 7 amendments have been made. With changing political and socio-economic conditions in the country, more amendments became necessary.

The amendments relate to important socio-economic issues in the Indian society, e.g. right to property, especially related to industries, land reforms, guarantees for the depressed and backward classes, and centre-state relations. Some amendments became necessary also to take care of the changing interpretations of the constitutional provisions by the judiciary.

Judicial interpretations have suggested that Parliament does not have unlimited powers to amend the Constitution. The Supreme Court suggested in the Keshvanand Bharati case in 1973 that the 'basic structure' of the Constitution cannot be altered by Parliamentary amendments. The Fortysecond Amendment in 1976 provided that Parliament's powers to amend the Constitution is unlimited. There is no provision in the Constitution which cannot be amended. It was also provided that no Parliamentary amendment shall be questioned in a court of law. The Supreme Court reversed the position again in the Minerva Mills case in 1980 and sustained the 'basic structure' argument.

The Federal Structure

The Constitution of India has all the basic features of a federal system of government: a written constitution, division of power between the Union and the States, and an independent judiciary. Provision concerning division of legislative and administrative powers between the Union and the

States are elaborate. The judicial authority to protect the constitution is clearly established. But the term 'federation' is not used by the constitution-makers. They prefer the term 'Union of States'. Emphasis on the Union is reflected also in other provisions of the Constitution, e.g. creation of new States and changing the State's boundaries at Centre's initiative; single Constitution for the Union as well as for the States; single citizenship; appointment of executive head of the State, i.e. the Governor by the Centre; and above all, the Emergency Powers of the President. In the opinion of some people the Constitution is more unitary than federal. The well-known writer K.C. Wheare labels the Indian Constitution as 'quasi-federal'. Factors like heterogeneity of Indian society, diverse nature of different regions, the communal problem and, most importantly, the serious law and order situation that India faced by riots at the time of partition, influenced the constitution-makers of the necessity for a strong central government.

Parliamentary Form of Government

The basic form of government that had evolved in India after the Acts of 1919 and 1935, was that of the Parliamentary form of the British pattern. In this system actual powers are with the Prime Minister, who is the head of the Government. The Prime Minister and the Council of Ministers are members of the political party that generally has majority in the Parliament. The executive powers are located with the ministers and the Prime Minister. Thus the Prime Minister controls the majority in the legislature and is also the head of the executive branch of government. In a parliamentary form of government, therefore, there is fusion of the legislative and the executive powers. The President is the 'constitutional head of the State and the Prime Minister is the head of the government'. The States have the same kind of executive authority with Chief Minister and his Council of Ministers.

Fundamental Rights

We have seen above that the preamble of the Indian Constitution emphasizes 'dignity of individual'. Part-III of the Constitution provides the rights that are guaranteed to the citizens. It includes Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, Right to Property and Right to Constitutional Remedies. The Fortyfourth Amendment of 1978 brought about a change in the Right to Property. Article 300-A provides that 'no person shall be deprived of his property save by authority of law'. Right to property is no longer a Fundamental Right. It is a 'legal' right. The difference between the two kinds of rights is that the first has the constitutional guarantee behind it; 'legal' right on the other hand, is guaranteed by ordinary law.

Fundamental Rights have constitutional guarantee and in case of their violation, citizens can appeal to the Supreme Court of India, which has the obligation to protect the Constitution. The rights cannot be taken away except by a constitutional amendment. But, these rights are not unlimited. There are certain limitations to the rights from the point of view of peace and security of society and of the state.

Fundamental Duties

The Fortysecond Amendment of 1976 added Part IV-A in the Constitution containing ten duties of citizens. They include: duty to follow and respect the Constitution, to follow the ideals that inspired the people during the freedom movement, to protect India's sovereignty and unity, to be prepared for defending the country, to maintain amity and brotherhood among communities, to protect the composite culture of the country, to protect the natural environment, to develop scientific temper and humanism, to safeguard public property and abjure violence, and to excel in all individual and collective activity. Unlike the rights, the duties are not guaranteed by judicial

sanction. They are ideals to guide the citizens and to remind them about fundamental expectations from them.

Directive Principles of State Policy

Part IV of the Constitution consists of certain guarantees to the citizens. But these are not 'Justiciable'. The citizens cannot approach the court of law for the enforcement of these principles. This idea has its beginning in the constitutional proposals of the Tej Bahadur Sapru Committee in 1944-45. Distinguishing between the 'justiciable' and 'non-justiciable' rights, B.N. Rau, the constitutional adviser, clarified that 'there are certain rights which require positive action by the State and which can be guaranteed only in so far as such action is practicable, while others merely require that the State shall abstain from prejudicial action. The provisions included in the Directive Principles of State Policy are based on the list of rights prepared by the sub-committee on Fundamental Rights appointed by the Constituent Assembly.

The Directive Principles provides the guidelines to the legislature and the executive for the achievements of the ideals of a welfare state. Provisions include economic and social justice. Actual policy guidelines are listed under the two broad principles. This part of the Constitution also includes provisions for establishment of and encouragement to Village Panchayats, for workers' participation in management, for protecting environment and wild life, etc. Influence of the principles advocated by Mahatma Gandhi is evident in provisions like promotion of the interests of Scheduled Castes and Tribes, promotions of cottage industries and organisation of village panchayats.

There has been a controversy about the Fundamental Rights and the Directive Principles. In case, there is a conflict between the provisions of the two, which will prevail, while the first emphasizes the political rights, the second is aimed towards social and economic objectives.

There is also a distinction in terms of one being 'justiciable' and other being 'non-justiciable'. But the Directive Principles represent the moral force and national conscience of the Constitution which the Indian state is expected to keep in view. The Constitution prescribes that the Directive Principles are 'fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws'. A question that has occupied the mind of the Supreme Court ever since the Champakam Dorairajan case in 1951, is the primacy of one over the other. Which of the two is more important—Fundamental Rights or the Directive Principles? The Supreme Court has given varied interpretations. The first interpretation was that the Fundamental Rights are more important, but they can be amended to take care of the Directive Principles. The famous Golaknath case of 1967 was a turning point when the Supreme Court judgment said that the Fundamental Rights cannot be amended. The Twentyfourth and Twentyfifth Amendments of 1972, established the earlier interpretation that amendment to Fundamental Rights are possible. The Fortysecond Amendment of 1976 established the importance of Directive Principles over certain Fundamental Right. The judgement of Supreme Court in the Minerva Mill case in 1980 again asserted the superiority of Fundamental Right.

The controversy and the different interpretations only indicate the importance of the Fundamental Rights and the Directive Principles. The constitution-makers were conscious of the problems that may arise at the time of implementation of the two parts of the Constitution. As Justice J. Chandrachud suggested, "Together, not individually, they form the core of the Constitution; together, not individually, they constitute the true conscience."

Emergency Provisions

Part XVIII of the Constitution contains nine Articles which provide for the emergency powers.

vested in the President of India. The three conditions under which the President can declare emergency are war, external aggression and armed rebellion, 'failure of constitutional machinery in States' and 'threat to financial stability or credit of India'.

Emergency of the three types have direct effect on the powers of the states and on the Fundamental Rights. Many of the provisions referring to the legislative and other powers of the institutions at the State level are suspended. Some Fundamental Rights, especially Rights to Freedom, are suspended for the period of emergency. Besides suspension of some of the rights, the actual governance of the country passes on to the Union Government. Under Article 356 the federal scheme of distribution of powers between the Centre and the States is suspended in the State where emergency is declared and the concerned state comes directly under the President and the Union government. Thus during Emergency, Indian government is centralised. Chapter 16 discusses this provision and its implications in detail.

Independence of Judiciary and Judicial Review

We have seen in Chapter VIII that an independent judiciary is a basic characteristic of a federal system. An important function of judiciary under this system is to act as the guardian of the constitution and give authentic interpretations in cases of disputes. Thus, the powers of the legislatures to make laws are subject to examination by the judiciary from the point of view of the constitutional provisions. The same is true of the orders of the executive. If the court of law feels that a law passed by the legislature or the executive orders are against the constitutional provisions, the law is declared invalid. This is known as the power of Judicial Review. The Supreme Court of India has such powers with regard to (a) disputes between the Centre and the States, (b) those laws passed by the legislatures

which are not in tune with the Constitution, (c) protecting the Fundamental Rights, and (d) to interpret and clarify a provision of the Constitution about which there are some doubts and differences of opinion. Cases of all such categories have come before the Supreme Court of India from time to time.

The powers of the judiciary in India are not as far-reaching as they are in the USA under the principle of 'due process of law'. This principle allows the judiciary to examine laws from the point of view of wide ideas like the 'principles of natural justice'. The Indian Constitution accepts the 'principle of procedure established by law', which allows the legislature to prescribe the scope of a law. This gives the legislature certain powers to decide the course of law. Pt. Jawaharlal Nehru asserted that judiciary cannot be made the third house of legislature. Again, the first amendment to the Constitution added the Ninth Schedule in the Constitution. Any law included in this Schedule cannot be questioned in a court of law. Disputes relating to the distribution of water of inter-state rivers has also been kept outside the judicial purview.

The Constitution of India is a document where powers and functions of institutions are discussed in great detail. Moreover, the process of amending the Constitution is easier as compared to the other federal systems. The legislatures can exercise greater powers to bring about changes in keeping with the changing circumstances. Thus, the Constitution of India has been able to reconcile the federal principle with the compulsions of a parliamentary system, where the institution of legislature is important.

Find out what other features of the Indian Constitution have been mentioned in the book.

EXERCISES

1. Identify any two sources of the Indian Constitution. Describe in brief the provisions which have been taken from these sources.
2. How can the Indian Constitution be amended?
3. Briefly discuss India's federal features.
4. What do you know about the Fundamental Rights as guaranteed in the Constitution?
5. When were fundamental duties included in the Constitution. Name any five fundamental duties.
6. Write short notes on the following :
 - (a) Judicial Review
 - (b) The non-justiciability of the Directive Principles of State Policy
 - (c) Emergency provisions.

Indian Federation : Constitutional Provisions and Working

CONSTITUTION OF a country is the product of the circumstances in which it is formulated. The historical legacy, the socio-economic and geographical condition, the nature of the constitution-making body, the contemporary situations — all such factors have to be reconciled with the ideals that the makers of the constitution wish to enshrine in the document. Hence the complexity of the process of constitution making. The type of federal system that we find in the Indian Constitution is a result of such factors that had their influence. That this system is most suited to the Indian conditions is borne out by the diverse nature of its society, and of its economic and the political units. The British provinces and the Princely states that came to constitute the States in Independent India were differently administered and even followed different legal systems. There were vast differences even among the Princely states. All these units used different languages. There were cultural differences also. In fact the Indian National Congress had adopted the federal structure in the organisation of the party. The Constituent Assembly itself contained representatives of different units and different communities. As discussed in Chapter 13, the

Constituent Assembly included representatives of different communities like the Muslims and Sikhs, as also of different parties like the Muslim League, Unionist, Unionist Muslims, Unionist Scheduled Castes, Krishak Praja, Scheduled Castes Federation and some Independents. While bringing these diversities together, the leaders of the Freedom Movement were always conscious of them. The federal idea was reflected in the constitutional reforms that were introduced from time to time. Much before the Constitution was framed, the Act of 1935 had established the federal working. The Cripps Mission of 1942, the Cabinet Mission of 1946, and the Objectives Resolution proposed by Pt. Jawaharalal Nehru in 1947 — all of them had accepted the federal principle. To adopt the federal structure seemed most natural for the Constitution of India.

There were certain other equally important forces which emphasized the need for a strong Union Government. The Indian economy that was left by the British after the Second World War suffered from deficits and shortages. Food shortage had reached an alarming stage. The communal situation that had posed problems even

earlier was acute as the partition seemed inevitable. The communal riots that accompanied the partition posed serious problems of maintaining law and order, and unity of the country. The status of the Princely states was still undecided. The Indian Independence Act of 1947 had given freedom to the princes to decide whether they would remain independent or join India, or Pakistan. The requirements of economic reconstruction, the uncertain status of the Princely states, and the communal situation that culminated into the 1947 riots, were important considerations that persuaded the Constitution makers to provide for a strong Centre within the federal framework.

The Constituent Assembly was thus committed to the federal idea, and at the same time, convinced of the need for having a strong central government. In an effort to reconcile the two considerations, the constitution-makers opted for a balance in favour of the Centre. Indian federation has given rise to a controversy about its nature. While some describe it as a federal structure with strong bias towards the Centre, others feel that it is more unitary than federal. The well-known scholar, K.C. Wheare calls it a 'quasi-federal' system. This is a middle position which views the provisions of the constitution as providing for a federation, but of a kind which cannot be called a 'federation' in the classical and full sense of the term.

While evaluating the Indian federal system scholars often keep in view the older federations like the United States of America. The theory of federalism suggested by early writers like A.V. Dicey depended heavily upon the US experience. Characteristics of federalism that are found there are often the ideals against which other federations are evaluated. But the process of the making of the federation differs from country to country. What is suitable for USA may not be the best option for other countries. In fact different federations like the Switzerland, Australia and Canada have worked out their own systems. Then, there are federal systems in the Third World countries in

Asia and Africa that have their distinct characteristics. We have examined these aspects in Chapter VIII. To talk of the 'ideal form' of a federal system is, therefore, unrealistic. Every constitution has its distinct characteristics. The Indian Constitution has opted for a federal system that the constitution-makers found most suitable.

The Indian Federal Scheme

The Constitution of India recognises two levels of government—at the Union and in the States. The territory is divided into 25 States and 7 Union Territories. The States have powers and functions derived from the Constitution and have governments with jurisdiction in the respective States. The government at the Union level has jurisdiction over the entire Indian territory. Distribution of legislative, administrative, and financial powers between the Union and the States is elaborately provided. Thus the distribution of power is both territorial and in terms of subjects. The Constitution as the source of such powers is supreme. An independent judiciary also finds a place, with a clear responsibility of guarding and interpreting the constitution. The Indian Constitution satisfies the basic requirements of a federal form of government.

Legislative Powers

Chapter I of the Part XI of the constitution provides the scheme of distribution of legislative powers. The Seventh schedule contains three lists of subjects: the Union List, the State List, and the Concurrent List. The Union List contains 97 subjects, the State List has 66 subjects and the Concurrent List consists of 47 subjects. Some changes were introduced by the Seventh (1956) and the Fortysecond (1976) Amendments, when items like weights and measures, forests, protection of wild animals and birds, and education were transferred from the State List to the Concurrent List. The Indian Parliament can make laws on the subject included in the Union List,

whereas the Legislatures in the States can legislate on subjects in the State List. The Parliament as well as the state legislatures can take up subjects in the Concurrent List for making laws. The Union List which is the most exhaustive, includes subjects of national importance (e.g. defence, foreign affairs, coinage, banking), subjects that cover common interests of several states (i.e. inter-state trade and commerce, regulation and development of inter-state rivers and river valleys, inter-state migration), and certain other subjects like Elections, and Accounts and Audit. The State List includes subjects of regional importance. Some of the important entries in this List are State taxes and duties, police, administration of justice, local self-government, public health, education, agriculture, forests, fisheries, industries and minerals. The Union Parliament can take over some of these subjects under its jurisdiction. The Concurrent List includes items dealing with general laws and legal procedures (e.g. criminal law, criminal procedures, marriage, divorce, property law, contracts, etc.) and certain subjects concerning social welfare, (e.g. trade unions, social security, vocational and technical training of labour, legal, medical and other professions, etc.). Economic and social planning is also a part of this list. The subjects are such that they may require the initiative by the Parliament at certain time, while it may become necessary at other moments for the state legislatures to make laws. Since legislatures at both the levels have powers to make laws on subjects in Concurrent List, there may be situations when laws passed by the two are contradictory or overlap. In such cases, the law enacted by the Parliament will have precedence over State law. In spite of the exhaustive list of subjects, there may still be subjects that are not mentioned in the three Lists. The Parliament can make laws on such subjects under the Residuary powers granted by Article 248.

Administrative Powers

Administrative powers of the Union and the States

follow the distribution of legislative powers in the three Lists. Executive powers with regard to the subjects included in the Union List are within the purview of the Union government. The State governments enjoy the executive powers with regard to the subjects in the State List. The State governments also have administrative powers over the Concurrent List in ordinary circumstances. But the Union government may be empowered by a law of Parliament to give directions to a State government regarding a Concurrent subject.

Part XIV of the Constitution on 'Services under Union and States' provides for a set of two governmental structures. While one is organised and controlled by the Union Government, the other is the State Cadre. The dual system of administration follows from the federal character of the Indian Constitution, where both the Union and the States have their defined jurisdiction. There are all India Services that are common to all the States and Union Territories. While some services like the Indian Administrative Service (IAS), and Indian Police Service (IPS), are recognised by the constitutional provisions, the Council of States is empowered by Article 312 to create a new all-India service by a two-third majority. The states also have their own cadres of administrative services, created under their own acts. In actual working, the all-India services have a predominant position in the government. Most of the important and senior positions in the States are held by the members of the all-India services. Since the effective control over these services is that of central government, this is yet another feature that points towards the important place of the Union government in the federation.

The federal nature of the constitution is suspended under the Emergency Provisions, especially in case of breakdown of constitutional government in a state. Under such conditions, the entire executive institution comes under the control of the Union government. The Governor of State who is appointed by the Union government becomes the head of the administration.

Financial Powers

The 37 Articles, from 264 to 300, contained in Part XI of the Constitution provide for a division of sources of Finance between the Union and the State governments. The two lists that include the subjects for legislation, the Union and the State Lists, also define such sources. The Union List includes twelve items and the State List consists of nineteen items that define the financial powers. The sources of revenue mentioned in the State List are levied, collected, and used by the State governments. Some such important sources are land revenue, liquor and opium, excise, stamps, agricultural income tax, taxes on land and buildings, taxes on consumption and sale of electricity, taxes on vehicles, amusements, betting, and gambling. The sources of revenue included in the Union List are of various type. Some taxes are levied and collected by the Union and may be distributed between the Union and the State if the Parliament so provides by law, e.g. Union duty on excise on certain items. Some others, like tax on income other than agriculture are shared between the Union and the States. There are yet others that are levied and collected by the Centre, but the entire collection is distributed among States e.g. succession and estate duties in respect of property other than agricultural land. Some others are levied by the Centre, but are collected and retained by the States, e.g. stamp duty and duties of excise on certain items. It is often mentioned that the sources of revenue are different in nature. Those included in the State List are 'rigid' and cannot be extended much. But the sources assigned in the Union List are 'flexible and can be increased'.

Another category of financial resources that needs mention is grants-in-aid and loans. The Union Government can grant resources for States for developmental programmes. This may also be done in cases where a State has budgetary deficits. Such deficits may arise when the financial budget of a State provides for an expenditure, but may not have the resources for that. The States can also take loans from the Union government. The Union

Government has vast financial powers with regard to these two types of allocation of financial resources.

Finance Commission is an important institution that looks after the distribution of financial resources between the Union and the States, as also among the States. Articles 270, 273 and 275 of the Constitution make provision for a Finance Commission. The Commission is appointed by the President every five years. The main function of the Commission is to suggest the basis on which resources are to be shared between the Centre and the States and among the States. Grants-in-aid are given to the States on the formula suggested by the Commission. Other issues in the interest of better management of financial matters can also be referred to the Commission. The Tenth Finance Commission has been appointed in 1992 under the Chairmanship of Shri K.C. Pant.

Thus we find elaborate provisions in the Constitution that define the respective legislative, administrative and financial powers of the Union and the States. Such demarcation is necessary for a federal system of government. But the institutional mechanisms provided in the Constitution give greater emphasis on the powers of the Central government. We have seen in Chapters VII and VIII that there has been a general tendency of increasing centralisation of power in modern states. We have also examined the circumstances that convinced the Constituent Assembly of the necessity of a strong Central government.

Unitary Features of Indian Federation

The Constitution describes India as a Union of States. The Union government has powers to create new States and alter their boundaries. Within five years of the introduction of the Constitution, the States underwent drastic reorganisation on linguistic lines in 1956. Since then many new States and Union Territories have come into

existence and many of them have undergone changes in their boundary. The latest change was introduced with the recognition of Goa as a State in May 1987. Thus the very geographical identity of States depends on the Union government.

The Constitution of India gives greater powers to the Centre with regard to legislative, administrative, and financial matters. Though the legislative powers are defined by the three Lists, the Council of States may pass a resolution by a two-third majority and authorise the Parliament to legislate on a State subject in national interest. The Governor may reserve bills on certain specified matters passed by a State legislature for the assent of the President. The Parliament can also legislate on a State subject with the consent of the houses of legislatures of one or more States. Then, under the Emergency provisions, the Parliament has over-riding legislative powers. President's Rule is imposed in a State under conditions of failure of constitutional government in a State. This may happen when the President receives a report from the Governor or forms an opinion on his own that the government of the State is not being carried on in accordance with the provisions of the constitution. When Emergency is declared under this clause, the Union government has full control over that State. This is a wide-ranging power that remains in the hands of the Union government. There have been frequent complaints that this power is very often used by the Union government for political reasons and in the interest of the political party in power at the centre. We will discuss this aspect in Chapter 16. The appointment of the Governors of States who represent the executive authority is in the hands of the Union government. The Governor plays an important role in the imposition of President's Rule in a State. As we have seen above, the President usually declares Emergency in a State, when he receives a report from the Governor about the failure of the constitutional government in that state.

The laws passed by Parliament are applicable

to the entire country. The Union government is administratively responsible for implementing them. The State governments have to function in a manner so that the Central laws are complied with and the executive powers of the Union are not impeded. The Union government may also issue instructions to the States on certain matters like the construction of highways, welfare of Scheduled Castes and Tribes, etc. The All-India Services, that are created and controlled by Union government, act as an important administrative agency in the hands of the Union. While many of these officers work in States, it is the Union government which actually controls their recruitment and other conditions of service.

The same pattern is observable with regard to the financial powers as well. We have seen above that the Union List includes those sources of revenue that are 'flexible' while the State List has 'rigid' sources. The Central government has a larger share of the revenue, which in turn are distributed among the States. The same is true of Grants-in-Aid and Loans which become important sources of finances for States. The Finance Commission that suggests the principles of distribution of resources is appointed by the Central government. The Comptroller and Auditor General of India is responsible also for maintaining its watch over the finance of the States.

Besides these constitutional provisions, the importance of the Centre has been enhanced by the process of planning introduced in the fifties. The Planning Commission that came into existence in 1950 has become the nerve centre for initiating programmes of development in the country. Planning of development programmes is undertaken by the Commission and central funds are available for these programmes. The State cannot ignore these important programmes. This central agency has become powerful, even though it is not provided for in the Constitution. Most of the financial allocation for the development work in States is in the hands of the Planning Commission. Which programmes of development

are to be initiated, how should they be administered, what should be the financial allocation for these programmes — all such crucial decisions are taken by the Planning Commission. There are agencies like the National Development Council, consisting of the Chief Ministers of all the States and the executive heads of the Union Territories besides the concerned Central Ministers, to advise on the planning process. But the initiative lies definitely with the Planning Commission.

The new policy of economic development adopted by the Government of India in 1991-92 has 'liberalised' the economy. The role of the public sector and government investment in many activities has been reduced considerably. Initiative for economic and developmental programmes has been left to the private sector. Controls and licensing of many commodities that were in the hands of the government has been relaxed. In the changed circumstances initiated by the "policy of

liberalisation", the nature of planning by the government has changed and its scope has been reduced. Consequently the role of the Planning Commission also has undergone a change. It will be limited in the scope of activities, as also the sectors that will have to be centrally planned.

The Constitution has provided for the structure of federalism. These provisions define the constitution, powers and functions of the institutions. But in actual working they are invariably influenced by political forces. We cannot talk about the working of institutions in the federal structure, without a reference to the political process. The Constitution provides just the institutional structure, which is important. The content of the structure is provided by the political process. The process of politics, especially the nature of party politics, is important for understanding the working of constitutional provisions.

EXERCISES

1. What are the main provisions of the Indian Constitution that give it a federal character?
2. Describe the various provisions of the Indian Constitution that show a bias in favour of the Centre.
3. How are legislative powers distributed between the Centre and the States ?
4. Write short notes on the following :
 - (a) Finance Commission
 - (b) Residuary Powers
 - (c) Administrative Powers

Issues of Tension in Centre-State Relations

A FEDERAL CONSTITUTION provides for two levels of governments. The relations between these levels i.e. the Centre and the States, is regulated within the provision of the constitution. Such provisions also take care of the points of tension arising out of the constitutional division of power. Many institutions that have been provided in the constitution, have been constant source of tension. In their actual working such relations are affected by the political process which keeps changing. It is reflected in the outcome of general elections, where different political process is a necessary aspect of any discussion on Centre-State relations. Since the first general elections of 1952, the nature of party politics in India has been changing. This change has been more marked in the States and Union Territories. A discussion on the nature of party politics will provide a background to the understanding of Centre-State relations in India.

Phases of Party Politics

In the initial two decades after independence, the Congress party had overwhelming support in the country. It was in power at the Centre as well as in the States. During this phase, Kerala was the only State which had a non-Congress government in the years 1957-59. The leadership of Jawaharlal Nehru till his death in 1964, contributed a great deal in this situation of political stability. Other leaders at the Centre as well as in the States were

also enthused by the ideals that were emphasized during the freedom movement. Since the same party was in power at different levels of government, the working of the federal system was smooth. Conflicts between the Centre and the States were sorted out in the party framework. This was a period of cooperation between the Centre and the States.

The fourth General Elections of 1967 was a turning point when the Congress lost heavily and non-Congress governments were formed in Orissa, Kerala, West Bengal, Punjab, Bihar, U.P. and the then state of Madras. The Union Territory of Delhi came to be controlled by Jan Sangh. The Congress majority was reduced also in Parliament. This was the time when State Governments were plagued with the problem of 'defection' when members of legislatures changed frequently their support from one party to other. The situation was unstable. Because of the Congress Government at the Centre and non-Congress Government in the States, the federal system came under strain. New issues with regard to Centre-State relations were raised. Instability of State governments only added to the problem. In the mid-term election of 1969, the Congress came back to power in some States.

By the time 1971 elections were held, the Congress had been reorganised. The influence of the 'old guards' in the party had been reduced.

The new Congress under the leadership of Indira Gandhi got massive support in the elections. But politics became more personalized in the sense that important decisions were taken by Mrs. Gandhi herself, rather than by the units of the party organizations and its leaders. Such decisions were taken on the basis of personal loyalty of congressmen to the Prime Minister. Most of the decisions about the formation of government in States were taken by Mrs. Gandhi. In fact, Chief Ministers were nominated by her. Though the Congress was in commanding position, the nature of Centre-State relations had changed. Being dependent on the Central leadership for their position, the State governments were patronised by the Centre. This was not the phase when the States could bargain with the Centre for more power and more resources. The national emergency declared in 1975 put the final seal of approval on the centralisation of power. A year after in 1976 non-Congress government in Tamil Nadu and Gujarat were dismissed and President's Rule imposed. This was the phase of centralisation of power.

The congress party lost majority in the Parliament for the first time in the 1977 general elections. It lost heavily in the States in Northern India. The newly formed Janta party formed its government at the Centre. In elections to the State legislatures in June 1977, Janta party got majority of seats. The Janta party could not provide a stable government either at the Centre or in the States. The Congress came back to power at the Centre in 1980, which was further reinforced in the elections held in 1985, with increased majority in the Parliament. The 80s also saw the emergence of regionalism in many parts of the country, expressing itself in the formation of parties, which championed the cause of some particular region and raised issues that suited such cause. They also had their electoral support only in that region. Some regional parties like Dravida Munnetra Kazhagam (DMK), National Conference and Akali Dal had existed even before. But many other parties like Telugu

Desham, and Asom Gana Parishad came into existence. But the political situation in the 80s saw the strengthening of all these regional parties. Some national parties like the Janta Party, the Communist party (M) and even the Congress Party (I) had major electoral support only in some regions and they were in power in some States. Ninth general election of 1989 changed the situation. Janta Dal as a constituent of National Front, formed the government at the Centre. National Front government had the support of BJP and left Front parties. Congress party emerged as the opposition party at the Centre. But in November 1990, after the fall of the National Front government, Janta Dal (S) formed the government at the centre with the support of Congress party. Of course in some of the States Congress formed the government, while in some others, national/regional parties were in power. The situation changed yet again on the eve of the tenth Lok Sabha elections held in May 1991. This election was held in two phases, because of the assassination of Rajiv Gandhi on May 21, 1991. The first phase of polling was completed only a day before the assassination. In this election the Congress (I) once again won the highest number of seats (225) in the Lok Sabha. Though the Party did not get an absolute majority it emerged as the single largest party. Bhartiya Janata Party with 119 seats was the next. The Congress (I) as the largest party formed the government under the prime ministership of P. V. Narsimha Rao. It was called a minority government because the total number of seats that parties other than Congress (I) had under their control, was more. But under the simple majority system the party that had the highest number of seats, formed that government. Since then some more bye-elections were held which increased the strength of the Congress (I) in Lok Sabha. Added to this, the Narsimha Rao Government, with the support of some other parties to its original strength of 225 was able to secure the majority in the House. In the 1991 elections Janata Dal's strength was reduced

considerably at the Centre but it was able to gain majority in the Bihar legislature and formed a government there. The Bhartiya Janata Party (BJP) gained in state elections and formed governments in four states, namely Uttar Pradesh, Madhya Pradesh, Rajasthan and Himachal Pradesh. Generally speaking, the regional parties mentioned above could get lesser number of legislative seats, though All India Dravida Munnetra Kazhgham formed government in Tamil Nadu. This complex situation has given rise to new problems in the working of centre-state relations. The demand for greater autonomy for states, that has been present even earlier, is now being raised by the states with greater urgency. Strains and tensions in the relations between the Centre and states have become marked. Again, following the Ayodhya incident on 6 December 1992, all BJP ruled state governments were dissolved. The President's rule was imposed in those states. In the recent state elections of 1993 the position has changed. The Congress (I) has won in Madhya Pradesh and Himachal Pradesh. The BJP has formed government in Rajasthan with the support of some of the MLAs from the Janata Dal and Independents. In Uttar Pradesh the government has been formed by Samajvadi Party (SP) and Bahujan Samajvadi Party (BSP) combine with the support of Congress (I) and Independents.

During the four and a half decades after independence certain institutions have repeatedly been the cause of controversy between the Centre and the States. Let us discuss these points of tension.

Emergency Provisions

As you know the Centre can take over the legislative and administrative functions of a State under Article 356. This provision is used when there is breakdown of Constitutional machinery in a State. The representation of different political parties in a State legislature may be such that no party has a clear majority. Even when different parties join to form a government, it may not be stable. Many states faced this problem of

governmental instability after the fourth general election in 1967. Under such conditions of instability, the President's Rule is declared in the states as has been discussed in Chapter 16. The Centre takes this act on either on the basis of a report from the Governor, who may recommend declaration of President's Rule, or when he himself is convinced of the need of President's Rule. Ever since the Communist government of E.M.S. Namboodiripad was dismissed to declare President's Rule in Kerala in July 1959, almost all the States have been put under President's Rule at one time or the other. The parties that have controlled governments in such States have often blamed the Centre for acting in a partisan manner. When different parties are in power at the Centre and in the States, such allegations are frequent. As we have seen above, the non-Congress parties controlled the legislatures in many States after 1967. When Emergency was used by the Congress government at the Centre to supersede a non-Congress State government, these provisions gave rise to tensions. The same was true after 1977, when the Janta Government at the Centre dissolved the nine State Assemblies in Bihar, Haryana, Himachal Pradesh, Punjab, Uttar Pradesh, Rajasthan, Madhya Pradesh, West Bengal and Orissa. Yet again, when the Congress (I) came to power at the Centre in 1980 it dissolved the legislative Assemblies of the nine States of Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Punjab, Orissa, Gujarat, Maharashtra and Tamil Nadu, and imposed President's Rule. Each year that passed since 1980 saw the dissolution of Assemblies in different states—Manipur (February 1981), Assam (June 1981), Kerala (October 1981), Assam (March 1982), Punjab (October 1983), Sikkim (May 1984), Jammu and Kashmir (September 1986), Punjab (May 1987), Tamil Nadu (June 1988), Nagaland (August 1988), Mizoram (September 1988) and Karnataka (April 1989). President's Rule in this manner has been promulgated 76 times between 1951 and 1989. The State governments have often alleged that the term "the failure of constitutional

machinery" which is the ground for declaration of President's Rule, has been interpreted in different ways at different times.

Role of the Governor

The executive powers of the State are vested in the Governor under Article 154 (1) of the Constitution. The President of India appoints the Governor, on the advice of the Prime Minister. He is a nominee of the Central Government. Both the appointment of the Governor and its functioning have been sources of tension between the Centre and the States. Consultations about the appointment of the Governor formed a part of a regular practice in the appointment of Governor during the period 1950-1967 when the Congress was in power both at the Centre as well as the States. We have discussed above the fourth general elections in 1967 which brought non-Congress governments in half a dozen States. The controversy regarding the appointment of governor started at that time. Appointment of Dharma Vira in West Bengal, B.N. Chakravarti in Haryana and of Nityanand Kanungo in Bihar became controversial. When U.P. Governor, G.D. Tapase was moved to Haryana and C.P.N. Singh appointed in his place in 1980 in spite of opposition from Banarsi Das, the Chief Minister of U.P., the issue was raised again. There have also been cases when some Governors have been dismissed by the President (as was the case of Prabhu Das Patwa, Governor of Tamil Nadu in 1980 and Raghukul Tilak, Governor of Rajasthan in 1981) or have been forced to resign (as happened in the case of T.N. Singh, Governor of West Bengal in 1982). On some occasions, Governors have been transferred, as happened in the case of G.D. Tapase, the Governor of U.P. who was transferred to Haryana and Jaisukh Lal Hathi, Governor of Haryana transferred to Punjab. There are many such examples. Thus there have been controversies about the appointments, dismissals, and transfers of Governors. With increasing number

of State governments under the control of regional parties, the controversy on the appointment of Governor has increased both in frequency as well as in intensity. Sarkaria Commission Report on Centre-State relations makes specific recommendation that the Centre should consult the State governments before the appointment of a Governor. But even after the Commission's recommendation, there have been occasions when State governments have pointed out that there was no such consultation. This was mentioned recently when a new Governor was appointed in Rajasthan.

Among the wide-ranging powers that the Governor enjoys under the Constitution, two aspects of his role have been the cause of tension between the Centre and the States. The Governor's report to the Centre regarding 'the failure of constitutional machinery' in a State, and referring a bill passed by the State legislature for the consideration of the President, too, have been points of contention in Centre-State relations. In case the Governor feels that the Government of a State is 'not being carried on in accordance with the provisions of the Constitution', a report is sent to the President about break down of constitutional machinery in the State. It is on the basis of such a report that President's Rule is declared. The ground on which the Governor decides to send the report is phrased in a general, rather than specific, manner. The Governor's understanding and interpretation of the situation becomes important in this context. Many a times, the States have complained that the Governors have acted in a partisan manner to help the political party that is in power at the Centre. They allege that Governors, act as a 'agents of the Centre' rather than as executive heads of the States.

The legislative power of the Governor has been another point of contention between the Centre and the States. Article 201 provides that the Governor may reserve a bill passed by the State legislature, for the consideration of the

President. Some of the bills that need such action have been specifically mentioned e.g. bills adversely affecting the power and functions of the High Court (Article 200), bills connected with matters in the Concurrent List, if they violate any provisions of an earlier law of the Parliament Article 254 (2) and bills dealing with the acquisition of estates or power taking over the management of any property by the State for a limited period in the public interest (Articles 31A, 31B, 31C). The complaint of the States has been that the Governors have often used this power to delay the passage of bills by the States. Many such bills that are referred to the President, lie there for years. It is also alleged that Governors, especially of those States which are governed by political parties other than the one that is in power at the Centre, use this power even for those bills that do not require reference to the President.

Another legislative power that the Governor has is to issue ordinances on those matters that are covered in the State List. This can be done when the State Legislature is not in session, but the Governor is satisfied that a particular law needs to be passed immediately. Such ordinances, however, must be passed within six weeks of the re-assembly of the State legislature. The legislature can disapprove an ordinance, in which case it will cease to be in operation. There have been occasions when the legislature has been prorogued and then an ordinance issued by the Governor. Such an act by the Governor of Punjab in 1968 was accepted as valid by the Supreme Court. Following the practices of the parliamentary system of government it is usually on the advice of the Chief Minister that the Governor issues an ordinance. But on many occasions Governors have refused to accept the advice given by the Chief Minister in this regard. D.C. Pavate refused to issue an ordinance which would have enabled the legislators to hold certain offices of profit. G.D. Tapase, Governor of U.P. refused to issue an ordinance in 1979, for the nationalization of private homeopathic colleges. The latest example is that

of Mohammad Shafi Qureshi, Governor of Bihar, who returned to the State government the draft of the Patna University (Third Amendment) Ordinance, 1992, to confirm the necessity for introducing it. In spite of these instances, Governors' power to issue ordinances is an important legislative power.

Centre-State relations have become increasingly complex because of the political developments that have been discussed above. It was in 1967 that for the first time the parties that were in power in the States were different from the one in power at the centre. In the next twenty five years, this tendency has increased. More and more states have governments that are controlled by a party which is not in power at the Centre. There are some States where different parties have been in power at different times. The parties that have been in power at the Centre have had their own problems and have not been able to attain a commanding position that one observed in the case of the Congress party in the initial years after the independence. There has been a progressive decline in the Congress Party itself. There have also been other problems like regionalism and rise of regional parties. Some of these parties have been quite strong in their own regions. Many of the demands made by these forces have created serious difficulties for the Centre. All these developments have resulted into an extremely complex Centre-State relations, which have made the role of the Governor still more important.

Implementation of Central Laws

Articles 256 and 257 empower the Centre to direct the State governments to act in accordance with the laws passed by the Parliament, and also about the use of executive authority of the State. Directions in this regard can also be given for the welfare of the scheduled tribes. Such central directions have in some cases not been accepted

by the State governments and have become issues of tension in the Centre-State relations.

Maintenance of Law and Order and Use of Reserve Police

Maintenance of Law and order is an important entry in the State List. But, under the dual system of federal government, the Central government has some offices and property located within the territory of States. In cases of disturbances like strikes and gheraos, the Central government has often used its own police force for protecting its offices and property. The Central Reserve Police Force (CRPF) is used at such times. The State governments resent such an act as interference in the activities of the State. The Fortysecond Amendment (1976) put an end to the controversy by providing that the Central government can use the central force at its own initiative, without consulting the State government. But, this provision was deleted by the Fortyfourth Amendment passed two years later.

All-India Services

We have seen above that the Central government sets up all-India services. Members of these services are recruited and controlled by the Central agencies like Union Public Service Commission and the Ministry of Home Affairs of Government of India. With increasing number of activities of the State, the number of such services have increased. But many of the officers of such services are placed under the State governments and they perform important functions. The Indian Administrative Service and the Indian Police Service are two examples of such services. These officers work under the day-to-day supervision of State governments. This creates anomalous situations at times, because the officers are recruited and controlled by central agencies but work under the supervision of State governments. With increasing complexities of Centre-State

relations that we have discussed above, control and supervision of these officers has given rise to situations of conflict.

Financial Relations

The distribution of financial resources between the Centre and the States is in accordance with the recommendation of the Finance Commission. Another agency, namely the Planning Commission, recommends the allocation of funds for developmental programmes. Since both these are central agencies, the State governments have often raised demands of redistribution of resources. With reference to grants-in-aid given to these States which are in need of assistance and Central loans also, the State governments have complained about bias on the part of the Central government. For example, some of the States (Madhya Pradesh, Maharashtra, Tamil Nadu, Gujarat, Haryana, Karnataka and Punjab) did not receive any grants-in-aid from 1974-75 to 1978-79, while the other fourteen states received about Rs. 2509.61 crore. Grants-in-aid by the Centre has been decreasing over the years. Many State governments are unable to pay back the loans taken from the Centre. Similarly, the States take money from the Reserve Bank of India as overdrafts to meet the financial shortages. These overdrafts are substantial. The chronic financial crisis in the States is often alleged to be caused by the Central bias. Examples that are mentioned in this regard are the sharing of taxes, grants-in-aid, lending money to the States at high interest rates, deficit financing, and so on. Suggestions for revised provisions for sharing of finances between the Centre and States have repeatedly been made by the States.

The Process of Planning and the Role of Planning Commission

The Constitution has assigned 'economic and social planning' to the Concurrent List. The Planning Commission came into existence in

1950 with a comprehensive responsibility of undertaking socio-economic planning for the country. The development programmes are planned by the Commission, which also decides about the allocation of finances to the States for such programmes. The nature of State plans are, to a large extent, determined by keeping in mind the country's planning priorities. The Centre-State differences are both with regard to the objectives of the plan, as also the sharing of resources between the Centre and the States. There are differences among States also regarding the allocation of plan funds. There have been occasions when the Planning Commission has sent directives to the State governments for expediting certain programmes which may help in the implementation of the plan.

The policy of liberalisation that became an accepted policy during 1991-92 seeks to bring about far-reaching changes in the policies of economic development. The policy is aimed towards a liberal policy of industrialisation, with greater incentives to private sector, including foreign investors. Multi-national companies have greater possibilities of investments. Government controls will be reduced to the minimum. Public sector undertakings that have shown losses over the years will not be given any undue importance. In fact, many public sector units are to be sold to private investors and some others that run in losses will be closed down. There will be no government subsidy to fill the gap of losses in public sector. Government will substantially reduce subsidies even in other sectors like agriculture. As a result of these processes the role of planning will undergo a change. Planning will cover lesser number of sectors of development. Planning Commission, perhaps, will be less important, because of the changes in the development programmes. But the policy of liberalisation is hardly one year old and it is rather premature to discuss its implications at present. It will be useful to see the extent to which this policy succeeds in achieving its objectives. The

organisational structure for many programmes is worked out by the planning agency. For example, the Community Development Programme that was initiated in 1952 on an all-India scale for all round rural development, had to follow a well-designed uniform organisational structure, with the Community Development Block as the hub of all activities. The same was true of later programmes like Intensive Area Development Programme, Integrated Area Development Programme and National Rural Employment Programme, etc. Many detailed procedures of implementation were also worked out and communicated to the State Governments to implement these programmes.

Besides these problems there have been certain other points on which the States have raised issues of Central bias. Revision of State boundaries and creation of States have often been resented by the state governments. For examples, the demand for a Jharkhand State in Bihar, is a matter of controversy between the Centre and the Janta Dal Government in Bihar. There have been disputes between States regarding their boundaries. For example, Maharashtra-Karnataka dispute on Belgaum, Karnataka - Kerala dispute on Karagod. There have been similar disputes between Haryana and Punjab, Assam and Nagaland. The States have also complained about the Industrial Policy formulated by the Central Government. Sharing of river water has been another contentious issue among States. For example, Ravi-Beas and Sutlej water dispute between Haryana and Punjab, their Dam dispute about sharing of water from Ravi river, dispute between Haryana and U.P. on sharing of Yamuna water, Narmada water dispute between Gujarat and Madhya Pradesh, Cauvery water dispute among Tamil Nadu, Karnataka, Kerala and Pondicherry, Godavari water dispute among Andhra Pradesh, Karnataka, Madhya Pradesh, and Maharashtra. Some of these disputes have created a situation of confrontation between the states, as it happened recently between Karnataka

and Tamil Nadu. The problems of Centre-State relations discussed in the foregoing pages have been the basis of persisting demands of greater autonomy for States.

Autonomy for States

The State governments have been demanding greater autonomy especially since 1967. With the emergence of State governments controlled by regional parties, such demands have become more persistent. The points of tension in the Centre-State relations that we have discussed above, have only accentuated the process. The proposals are of many kinds, suggesting changes at various levels. Some demands are for changes in the provisions of the Constitution. Some other demands refer to the working of institutions, like that of the Governor. There are yet other suggestions about political adjustments between the Centre and the States on the basis of mutually agreed norms. But, there have been some demands for autonomy that pose threat to the nation. Regionalism and regional demands have in some cases have taken extreme forms as in the Punjab and Kashmir.

A systematic effort to review the Centre-State relations was undertaken by the DMK government when it came to power in Tamil Nadu in 1967. A Committee under the Chairmanship of P. V. Rajamannar, a retired Chief Justice of the High Court, was appointed in 1971 to review the federal structure. It was followed by the Anandpur Sahab Resolution of the Akali Dal in the Punjab in 1973. The CPI (M) government in West Bengal came out with a detailed 'Memorandum on Centre-State Relations' in 1977.

Similarly, the Janta Party government in Karnataka issued a White Paper on Centre-State relations in 1983. The Chief Ministers of Andhra Pradesh, Karnataka, Tamil Nadu, and Pondicherry met in Bangalore in March 1983 to discuss the issue. It was followed by larger meeting of sixteen non-Congress parties and Chief Ministers of five States in Srinagar the same year, which formulated a 31-point resolution on Centre-State relations. In the face of these pressures, especially the serious problems posed by the Punjab, the Central government appointed a Commission in March 1983 under the Chairmanship of Justice Ranjit Singh Sarkaria to review the entire question of Centre-State relations. The Commission has come out with a comprehensive report.

The Sarkaria Commission (1988) has reiterated the need for a strong Central Government. But it has made suggestions for a smooth working of Centre-State relations. While emphasizing the need for revitalising the working of institutions for Centre-State interaction, (e.g. Inter-State Council, National Development Council, Zonal Councils, and Planning Commission) it points out the need for frequent consultations with the States on matters like Concurrent List, appointment of the Governor, and deployment of armed forces in States. A more cautious use of Article 356 has been suggested. Financial requirements of the States have also attracted the attention of the Commission. Thus we see that the Sarkaria Commission has paid attention to the important points of tension and conflicts in the Centre-State relations.

EXERCISES

1. Which provisions of the Indian Constitution have proved to be controversial in the Centre-State relations in India?

2. Discuss the main phases of party politics and their impact on Centre-State relations.
3. Examine the demand for more autonomy for states.
4. Write short notes on the following :
 - (a) Planning Commission and Centre-State relations
 - (b) Sarkaria Commission
 - (c) Role of the Governor

Emergency Provisions in the Indian Constitution

THE PROVISIONS dealing with the Emergency Powers of the President of India have been important and controversial. During the debates in the Constituent Assembly it had its critics as well as its supporters. As a result the provisions underwent many revisions. But they were retained in the Constitution because of the turbulent situation in the country at the time of the framing of the Constitution. The partition had brought communal riots at an unprecedented scale. Political upheaval in the Telengana region's in Andhra Pradesh posed another set of problems. The new neighbour, Pakistan had already attacked the Jammu and Kashmir area. Besides these internal factors, the external situation was also full of tensions because of the renewed Cold War among the Power Blocs in the international sphere. We had discussed some of these factors in Chapter 14. Conscious of these contemporary problems as also of the phenomenal diversity of the country, the framers of the constitution wanted to combine the merits of both the federal and the unitary forms of government. As Dr. B.R. Ambedkar argued in the Constituent Assembly on November 4, 1948, "In normal times, it (i.e. the Constitution) is framed to work as a federal system. But in times of war it is so designed as to make it work as

though it was a unitary system". Finally the nine articles contained in the Part XVIII of the Constitution define the Emergency Powers of the Indian President.

The President is empowered to declare Emergency in the following three conditions:

- (a) emergency caused by war, external aggression or internal disturbance (Article 352);
- (b) emergency on account of failure of constitutional machinery in a State (Article 356); and
- (c) emergency on account of a threat to financial stability or credit of India or any part thereof (Article 360).

Emergency Caused by War, External Aggression and Internal Disturbance

Whenever the President finds that there is war or aggression from some outside country, he can declare Emergency under Article 352. Such an Emergency was declared in the country in 1962 during the Chinese War. It continued till 1968. Emergency was declared the second time in 1971 when Pakistan attacked the country.

It is the other part of the Article dealing with

'internal disturbance' that has been more controversial. Originally the provision indicated that Emergency can be declared when there is internal disturbance threatening the security of the Union. It was under this clause that Mrs. Indira Gandhi declared Emergency in 1975. The two year period of this Emergency proved to be very controversial. When the first-ever non-congress government was formed at the Centre by the Janata Party in 1977, it brought about the Forty-fourth Amendment to the Constitution in 1978. This Amendment replaced 'internal disturbance' by the expression 'armed rebellion'. It was thought that since the latter expression was more specific, there was less possibility of the misuse of the Emergency powers. The Fifty-ninth Amendment passed in 1988 has retained the 'armed rebellion' clause, but has added 'internal disturbance' threatening 'the integrity of India' as an additional ground for declaring Emergency. The Government in its statement appended to the proposal for the Fifty-ninth Amendment said quite clearly that this clause was introduced because of the "continued disturbed situation in Punjab, escalation in the activities of terrorists and anti-national forces". This, controversial 'internal disturbance' clause was omitted by the Sixty-third Amendment of 1989.

The President is empowered to declare Emergency even in anticipation of threats mentioned above. A provision that was added by the Forty-fourth Amendment was that the advice to the President to proclaim Emergency will be given by the Cabinet in writing. It can be made applicable either in the whole country or in some specific part that is affected. Declaration of Emergency must be endorsed by the Parliament within one month, by both the Houses of Parliament separately. A special majority of the total membership of the House, which is not less than two-thirds of majority of members present and voting, is needed to endorse the Emergency. If during this period Lok Sabha is dissolved, the endorsement is done by the Rajya Sabha, by a

special majority mentioned above. But Lok Sabha must give its approval within thirty days of its reconstitution. Thus the 44th Amendment has put strict control of the Parliament on the provision of Emergency. Before this Amendment, proclamation of Emergency was to be approved by a simple majority of each House within two months.

Emergency affects both the rights of individual and the Centre-State relations. Article 19 of the Fundamental Rights that contains the six Rights to Freedom is restricted. The President can also suspend the rights of citizens to move the court of law for the implementation of Part III of the Constitution which contains the Fundamental Rights. The Forty-fourth Amendment introduced an exception in the case of Articles 20 and 21 ensuring protection of life and liberty which can not be suspended. The effect of Emergency on the States is far-reaching. Parliament can make laws on any subject mentioned in the State List. Financial powers of the States are also reduced. Tenure of Lok Sabha and of Legislative Assemblies can be extended, for a period not exceeding one year at a time.

Emergency on account of Failure of Constitutional Machinery in a State

Article 356 empowers the President to declare Emergency in case he feels that a State Government is not being run in accordance with the provisions of the Constitution. This is understood as 'failure of constitutional machinery' in a State. Since the Governor is the executive head of a State, such an action is taken on the basis of report by the Governor about the failure of constitutional machinery. The President can also act on his own judgement. There have been many instances when the President has imposed Emergency even without a report from the Governor about the failure of constitutional machinery. There has been much criticism against these cases. Normally the Emergency must be approved by each House

of Parliament separately within two months of its declaration. If approved by both the Houses, it can continue for six months. It can, however, be extended for another six months. Thus Emergency declared under Article 356 can continue for one year. This limitation of time on President's Rule in the State has created some problem in the case of the Punjab, where it became necessary to expand it beyond the permissible time limit. It became necessary to amend the Constitution several times to extend the time limit. Amendments that were passed for this were Fifty-ninth (1988), Sixty-fourth (1990), Sixty-seventh (1990), and Sixty-eighth (1991). The last mentioned Amendment extended President's Rule in Punjab for a total period of five years. A general election was finally held in the Punjab in February 1992. The President may assume all powers of the State government where such an Emergency is declared. Powers of the High Court and the legislature can not be taken over in this manner. The functions of the State legislature are performed by the Parliament. Expenditure from the consolidated fund of State is authorized by the Union Parliament. When the Parliament is not in session, then this authorization is given by the President.

As noted earlier, Emergency under Article 356 has been declared almost in all the States at one time or the other. But its frequency has increased as more and more States experienced political instability. We have seen in Chapter 15 that after 1967, many States faced such a problem. Over the years regional parties have come to power in many States. There are different parties in power at the Centre and in the States. Thus while Emergency was used only in eight cases between 1950-1964, President's Rule was imposed 67-times during 1965-1987. It is alleged that the Central government has used Article 356 often in the interest of the political party that is in power at the Centre. The conditions for declaring Emergency under this article has been interpreted by the Centre in different ways on different occasions. While demanding more autonomy for

States, as we have seen above, proposals for re-examination of Centre-State relations have invariably mentioned Article 356 as a factor that creates tensions in Centre-State relations. The Rajmannar Committee of Tamil Nadu recommended abolition of this provision. The Memorandum on Centre-State Relations formulated by the West Bengal government in 1977, suggested that the President's power to dissolve the State government or its Assembly should be deleted. This provision has attracted the attention of the Sarkaria Commission as well. The Commission has suggested that the provision should be used very cautiously and only as a last resort. Before imposing President's rule, proper warning should be given to the State concerned. This warning should indicate specifically in what way the State was not running the government in accordance with the Constitution. The Commission has suggested some Constitutional amendments to put an end to the misuse of the provision.

Financial Emergency

The President can declare financial emergency under Article 360 on account of a threat to financial stability or credit of India, or any part of the country. When this Emergency is declared, the President is empowered to send directives to States about financial matters. He can also order reduction of salaries of persons connected with State or Union government. Salaries of even High Court and Supreme Court judges are not exempted from this provision. The President can send directive to the States to refer all the money bills for his consideration, after they are passed by the State Legislature. As was explained by Dr. B.R. Ambedkar in the Constituent Assembly, the provision was included to give sufficient power to the Central government to "grapple with financial and economic stringency". Unlike the other two Emergency provisions, Financial Emergency has never been declared in India.

Though justifiable on many grounds, the Emergency provisions give far-reaching powers to the President. In fact, the role of the Prime Minister and of the Council of Ministers is important in this respect. Originally the Constitution did not provide specifically for any consultation between the Prime Minister and the members of the Cabinet, before an advice was given to the President for proclamation of Emergency. When Emergency was declared in 1975, it is alleged, the members of the Cabinet were merely informed about it after the proclamation had been made. The Forty-fourth Amendment, however, provides that the Cabinet send its advice in writing to the President to proclaim Emergency under Article 352. The

President can send it back to the Cabinet for reconsideration. But when the advice comes back after such reconsideration, it will be binding on the President. We have seen above that the President's position in the parliamentary system of government is that of a constitutional head. The advice of the Council of Ministers is binding on the President. In actual working the Prime Minister plays an important role. The Prime Minister and the Council of Ministers represent a political party in the Parliament. It is often alleged, therefore, that the ministerial advice to the President keeps in view the interests of the party. With increasing political complexity, the Emergency Powers of the President have become a point of controversy in Centre-State relations.

PRACTICAL ACTIVITY

Make a list of those states which have so far been placed under President's rule. Mention the date of each proclamation along with its duration.

EXERCISES

1. What do you understand by emergency caused by war, external aggression and internal disturbances? Explain with illustrations.
2. Explain the phrase 'failure of Constitutional machinery in a state'. Give two examples of the failure of constitutional machinery in a state.
3. What is financial emergency? Explain briefly.
4. What effect does proclamation of emergency have on the executive and financial relations between the Union and the States?

Difficult Words and Terms

Ahmadiya Movement : A movement founded by Mirza Ghulam Ahmed in 1889. It emphasized brotherhood among people of all religions. It spread western education among Muslims.

Aligarh Movement : A Social reform and cultural movement started by Sir Saiyed Ahmed with the object of introducing western education and social reform in Muslim society. Aligarh Muslim University was established in 1890 by the leaders of this movement.

Authoritative Allocation of Values : Definition of politics given by David Easton. It refers to the governmental decisions, distributing resources in society, in a manner that is generally accepted by the people of that society.

Behavioural Approach : An approach started in the 1950s. It emphasizes the individual behaviour as an important factor of analysis in political science. It has been associated with the use of scientific method in political analysis.

Bureaucracy : 'Rule by the office' or 'rule by officials'. It refers to the cadre of government officers.

Chipko Movement : A movement to save the Himalayan forests and prevent the cutting of trees. It started in the hilly region of Uttar

Pradesh. It is a well-known movement for preserving the ecological balance.

Collectivism : Collectivism is a political doctrine according to which the community collectively owns the means of production and controls the distribution of goods for mutual benefits and common welfare. It can also be termed as 'state socialism'. Under this, the government nationalizes, by constitutional means all major industries and public utility services. In liberal democracies, collectivism leads generally to welfare state.

The Communal Award : When the representatives of different Indian communities failed to reach any agreement on the communal problem at the Second Round Table Conference, the British Government announced the Communal Award on August 16, 1932. It provided for special representation to the following communities in the provincial Legislature : Muslims, Sikh, Indian Christians and Anglo-Indians. Women were also provided with separate representation. Legislative seats were allotted to the Labour, Commerce, Industry, Landlords, and Universities. The Maratha Community was given seven seats in the Bombay legislature. Separate constituencies were provided for the Depressed Classes in those areas where their number was larger. In addition to such constituencies people

from Depressed Classes could vote in the general constituencies as well. The Award not only created division among communities, but also gave rise to enclaves in the Hindu community by giving special status to the Depressed Classes.

Communal Representation : A System of separate electorates and representation for people belonging to different communities. The Morley Minto Reforms of 1909 gave such representation of Muslims. It was extended later to other communities like the Sikh, the Depressed Classes, and other minority groups. The Government of India Act, 1935 provided separate electorates to a number of communities. This encouraged forces of communalism in India.

Confederation : A Political system that comes into existence after an agreement between several independent units that wish to retain a high degree of autonomy.

Constitutionalism : It indicates supremacy of a written constitution duly enacted by a free representative constituent assembly. It means effective restraints on the powers of government. It also means the rule of law to ensure the rights and liberties enjoyed by the people. These are the basic premises on which the modern democratic welfare states function.

Coup D'etat : Coup d'etat is a French word which means a sudden change of government which removes one government by force and replaces it by another. A coup is usually carried out by a small number of people, who already have some power, such as military officers while a revolution is a general uprising of a large number of ordinary people.

Delegated Legislation : Act of legislation (law making) by the executive as empowered by the legislature.

Demagogues : It refers to those political leaders whose main concern is power, rather than common good. Such leaders get popular support by appealing to popular emotions.

Elite : Denotes a group of persons who hold positions of eminence in society. The term is also used to refer to leaders in different fields, e.g. political elite.

General Will : The concept of general will was developed by Rousseau in his, 'Social Contract'. In Rousseau's view in the state of nature, with the introduction of private property, conflicts started. To get rid of this, men through a contract among themselves surrendered all their rights to a collective body. This collective body was the representative of General will i.e. the will of the nation as a moral person. It incorporates the obligations of the social contract. General will expresses itself through the participation of all people. Responsibility for its implementation can also be entrusted only to the people. By promulgating the theory of General Will, Rousseau made people sovereign and introduced the concept of popular sovereignty.

Individualism : Emphasizes property rights as a necessary condition of liberty and sets limits to the regulatory powers of government over social and economic processes. It believes that the individual is an end in himself and ought to realise his self.

Initiative : A political device of direct democracy through which the electorate may by petition propose a statute or an amendment to constitution. It is used widely in Switzerland and in some states and local governments in the United States.

Laissez-faire : Denotes non-intervention by the State in the economic activities of individuals.

Legitimacy : Denotes a general acceptance of political system inclusive of rulers and institutions as right and proper authority.

Political System : A political system is a network of institutions and activities and net inter-relationships. Whereas the traditional political concept of state focusses on the legal-formal and institutional aspect of politics, the concept of political system perceives politics in a broader setting i.e. the 'Environment' and explains political phenomenon in terms of actual operationalization of political institutions. David Easton was the most important proponent of this approach in political science. Easton directed the basic components of political system, as follows:

- I. 'Inputs' consist of 'demand' and 'support'. Demand means the expectations of the people from the political system, while 'support' to political system is provided by the political community.
- II. 'Outputs' are decisions taken by the government having an authoritative character in the form of legislation and policy formulation.
- III. Feedback is a channel to transmit reactions or policy decisions.

Thus political system is a dynamic process through which information about the performance of the system is communicated back to it in such a way as to affect the subsequent behaviour of the system.

Polyarchy : A concept associated with the name of Robert A. Dahl. It denotes a society with competing interest groups, and the role of the state as a mediator among these groups.

Proletariat : Denotes a poor class of manual workers selling their labour for subsistence. They have no capital.

Referendum : A device of direct democracy by which the voters may approve or disapprove a proposal put forth by leaders.

Rule of Law : Denotes supremacy of law as opposed to arbitrary decision. The term has become synonymous with democracy.

Trade Union : An association of wage earners of workers for the purpose of improving their conditions and protecting their interests.

Utopia : It is associated with the ideal state or condition with no imperfection. It means an ideal which is difficult to achieve in reality. The term became famous after Thomas More's description in 1516 of an island with this name.

Questionnaire

Please give your comments on the book by filling this questionnaire. Tear off the questionnaire and send it to the Head, Department of Education in Social Sciences and Humanities, NCERT, Sri Aurobindo Marg, New Delhi 110016.

While answering a question if you find the space inadequate, please attach a separate sheet.

All questions are meant both for teachers and students, except the questions with asterisk marks, which are meant only for teachers.

Teacher/student

Name _____

School address _____

Textbook

Name of the book _____

Class _____

Language of the book _____

1. (i) Is the get-up including printing of the book attractive?
Yes/No

(ii) Is the book reasonably priced? Yes/No

2. Do you find the book easy to understand? Yes/No

3. Point out those terms/words which you find difficult to understand.

(i)	(ii)	(iii)	(iv)
(v)	(vi)	(vii)	(viii)
(ix)	(x)	(xi)	(xii)

4. Point out chapters/pages where the language is difficult to understand.

Chapter No.	Page No.	Lines
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*5. Do you think that the content of the textbook is adequate to meet the requirements of the syllabus? Yes/No

*6. (a) Please list out those content areas which suffer from sex bias, caste bias, class bias, communal bias, regional bias and ideological bias

Bias	Page No.	Line
_____	_____	_____
_____	_____	_____
_____	_____	_____

(b) Mention the content areas which go against international understanding

*7. (i) Point out chapters which are lengthy.

(ii) Point out chapters which are too sketchy.

8. Do you find the illustrations helpful in understanding the content?
Yes/No

9. Point out illustrations which are not helpful in understanding the content.

Page No.	Illustration	Caption
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. Certain practical activities have been suggested at the end of some of the chapters.

(i) How many activities have you undertaken in your class? Mention them.

(ii) What difficulties did you face in organizing these activities?

(iii) Guidelines have been given for organizing practical activities. Which of these guidelines did you find inadequate?

11. Certain questions have been given in boxes in the text of each chapter.

- (i) Do you try to find out their answer? Yes/No
- (ii) Are they helpful in understanding the text of the chapter? Yes/No
- (iii) Do you find these questions interesting? Yes/No

12. (i) Do you find the exercises given in the book interesting?
(ii) Point out the exercises which according to you should be modified.

Page No.

Exercise No.

13. 'Difficult Terms' are given at the end of the book. Are these terms well explained? If no please mention those.

14. Point out those terms which could be added to the list of difficult terms.

15. Point out the printing errors, if any.

Page No.

Error

- 16 As an overall assessment of the book, please point out
(i) strong points of the book.

- (ii) weak points of the book.

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