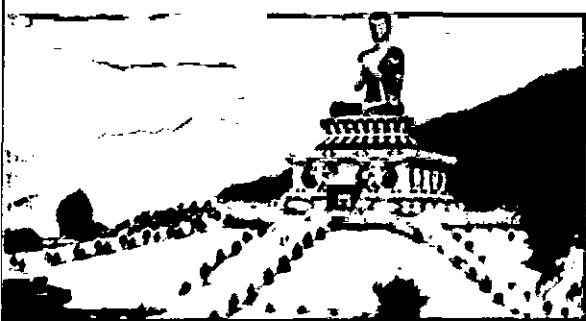
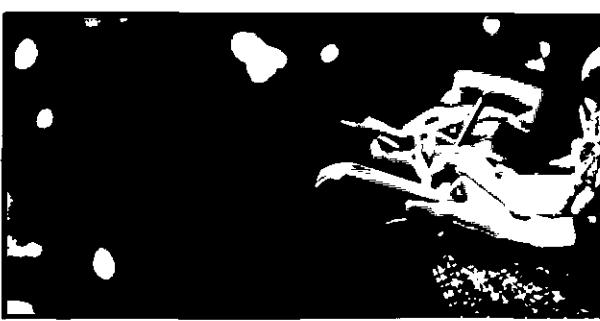




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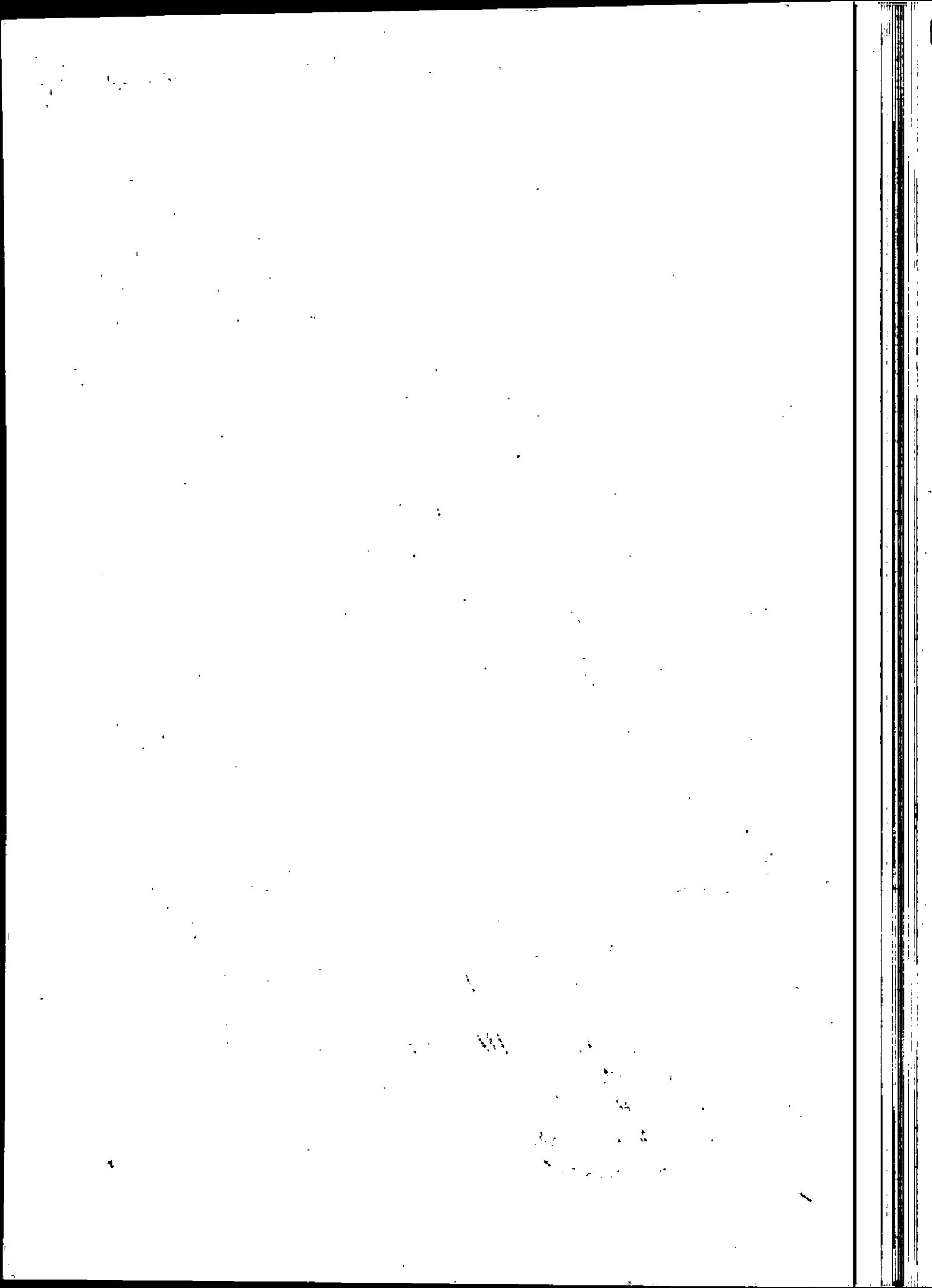
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The Pathways
To Higher Studies

Political Science

Class-XII



POLITICAL SCIENCE

CLASS 12

Detailed syllabus

Module-I Individual and the State

1. Meaning and Scope of Political Science
2. Nation, State
3. Distinction between Society, Nation, State and Government
4. Major Political Theories

Module-II Aspects of the Constitution of India

5. Preamble and the Salient Features of the Constitution of India
6. Fundamental Rights
7. Directive Principles of State Policy and Fundamental Duties
8. Indian Federal System
9. Emergency Provisions

Module-III Structure of Government

10. Union Executive
11. Parliament of India
12. Supreme Court of India
13. The Executives in the States
14. The State Legislature
15. High Courts and Subordinate Courts
16. Local Government: Urban and Rural

Module-IV Democracy at Work

17. Universal Adult Franchise and the Methods of Representation
18. Electoral System in India
19. National Political Parties
20. Regionalism and Regional Parties
21. Public Opinion and Pressure Groups

Module-V Major Contemporary Issues

- 22. Communalism, Caste and Reservation
- 23. Environmental Awareness
- 24. Good Governance
- 25. Human Rights

Module-VI India and the World

- 26. India's Foreign Policy
- 27. India's Relations with USA, Russia
- 28. India and its Neighbours- China, Pakistan and SriLanka

Module-VII A* World order and the United Nations

- 29. Contemporary World Order
- 30. The United Nation
- 31. United Nations Peace Activities
- 32. United Nations and Economic and Social Development

Module-VII B* Administrative System in India

- 29. Public Service Commission
- 30. Administrative Machinery at the Centre, State and District Levels
- 31. Political Executives and Bureaucracy
- 32. Public Grievances and Redressal Machinery

*Note: Learner has to choose one Module from VII A or VII B

1**MEANING AND SCOPE OF POLITICAL SCIENCE****Objective of the chapter**

The main objective of the unit is to make student understand about the initial concepts of political science including its nature and scope.

Introduction**MEANING AND SCOPE OF POLITICAL SCIENCE**

Jean Bodin (1530 - 1596) a French political philosopher coined the term 'Political Science'. Political science is a branch of social science. The study of Political science is of great significance and importance in the present day 'Global village'.

Political Science is the study of the state. According to **Garner** Political science begins and ends with the state. It may be defined as the study of man in the process of governing himself.

According to **Catlin**, politics means either activities of political life or the study of those activities, which are generally treated as activities of the various organs of government.

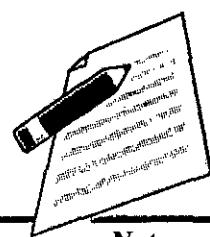
According to **R.N. Gilchrist**, political science deals with general problems of the state and government. The great Greek political philosopher, **Aristotle** (384 - 322 B.C.) was the first thinker to use the term <politics>. The term <Politics> is derived from the Greek word <Polis> which means city - state.

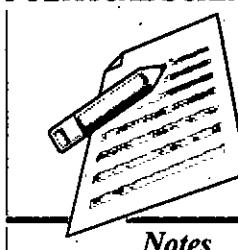
Polis or city - state was a small independent self - contained political society. Greeks did not make any distinction between politics and society. These Greek city - states of ancient times provide an ideal point for the beginning of a systematic study of political science.

Unlike, the ancient Greeks, we live in a large territorial state today. Greek meaning of the state can be extended to the study of the modern state. In the words of the French scholar, **Paul Janet**, political science is that part of social science which treats the foundations of the state and principles of government.

Scope of political science:

The term <scope> refers to the subject matter or the boundaries of political science. The international Political Science Association at its Paris conference in 1984 discussed, the scope of the subject political science and marked out the subject matter as follows:

**Notes**

**I. Political Theory:**

1. Political theory
2. Political ideas

II. Political Institutions:

- Constitution
- National government
- Regional and local government.
- Public administration.
- Economic and social functions of government.
- Comparative political institutions.

III. Political Parties:

- Political parties.
- Groups and associations
- Participation of the citizen in the government and administration.
- Public opinion.

International Relations:

- International polities.
- International organization and administration
- International law.

Broadly speaking, the scope of political science may be divided into three parts:

1. Scope of political science concerning the state.
2. Scope of political science with reference to human rights.
3. Scope of political science in relation to government.

Scope of political science concerning the state:

Present Form Historical Form Ideal Form of the state of the state of the state

In political science, we study the present form of the state Its aims and objectives and the means adopted by the state to achieve its objectives. This aspect of the study of political science has been termed by Gettell as the analytical study of the state.

The present form of the state is the result of its historical development. Political science makes a historical analysis of the origin of the state and the theories of the state.

The study of political science has to predict the future of the state that is how it ought to be. According to Gettell political science is a historical investigation of what the state has been, an analytical study of what the state is and a politico - ethical discussion of what the state should be.

Scope of political science with reference to human rights:

The citizens have their civil, political and economic rights. These rights have to be preserved and protected by the State for the welfare of its citizens.

Scope of political science in relation to government:

Stephen Leacock said that, political science deals with government. A state cannot exist without government. Government is the working agency of the state. The different forms of government, various organs of government, political parties, local self - government, judiciary, and internationalism are covered by the political science.

POLITICAL SCIENCE AS ART OR SCIENCE:

Aristotle, the father of political science considered political Science as the master of all sciences. Writers like Laski, Burke and Maitland used the title politics instead of political science. Some other Writers like Godwin, Vico, Hume, Bodin, Hobbes, Montesquieu used the title political science Professor Maitland once wrote, ' When I see a good set of examination questions headed by the words 'Political Science', I regret not the questions but the title. Buckle observed in the present state of knowledge, politics far from being a science is one of the most backward of all arts. There is a great deal of controversy over the question whether political science is a science or art. Science means a body of systematized knowledge arranged on certain principles.

Art is a systematic knowledge to the solution of problems of human life. Physical science like physics, chemistry etc., follow the scientific method while studying physical phenomena. For example, law of gravity. If you throw a ball upwards, it will come down due to law of gravitation. Similarly, two parts of hydrogen and one part of oxygen constitute water. If you do it anywhere any number of times the result will be the same, correct and exact.

Social sciences like history, sociology, political science, economics also follow the scientific method while studying social phenomena. Laboratory tests are not possible in social sciences.

The basic difference lies in the fact that physical sciences study about matter whereas social sciences study about human beings. Hence the results obtained in physical sciences are precise, perfect and exact at all times. That is not possible in social sciences. This does not mean that political science claim to be a science can be denied.

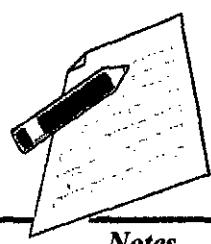
It is true that political science cannot be an exact science, since its laws and conclusions cannot be expressed in precise terms and it cannot predict political events accurately. Besides social and political relationships are constantly changing and what may be true of them today may not be true in the future. Hence political science can be called both a science and an art.

THE TWO FACES OF POLITICAL SCIENCE:

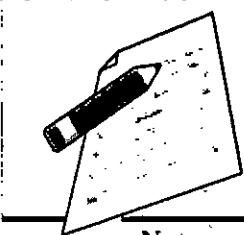
Conflict and co-operation are the two faces of political science. As a matter of fact, they are two sides of the same coin.

CLASS-12

POLITICAL SCIENCE



Notes

**Notes**

Conflicts are not desirable but unavoidable and inevitable in human society. Conflicts may arise due to many factors like social, economic, cultural and psychological. Whatever may be the degree or stage of conflict, solution has to be found out to solve it.

The state is the final authority in society. It finds solution in the form of integration. State enacts laws, rules and procedures for society. The state can also use force through police, the army and the prisons. But it should be used as a last resort. To be precise force should be used as the very, very last resort. Education plays a major role in the process of integration. The newspapers, the radio, the television and internet are important. Welfare of the people is the aim of every state. With the advancement of science and technology, a new set of conflicts are not ruled out.

It is the responsibility of the state to solve the conflicts paving way for the welfare of the people. And of course, there is no denying the fact that, that is the aim of the state.

Summary of the Chapter

1. The ancient Greeks thought of Political Science as Political Philosophy. They laid stress on the ethical aspects of Politics. During the Middle Ages, Political Science became a branch of the Church, subordinating political authority to the authority of the Church.
2. In modern times, Political Science acquired a realistic and secular approach. As a result of the emergence of capitalism following the Industrial Revolution, the role of the State underwent considerable changes.
3. The subject of Political Science became a specialized science of the state. It studied about different forms of government and its organs like Legislature, Executive and Judiciary.
4. Laski stated that the study of Political Science concerned itself with the life of men or women in relation to organized states.
5. In the twentieth century, the behavioural approach shifted the focus of study from political institutions to their functions and to the study of political activities and behaviour of men and women.
6. The scope of Political Science includes the study of the role of the State, functions of Government and its relationship with citizens.
7. Political Science is distinct from Politics. While the former deals with the study of Politics, the latter refers to the problems of man and woman which interact with political power and conflict with each other.
8. Power is the ability to control others. It is the capacity to get things done as one would like others to do. Power in combination with legitimacy is called authority.



Notes

EXERCISE

Fill in the blanks:

- (a) According to..... Justice is the reconciler of political values (Plato, Aristotle, Barker).
- (b) Equality does not mean (identity of treatment, equality of opportunity). Individual and the State
- (c) Justice for Nozick meant respect for..... (entitlements, duties, need).
- (d) According to Rawls, inequality is permissible if and only if it benefits the (the richest, middle class, least well-off).
- (e) Equality means (absence of special privileges, identity of rewards, freedom).

Answer

- (a) Barker
- (b) identity of treatment
- (c) entitlements Individual and the State
- (d) least well-off
- (e) absence of special privileges

Review Questions

1. Explain the meaning of Political Science
2. Write a note on the growth of the Discipline of Political Science.
3. Describe the scope of Political Science in terms of role of the State and functions of government.
4. Distinguish between Political Science and Politics.
5. Write a note on the rights and the duties of an individual.
6. Define Liberty in their negative and positive dimensions.
7. What do you mean by Equality of Opportunity?
8. Explain the term Justice and bring out the different conceptions of it.

Space for notes

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2

THE STATE AND ITS ELEMENTS**Objective of the chapter**

The main objective of the unit is to make student understand about the initial concepts of State and its elements. Also, the difference between state and nation and state and government has also been explained in this chapter.

Introduction**Definitions:**

The state is the most universal and most powerful of all social institutions. The state is a natural institution. Aristotle said man is a social animal and by nature he is a political being. To him, to live in the state and to be a man were identical.

The modern term **(state)** is derived from the word **(status)**. It was Niccolo Machiavelli (1469 - 1527) who first used the term **(state)** in his writings. His important work is titled as **(Prince)**.

The state is the highest form of human association. It is necessary because it comes into existence out of the basic needs of life. It continues to remain for the sake of good life.

The aims, desires and aspirations of human beings are translated into action through the state. Though the state is a necessary institution, no two writers agree on its definition.

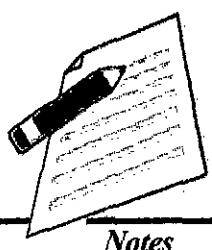
To Woodrow Wilson, **(State is a people organized for law within a definite territory.)**

Aristotle defined the state as a ‘union of families and villages having for its end a perfect and self - sufficing life by which it meant a happy and honourable life’.

To Holland, the state is **(a numerous assemblage of human beings generally occupying a certain territory amongst whom the will of the majority or class is made to prevail against any of their number who oppose it.)**

Burgess defines the state as ‘a particular portion of mankind According to Sidgwick. **(State is a combination or association of persons in the form of government and governed and united together into a politically organized people of a definite territory.)**

According to Garner, **(State is a community of people occupying a definite form**



Notes

of territory free of external control and possessing an organized government to which people show habitual obedience.)

Prof. Laski defines 'state as a territorial society divided into government and subjects whose relationships are determined by the exercise of supreme coercive power.'

Elements:

From the above definitions, it is clear that the following are the elements of the state:

Physical bases of the State

1. Population
2. Territory

Political bases of the State

1. Government
2. Sovereignty

Elements of the State

Population:

It is the people who make the state. Population is essential for the state. Greek thinkers were of the view that the population should neither be too big nor too small. According to Plato the ideal number would be 5040.

According to Aristotle, the number should be neither too large nor too small. It should be large enough to be self - sufficing and small enough to be well governed. Rousseau determined 10,000 to be an ideal number for a state. Greek thinkers like Plato and Aristotle thinking on the number was based on small city - states like Athens and Sparta. Modern states vary in population. India has a population of 102,70,15,247 people according to 2001 census.

Territory:

There can be no state without a fixed territory. People need territory to live and organize themselves socially and politically. It may be remembered that the territory of the state includes land, water and air - space.

The modern states differ in their sizes. Territory is necessary for citizenship. As in the case of population, no definite size with regard to extent of area of the state can be fixed. There are small and big states.

In the words of Prof. Elliott (territorial sovereignty or the Superiority of state overall within its boundaries and complete freedom from external control has been a fundamental principle of the modern state life).

India has an area of 32,87,263 sq. km. Approximately India occupies 2.4% of the global area.

Government:

Government is the third element of the state. There can be no state without



government. Government is the working agency of the state. It is the political organization of the state.

Prof. Appadorai defined government as the agency through which the will of the State is formulated, expressed and realized.

According to **C.F. Strong**, in order to make and enforce laws the state must have supreme authority. This is called the government.

Sovereignty:

The fourth essential element of the state is sovereignty.

The word 'sovereignty' means supreme and final legal authority above and beyond which no legal power exists.

The concept of 'sovereignty' was developed in conjunction with the rise of the modern state. The term Sovereignty is derived from the Latin word superanus which means supreme. the father of modern theory of sovereignty was Jean Bodin (1530 - 1597) a French political thinker.

Sovereignty has two aspects:

1. Internal sovereignty
2. External sovereignty

Internal sovereignty means that the State is supreme over all its citizens, and associations.

External sovereignty means that the state is independent and free from foreign or outside control.

According to **Harold J. Laski**, 'It is by possession of sovereignty that the state is distinguished from all other forms of human association.'

The diagram given below shows that the society is the outer most and the government is the inner most.

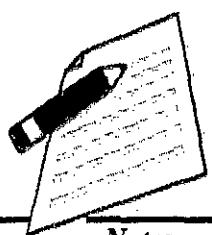
State and Society

The society consists of a large number of individuals, families, group and institutions. The early political thinkers considered both state and society as one. State is a part of society but is not a form of society.

Prof. Earnest Barker in his book entitled 'Principles of Social and Political Theory' clearly brings out the difference between state and society under three headings. They are,

1. Purpose or function
2. Organisation and structure
3. Method

From the point of view of purpose, the state is a legal association, which acts for the single purpose of making and enforcing a permanent system of law and order.



Notes

But society comprising of a plurality of associations, acts for a variety of purposes other than legal.

These purposes are

- | | |
|------------------|-----------------|
| 1. Intellectual | 2. Moral |
| 3. Religious | 4. Economic |
| 5. Aesthetic and | 6. Recreational |

The membership of the state and society are the same. But they differ as regards purpose. The state exists for one great but single, purpose; society exists for a number of purposes some great and some small, but all in their aggregate deep as well as broad.

From the point of view of organization the state is a single organization - legal, whereas society comprises within itself many organizations.

As regards method as pointed out before the state employs the method of coercion or compulsion, society employs method of voluntary action.

The purposes for which society exists makes the persuasive methods necessary and the multiplicity of its organization give ample opportunity to the members to relinquish one association and join another in case coercion is ever attempted.

State and Nation:

The word 'nation' is derived from the Latin word 'natio' which means birth or race. The terms nation and state are used as synonym.

According to Leacock, a nation is a body of people united by common descent and language.

But the modern writers do not emphasise the racial aspects so much as the psychological and spiritual. It has acquired a political meaning in the recent times.

People who share common ideas and naturally linked to gather by some affinities and united are now called a nation. In the case of state feeling of oneness is not necessary as in the case of the four elements constituting the State.

Since the Second World War (1939-1945) the theory of 'one nation, one state' has become the practical politics with all nations and new nation states have been created after the Second World War. After 1947 India became the nation state.

If a nation with self - government becomes independent, a nation state comes into existence.

State and Government:

Government is often used with the 'state' as synonym.

But both the government and the state are two different entities. There are differences between the state and the government.

**State**

1. State consists of population, territory, government and sovereignty.
2. State possesses original powers.
3. State is permanent and continues forever.
4. State is abstract and invisible.

Government

1. Government is part of the state.
2. Powers of the government are derived from the state.
3. Government is temporary. It may come and go.
4. Government is concrete and is visible.

Branches of government

Legislature: Make laws

Executive: Veto legislation Recommend legislation

Judiciary: Review legislative acts

Legislature: Confirm executive appointments Override executive veto

Executive: Enforce laws

Judiciary: Review Executive acts Issues injunctions

Legislature: Impeach Create or eliminate courts

Executive: Grant pardons Nominate judges

Judiciary: Interpret laws

Executive:

It is one of the three branches of government as given above.

State functions through the executive, the namely the government. It is the duty of the executive or enforce the laws passed by the legislature.

The executive who exercises real power is the real executive. The executive who has nominal power is the normal executive.

The President of India is the nominal executive. The union council of ministers led by the Prime Minister of India is the real executive.

Parliamentary executive is chosen from the legislature and is responsible to the legislature. The executive in India is parliamentary in its character.

Powers and functions of executive are:

- Enforcing law
- Maintaining peace and order.
- Repelling aggression.
- Building friendly relations with other states



Notes

- When necessary to wage war to protect the country.
- Making appointments to higher posts.
- Raising money and spending them.
- Convening the sessions of the legislature and conducting business.
- Issues ordinances whenever the legislature is to be in session.
- Implement schemes and projects to improve the social and economic conditions of the people.

Legislature:

The legislature is the law-making branch. The legislature has an important role in the amendment of the constitution. The legislature is a deliberative body where matters of social, economic and political concerns are discussed, debated and decided.

The British parliament is said to be 'the mother of parliaments'. It is the oldest legislature in the world.

According to Prof. Laski, law-making is not the only function of the legislature but its real function is to watch the process of administration to safeguard the liberties of private citizens. The legislature of the union is called the parliament in India. It consists of two chambers.

The House of the People or the Lok Sabha as the Lower House.

The Council of State or the Rajya Sabha as the Upper House

The functions of legislature are

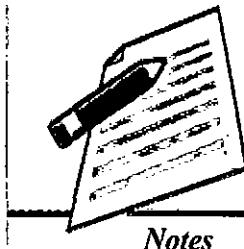
- Enact laws
- Oversee administration
- Pass the budget
- Hear public grievances.
- Discuss subjects like
- Development plans
- National policies
- International relations.

Judiciary:

Judiciary is the third important organ of the government machinery. Its main function is to interpret laws and administer justice.

Lord Bryce has said that there is no better test of excellence of government than the efficiency of its judicial system. The welfare of citizens depends to a larger extent upon the judiciary.

Judiciary is one of the pillars of democracy. Its interpretation ensures justice, equality and liberty to all its citizens. An independent and impartial judiciary is an essential feature of a democratic setup.



The Supreme Court of India consists of a Chief Justice and other judges. The Supreme Court has its permanent seat in Delhi.

According to Justice Hughes, «we are under a constitution, but the constitution is what the judges say it is».

Functions of Judiciary:

1. Administration of justice.
2. To determine what is law and what is the scope and meaning of it.
3. To give advisory opinion on matters referred to it.

Summary of the Chapter

You have understood the meaning of nation, nationality and the state. You also know that the terms nation and nationality are derivative of Latin word natus and in its derivative term nationality means belonging to the same racial stock or being related by birth or having blood relationship. You have understood the differences between nation and nationality. You know now there are many elements of nationality but no single element or a combination of elements is indispensable. The presence or absence of any one or more of the elements does not imply the presence or absence of a spirit of nationality. You also know that state is a political organisation. It establishes order in the society. But the Marxists believe that state is a class organisation. You have also understood the four elements of State-population, territory, government and sovereignty

EXERCISE

Fill in the blanks:

1. The four elements of State are _____, _____, _____ and _____.
2. Plato fixed the number of persons of the State at _____ and Rousseau at _____.
3. Love for the country inculcates the spirit of _____.
4. _____, _____ and _____ comprises the territory of the State.
5. A unitary form of government is good for a small State and a _____ is ideal for big States.
6. The agency created to enforce rules of conduct is called _____.
7. Sovereignty has two aspects _____ and _____.

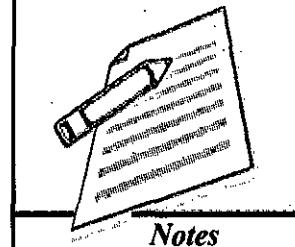
Answers:

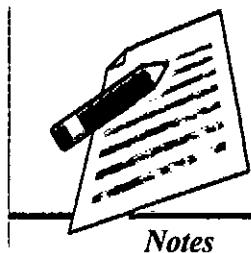
1. Territory, population, government and sovereignty.
2. 5040,10000
3. Patriotism
4. Land, water and airspace
5. federal system
6. government
7. internal, external

Review Questions

Define the following terms:

Space for notes





Notes

3

MAJOR POLITICAL THEORIES

Objective of the chapter

The main objective of the unit is to make student understand major political theories such as Liberalism, Marxism and Socialism.

Introduction

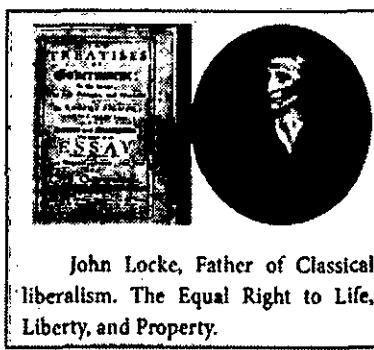
Liberalism

Liberalism is the most important ideology of modern political theory. It emerged in the 17th century and continues to be the most widely followed Ideology in the contemporary world. The etymology of the word liberalism is from 'Liber' that means liberty. The supporters of the Spanish Constitution in the 19th century made the word popular by calling themselves as liberals. Now western countries like United States of America, the United Kingdom, Canada, and Germany adhere to the tenets of liberalism in politics and economy.

Liberalism chronologically had experienced three major phases. In the first phase till 1930 it was called as Negative Liberalism. The second phase termed as Positive Liberalism emerged after the Great Economic Depression and lasted up to the 1970s. The third phase, known as Libertarianism, is followed by major countries of the world for the last four decades.

A. Negative liberalism

Negative Liberalism is also known by many names like Laissez Faire Liberalism and Classical Liberalism. John Locke in his book 'Two Treaties of Civil Government' propounded the basic political principles of Negative Liberalism that came to be implemented vigorously in the USA.



John Locke, Father of Classical liberalism. The Equal Right to Life, Liberty, and Property.

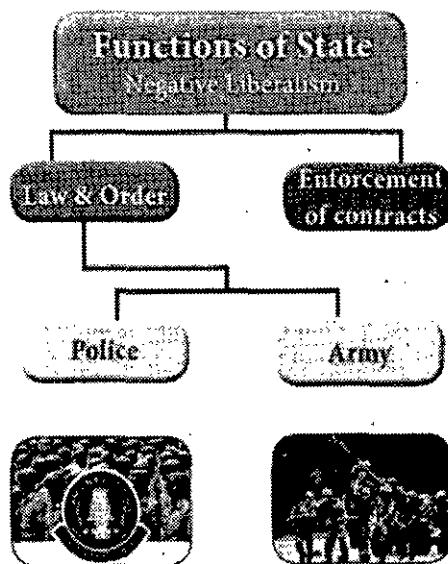
Thomas Paine, Montesquieu, Jeremy Bentham are the other important proponents of Negative Liberalism. Economically, Adam Smith advocated Negative Liberalism in his book 'An Inquiry into the Nature and Causes of Wealth of Nations'

Essence of Negative Liberalism

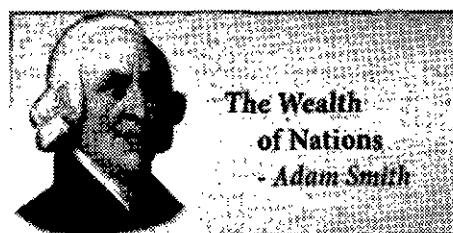
Negative Liberalism considers man as a rational, capable and master less individual. All human beings are equal and free. Everyone knows their interests and is endowed with the capacity to satisfy their interests. Society is a mere aggregate of freely existing individuals. There is no necessity for State and society to interfere or regulate the life of individuals.

The State is a necessary evil. It is necessary for the protection of law and order without which individuals cannot realise their interests. Nevertheless, the State is an evil as even its mere existence itself endangers the rights and liberties of the individuals.

The State is a negative State as it is prohibited from carrying out developmental activities. The State is called as Laissez Faire State. Laissez Faire has its origin in the French language meaning Leave Alone. The State must leave the individuals alone to pursue their activities. Maintenance of law and order and enforcement of legally made contracts are the only functions assigned to the State by Negative Liberalism.

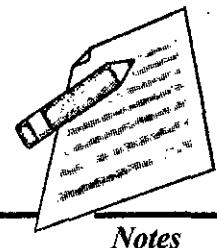


Economically, Negative Liberalism supports free market economy based on demand and supply. It prohibits the State from interfering with the economic activities. The State is akin to a cricket umpire in its powers and functions. The umpire does not play the game but watches whether the players are playing the game in accordance with the laws of the game. Similarly the State should not interfere in the economy as market alone determines its activities.



CLASS-12

POLITICAL SCIENCE





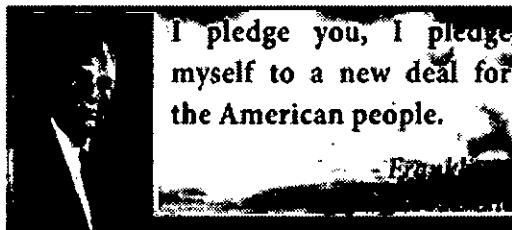
Negative Liberalism believes in the concept of natural rights. When Mother Nature created man, it endowed him with basic rights that are called Natural Rights. The State should not erode or undermine these natural rights. The Rights to Life, Liberty and Property are indispensable for human existence and development. Therefore, the State should never abolish or erode them. The Right to Property is special to the proponents of Negative Liberalism. It is an unlimited right as all individuals can acquire, enjoy and dispose of property without interference from the State.

B. Positive Liberalism

Negative liberalism metamorphosed into Positive liberalism in the 20th century. Even though Negative Liberalism contributed to the generation of unprecedented wealth in the western countries it had also inflicted enormous pain on common people. Glaring inequalities among people, appearance of slums in the cities and exploitation of the workers exposed the deficiencies of Negative Liberalism. Humanist thinkers like Ruskin protested against the misery of the people.

In this backdrop, Negative Liberalism changed into Positive Liberalism because of two important factors i.e. Democracy and Marxism. Nineteenth century witnessed the gradual spread of democracy whereby the common people came to be provided with voting rights. They demanded fundamental changes in politics. The second factor is the advent and rise of Marxism that appealed to the workers to overthrow the exploitative inequality-laden Negative Liberalism. Subsequently, under pressure from democracy and Marxism, Negative Liberalism changed into Positive Liberalism.

The liberal world experienced a devastating Great Economic Depression from 1928 affecting economies of numerous countries including United States of America. The newly elected American President Franklin Roosevelt implemented the New Deal Programme for uplifting American economy from the quagmire of depression.

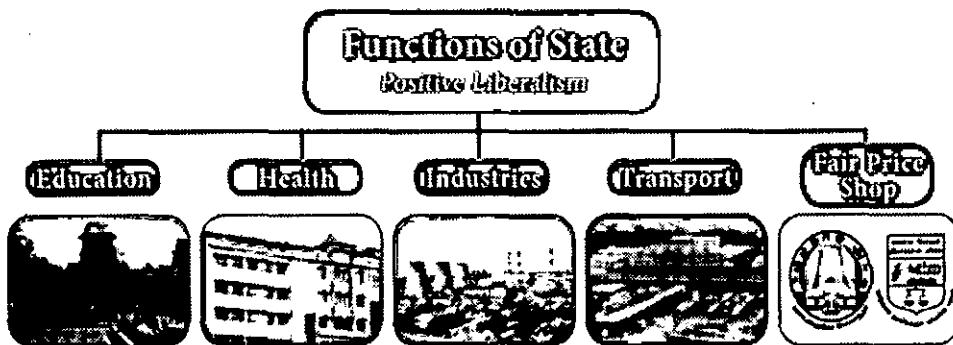


J.M.Keyne, economic advisor to the American President, played a crucial role in the formulation of the programme signifying the advent of Positive Liberalism. A number of thinkers enriched the content of Positive Liberalism of which T.H.Green, Harold Laski, L.T.Hobhouse are important.

Positive Liberalism brought out the new concept of Social Welfare State. This concept projects the State as a positive instrument for the promotion of social welfare. The role of the State is to provide social service to the people. It



Notes



The rights of the people can be modified so that the welfare of society can be promoted. Positive liberalism supports a close relationship between rights and duties and argues for Social Welfare theory of Rights. Similarly, freedom is positive in content. While Negative Liberalism expounded freedom from the State, Positive Liberalism recommends freedom through the State. Freedom does not mean being free from the interference of the State but adhering to the social welfare activities of the State. Freedom through the State and not from the State is their theme.

The economy must be regulated by the State so that alternate, painful appearance of economic boom and depression can be averted. Progressive taxation can be adopted by the State to generate resources required for its social welfare activities. Similarly, the State has power and authority to adhere to economic strategies like bank nationalisation, minimum wages and reservation of industries as public sector to bring in the uplift of all sections of society.

Positive Liberalism was followed in the western democracies for many decades from 1930s. But gradually philosophers and political leaders began to question the utility of a Social Welfare State propagated by Positive Liberalism. They argued that State interference in society and economy had precipitated a plethora of problems like industrial sickness, economic inefficiency, lessened productivity, corruption, erosion of liberties of people and economic stagnation, therefore should be curtailed.

C. Libertarianism

The third phase in the history of liberalism is called as contemporary Liberalism or Libertarianism. It emerged in the western world after the end of positive liberalism and gradually spread to most parts of the political universe. The President of the United States Ronald Reagan implemented libertarian ideology in his country from 1981 to 1989.

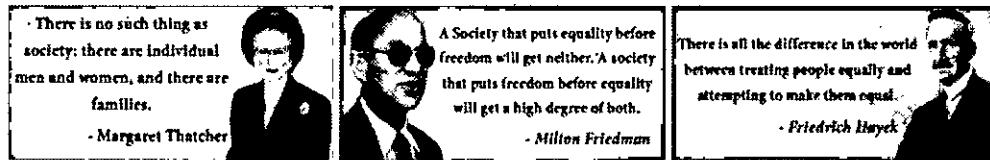
The first woman Prime Minister of the United Kingdom Margaret Thatcher was the political architect of libertarianism. The last president of Soviet Union



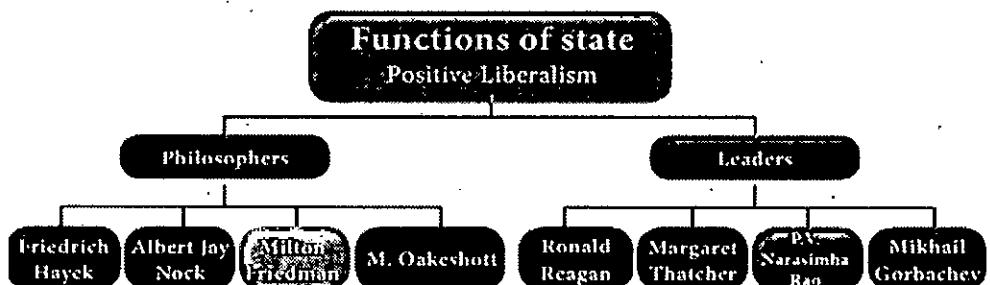
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Michel Gorbachev introduced the two path-breaking reforms of Perestroika (Restructuring) and Glasnost (openness) that pushed the Soviet Union into the direction of libertarianism.

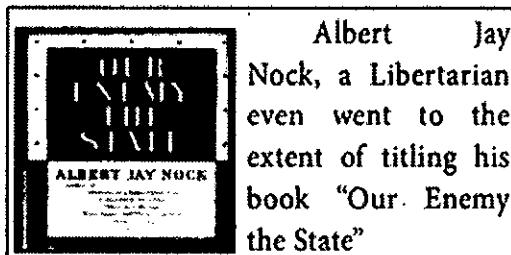
A number of political scientists have advocated libertarianism. F.A.Hayek, M.Oakeshott, Karl Popper, Milton Friedman, Nozick and Nock are important among the supporters of libertarianism.



Libertarianism is a re-invention and re-application of Classical Liberalism in the second half of the 20th century and in the first half of the 21st century. It believes in the worth and importance of individuals. It advocates individual freedom as indispensable for the life of man. It staunchly supports the concept of 'Personal Autonomy' whereby every human being is provided with complete freedom of choice to make decisions in their life as they want. It restricts the domain of the State to maintenance of law and order. Nozick famously coined the slogan 'Minimal State is Inspiring as Well as Right'. He criticised any more functions of the State as unjustified and unwarranted. Another proponent of Libertarianism, Oakeshott commented that the government merely pursues peace.



The libertarians argue that the increase in the functions of the State in the name of development and social welfare leads inevitably to emergence of collectivism and resultant concentration of power in the hands of the State leading to the destruction of personal liberties of man.



End of Ideology

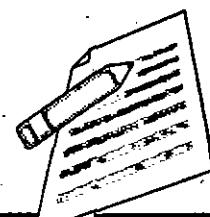
A few political thinkers and political sociologists in the 1950s had brought out the new concept of 'End of Ideology'. Daniel Bell who authored book 'End

of Ideology' is the strongest proponent of this concept along with the noted political sociologist Martin Lipset.



**The end of Ideology on the
exhaustion of political ideas
in the fifties**

- Daniel bellend

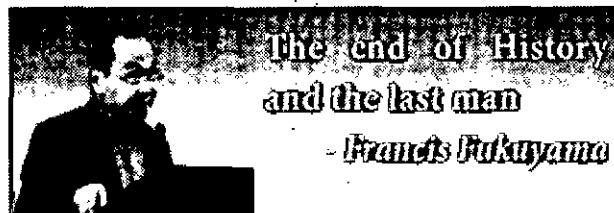


They argue that the political and economic search of humankind had reached its final destination with the emergence of Liberal Democratic State or Social Welfare State. The ideal system of human life should be planted and rooted in the soil of welfare State, decentralised power, mixed economy and competitive party system. The western nations have attained these ideal socio-political characteristics. They called for an end to the Liberalism versus Marxism debate and accepted that democracy is not merely a system of government but the good society in operation. They praised democracy as the ideal means of conflict resolution and governance.

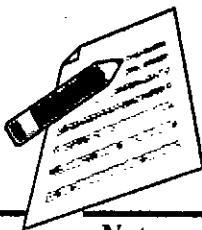
But a set of thinkers collectively described as "New Left" rejected the validity of the End of Ideology concept. Though, the thinkers do not advocate any class conflict like Marxism they sought to improvise the tenets of Marxist State. The western societies also witnessed rise of the voice of many thinkers that demanded not the end of ideology but the end of materialism that is implied in the end of ideology concept.

End of History

The American political thinker Francis Fukuyoma wrote the book 'The End of History and the Last Man' in 1992. He argued that history has ended with the end of the Cold War and the victory of liberalism over communism. The history of mankind essentially composed of its ceaseless search for the ideal political, social and economic system. The victory of Liberalism signifies the end of that human search for right ideology and the advent of post-ideological world. The Liberal State and the Libertarian economy represent the culmination of the social economic and political evolution of humanity, therefore human history has ended was the argument of Fukuyoma.



But many political scientists and ideologies disagree with this. The post-modernist thinker Derrida argued that liberal democracy is not the ideal political system



that solves the problems of man. He said, "Never have violence, inequality, exclusion, famine, and thus economic oppression affected as many human beings in the history of the earth and of humanity as it happened in the times of liberal democracy."

The American political scientist Samuel Huntington propounded 'The Clash of Civilization' theory as a counter to Fukuyoma's End of History thesis. Huntington argued that end of the Cold War has not resulted in the universal and permanent success of liberal democracy. On the contrary, a new ideological rivalry has emerged between the two major civilizations of the world, Western Civilization and Islam that will dominate the politics of humankind in the 20th. He contended that other civilizations of the world will be sucked into the civilization clash between Western Civilization and Islam, and therefore history has not ended in the post-Cold War period, rather it has entered a new phase of confrontation.

India and libertarianism

New Economic Reforms were introduced in India in 1991 heralding the era of Liberalization, privatization and globalization. They reflect the ideology of Libertarianism. The State has withdrawn itself from many economic and social activities. 'Minimum Government and Maximum Governance' is the guiding principle of the State. The State has consciously shrunk its sphere of activities encouraging private initiative through measures like disinvestment. Under the impact of libertarianism the planning process was initially changed to the strategy of Indicative Planning and recently the planning Commission itself was replaced by a body called National Commission for Transforming India (NITI Ayog).

Marxism

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

Marxism and its Basic Postulates

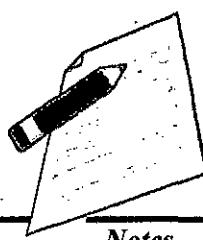
Marxism is the political philosophy of the working class as liberalism is the political philosophy of the capitalist class. It is a theory of social change:

why social changes take place and how do these changes come into effect? The social changes take place because of the material factors and through a method called 'dialectical materialistic' method. Marxism is based on certain assumptions/postulates. These are:

1. Nothing happens in the world on its own; there is always a cause -effect relationship in what we see around. The relations of production (i.e., material relations among the people), as the basis of society, provide the cause while the productive forces constitute the effect.
2. The real development is always the material development (i.e., the economic development). The progressive development of productive forces indicates the progressive level of development.
3. The material (i.e., economic) factor is the dominant factor in both individual life and social life.
4. Human being is born at a particular stage of social / material development, i.e., born in a social setting which exists independent of him. But being an active being, human being makes his own social setting. Marx had said, human beings are born in history, but they make history.
5. Social classes, especially the opposing classes, through their struggle and following the process of revolution, move in the forward direction. That is why the Marxists say that every subsequent society is better than the preceding society.
6. Revolutions mean total and wholesome changes; they are not a negative force, but are what Marx had called, the locomotives of history. When launched and successful, revolutions take the society to a higher stage of development.
7. The state, being the result of a class society, is a class institution. It is neither impartial Individual and the State nor just; it is a class institution. It is a partisan, oppressive and exploitative institution; it exists to serve the dominant class of which it is an instrument. In the capitalist society, the capitalist state protects and promotes the interests of the capitalists while in the socialist society, it protects and promotes the interests of the working class. By the time the socialist society becomes fully communistic, the state would, by then, have withered away

Highlights of Marxism

Marxism revolves around the following theoretical propositions. Dialectical materialism is the sum-total of the general principles which explain as to why and how social changes take place. The social changes take place because of the material factors and through the dialectical materialistic method. The dialectical materialistic method is a triple method.





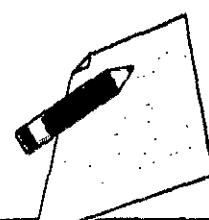
According to Marx, Relations of Productions constitute the basis of the society at any given point of time. What are called the social relations among the people are, for the Marxists, the relations of production. Productive Forces constitute those elements which originate from the relations of production, but which, though opposite to the latter, promise more production through newer methods/devices. In very simple words, the Marxian theory states that all development takes place through struggle between opposites and because of factors which are economic.

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

Theory of Surplus Value is another characteristic of Marxism. Marx says that it is the worker who creates value in the commodity when he produces it. But he does not get what he produces, he gets only the wages: over and above the wages is what goes to the employer. That is the surplus value.

The surplus value is the difference between what the value a labourer produces and what he gets in the form of wages. In simple words, the labourer gets the wages; the employer, the profit. This surplus value makes the rich, richer and the poor, poorer. It is through surplus value that capitalists thrive. Theory of Class Struggle is another tenet of Marxism. In the Marxian view, all hitherto history has been the history of class struggle between opposing classes. Class struggle is the characteristic of class societies. In the classless societies, there is no class struggle because there are, in such societies, no opposing/ antagonistic classes. Class struggle, in class societies, (i.e., in slave-owning society, the feudal society, the capitalist society) is of mainly three types: economic, ideological, political. Marxism advocates revolution. Revolutions, the Marxists say, are locomotives of history. Revolutions occur when the relations of production come into conflict with the productive forces, leading, thus, to a new mode of production.

They bring about a complete transformation of society, without violence if possible, and with it, if necessary. Revolutions, indicate changes: wholesome changes, changes in the very character of a given society. They signify the coming up of a higher stage of social development.



Notes

Accordingly, the Marxists regard revolution as a positive phenomenon. Dictatorship of the proletariat means the rule of the working class. It is a state of the workers in the socialist society which follows the capitalist society. It is the dictatorship of the workers in the socialist society in the sense there is the dictatorship of the capitalists in the capitalist society. There capitalists rule the way they want; now the workers' rule in the socialist society the way the workers want. Nevertheless, Marx makes it clear that the dictatorship of the proletariat, i.e., the workers' state, is an interim or a transitional arrangement which functions between the capitalist society and the communist society. Once the socialist society is completely established, the workers state will not be needed, i.e., it will wither away (disappear slowly). Lenin insists that the dictatorship of the proletariat is better than the bourgeois state, both quantitatively and qualitatively (at it looks after the interests and welfare of the whole multitude of the workers rather than handful of capitalists). The socialist society that follows the capitalist society after its abolition is a classless society. It is a classless society in the sense that all are workers wheresoever they work, in the office, in the factory or on the fields: each gets job according to one's ability ('from each according to his abilities to each according to his work'). The communist society which follows the socialist society, will be both the classless society and the stateless society.

Relevance of Marxism

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

Changes do not occur simply because of the clashes between the opposing classes. History is indebted to class cooperation as well for its development. Material factor, though important and dominating it may be, is not the sole factor in explaining the whole complex of society's intricacies. Indeed, man does not live by bread alone, but it is also true that he cannot live without it.

Marxism has underestimated the worth and strength of national/ patriotic Individual and the State sentiments. To say that the workers have no fatherland of their own, as Marx used to say, is to make them parentless.

Marxism also underestimated the importance of the state. To say that the State is a class institution and therefore, an oppressive and exploitative one is to oversimplify things. The Marxian formulations, in practice, have been really disappointing. Marxism, as a practice, has failed, whatever be the reasons. One chief reason has been its centralizing tendency: the dictatorship of the proletariat becomes the dictatorship of the communist party, the party's dictatorship becomes, ultimately, the dictatorship of one man: be that a Stalin or a Mao. In the Soviet Union, reform movement (Glasnost, especially) initiated by Mikhail



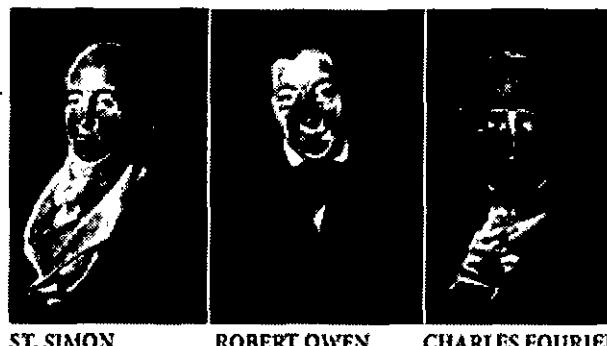
Gorbachev marked the beginning of the end of the communist movement not only in Europe but almost the world over. The communist China has introduced numerous liberalization measures in its economy and polity. The relevance of Marxism as an alternative ideology before the world is no more unquestioned.

Socialism

Socialism is an ideology that supports public ownership of property and natural resources. It is fundamentally opposed to Liberalism that believes in the private ownership of property. There are many kinds of socialism like democratic socialism, evolutionary socialism, Fabian socialism, guild socialism etc. The terms 'Socialism' and 'Communism' are at times interchangeably used. But Karl Marx introduced a distinction by describing his socialism and ideology as scientific socialism and other prevailing kinds as Utopian socialism.

A. Utopian Socialism

Many thinkers in the 19th century had questioned the negative consequences of liberalism. They strove to protect the interests of the working class. Robert Owen was an industrialist and a philanthropist. He started the cooperative movement and experimental socialist communities in England to realise betterment in the conditions of the workers. He associated the workers in the management of his industries and showed that profits can be increased by the joint endeavour between workers and employers. He appealed to the reason of the fellow capitalists to take into account the welfare of the working classes. Saint Simon, a French industrialist and thinker, argued that the welfare of the working class must also be taken into consideration for realising an efficient economy and effective society.



ST. SIMON

ROBERT OWEN

CHARLES FOURIER

Charles Fourier, another French thinker, suggested the socialist reconstruction of the society by forming association of producers termed as phalanges. Both Saint Simon and Charles Fourier appealed to the conscience of the capitalists to improve the miserable state of the workers. These three notable theorists advocated ideas in favour of the workers in 19th century. Karl Marx described their thoughts as Utopian Socialism as they provided only a superficial understanding of capitalism and their alternative schemes are wishful and utopian in nature. He claimed that, in contrast his communism is based on scientific understanding of capitalism meriting the name of Scientific Socialism.

B. Democratic Socialism

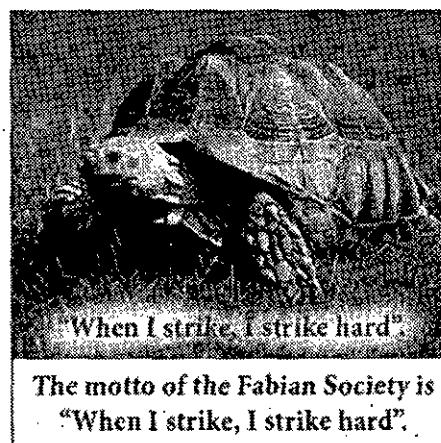
Democratic Socialism as the nomenclature indicates combines the two systems of socialism and democracy to provide a unique political and economic system to promote equality and freedom. It differs from Marxism in its conception of the State. It believes that the State is not an instrument of exploitation of workers by the capitalists. Rather, the State is an instrument of social welfare. The State must be made democratic. All classes in society own the State. Socialism can be established only through the State. It will not and should not wither away as Marxism predicted.

Democratic Socialism argues that socialism can be established through evolutionary and peaceful means. Its methodology of change characterized as gradualism or ballot box socialism. It dismisses revolutionary, violent struggle as unnecessary. Democratic Socialism argues for harmonious relationship among classes and class differences must be solved through peaceful methods. The right to property need not be abolished. Rather for the sake of social welfare the right to property must be limited.

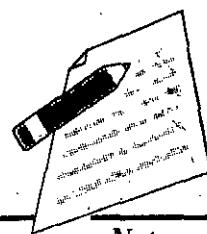
There are crucial differences between Marxism and Democratic Socialism. Many basic concepts of Marxism are either modified or rejected by Democratic Socialism. Nevertheless, both have certain similar goals like ending the exploitation of workers and promoting equality among people.

C. Fabian Socialism

Fabian Socialism was the British version of socialism propagated by the Fabian Society from 1884. They chose the nomenclature Fabianism inspired by the great Roman General Fabius who was historically famous for adopting the military strategy of 'wait and hit hard at the right moment'. Sidney Webb and Sidney Oliver H G Wells brought out the ideology of Fabianism. English playwright George Bernard Shaw was one of the greatest proponents of Fabianism.



As an ideology Fabianism attacked capitalism as an exploitative system and advocated a thorough reorganization of economy and politics of their contemporary period. It expressed its resolute support for democratic State. There are two important attributes of the Fabian State. Firstly, it should be



*Notes*

based on decentralization of power. Secondly, it should be led by experts. Fabianism rejected Marxist call for the abolition of the State. It wanted the State to exist on the foundations of decentralized power and expert leadership to promote social welfare.



"Revolutions have never lightened the burden of tyranny. They have only shifted it to another soul"

- George Bernard Shaw

Fabianism believed that socialism and democracy are complementary and supplementary to each other. They are to be appreciated as noble ideals of equality and justice are dearer to them. The Fabians did not advocate the abolition of private property. On the contrary, they supported existence of limited right to property governed by the principle of social welfare.

Fabianism as an evolutionary socialism rejected Communist revolutionary methods of change. It supported peaceful methods of change in society. The Fabian ideologues depended on persuasion tactics to realize socialism.

D. Evolutionary Socialism

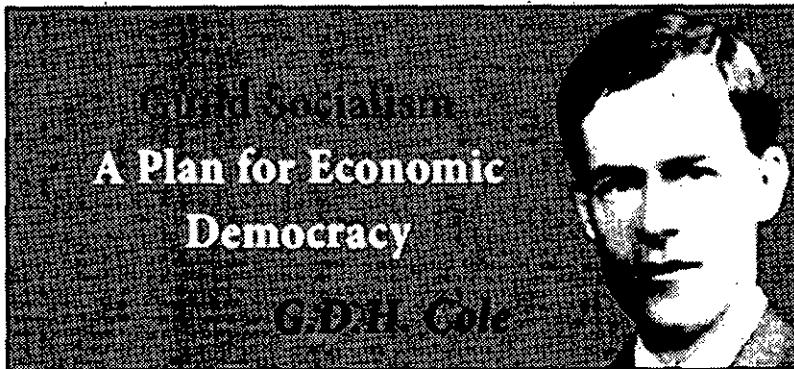
Evolutionary Socialism was initially advocated by Lassalle, one of the earliest leaders of the German Social Democracy tradition. The ideals of Evolutionary Socialism were formally expounded in the Gothe Programme in 1875, an important document in the evolution of socialism in Germany and Europe. Later on, Eduard Bernstein wrote the book 'Evolutionary Socialism' that attracted the many supporters like Jaurès in France, Anseele in Italy, Bauer in Austria. It argues for an evolutionary change in capitalism. It believes that along with economic factors non-economic factors are also important to explain human life. Democratic Socialism and Evolutionary Socialism are inter-related. Marxism attacked Evolutionary Socialism as 'revisionism' and 'broker's view of socialism'.

Evolutionary Socialism

- Eduard Bernstein

E. Guild Socialism

It is a kind of evolutionary socialism that emerged in Great Britain in the first two decades of the 20th century. The English political thinker and the founder of National Guilds League in England, D H Cole was the leading advocate of this brand of socialism. He wrote the book 'Guild Socialism: A Plan for Economic Recovery' to propagate the tenets of Guild Socialism. Guild Socialism criticized the exploitation of workers by the capitalists in the western world and arose as a protest ideology against capitalism.



CLASS-12

POLITICAL SCIENCE



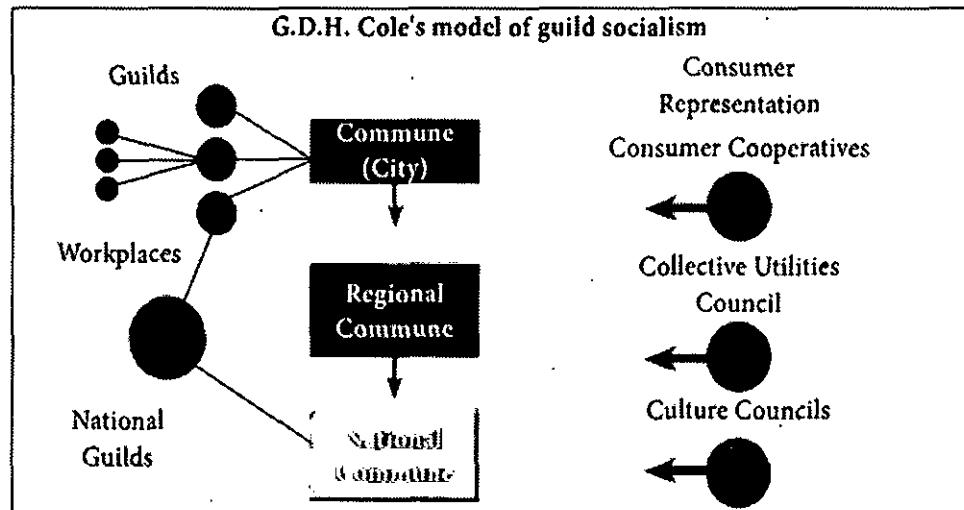
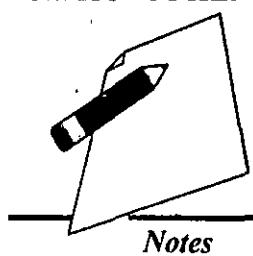
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The word guild refers to the association of craftsmen and artisans of a particular profession in the medieval period in Europe. It acted as a source of mutual support, as a medium to pass on the professional knowledge to new entrants. Guild Socialism combines the medieval guild with modern socialism and envisages a political organization in which organized workers-based associations will discharge most of the political functions. This ideology believes that in any society there are numerous professions, trades and occupations and a member of one profession cannot represent the interests and welfare of members of another profession and therefore every profession must have its own organization. All such organizations must come together to form a governing council at the district, State and national-levels to administer the system. A national-level confederation of guilds will govern the country.

Guild Socialism does not call for the destruction of the State. It endows the State with certain common functions like providing education and health services to the people. Guild Socialism supported the principle of gradualism to bring about changes in the existing capitalist system.

It abhorred the revolutionary methods of struggle associated with Marxism. All changes in society should be brought through peaceful and democratic means. This was a cardinal principle of Guild Socialism.

Though Guild Socialism was laudable in its commitment to the welfare of workers it was criticized as an impractical alternative. Its attempt to reduce the State to the position of an ordinary guild was not accepted by many political theorists who asserted that the weakened state of Guild Socialism cannot maintain law and order and protect its people from invasions and insurrections.

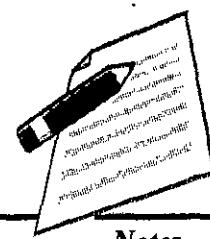


Differences between Communism and Socialism

Differences between Communism and Socialism	
Communism	Socialism
1. Revolution is the mid-wife of change	1. Evolutionary changes are more enduring and beneficial
2. The state is an instrument of exploitation of the property-less class by the rich class and therefore should be abolished	2. The state should not be abolished. It should be made more democratic and social welfare oriented.
3. Class struggle is the fundamental force of change in human history.	3. Violent class struggle is unnecessary.
4. The right to private property must be abolished.	4. The right to private property must be modified and limitations must be imposed for social welfare
5. Historical materialism can explain human history. Economy alone drives human history.	5. Historical Materialism is not adequate to explain human history. Apart from economy, other factors like culture, politics and religion are also important to explain human history

F. Socialism in India

The Indian kind of socialism is known as Socialistic Pattern of Society that was adopted by the Indian State in the mid-1950s. Provision of all basic necessities to all people irrespective of caste, creed, religion, race and gender and elimination of poverty, inequality and illiteracy are the objectives of Indian Socialism. Parliament passed a resolution for the establishment of Planning Commission In 1950. The strategy of Five-Year Plan was implemented to promote development with socialist content from 1951. We adopted a Mixed Economy where both private and public sectors were allowed to operate. We provided the commanding heights of the economy to the public sector to achieve development and equality.



Notes

The 42nd Constitutional Amendment Law introduced socialism as an official feature of the Preamble of our Constitution. The 44th Constitutional Amendment Act removed the Right to Property from the list of Fundamental Rights and made it an ordinary right in Part XII of the Constitution. The Directive Principles of State Policy in Part IV of the Constitution contains many provisions that are designed to promote socialistic objectives like Right to Work and avoidance of concentration of wealth in the hands of a few people. India had adhered to socialism from the year of independence to 1991 when we launched our New Economic Reforms that favoured liberalization, privatization and globalization.

Gandhism

Social and political ideologies of Gandhi ji is multidimensional. His political philosophy was a deep-seated departure from the past in the sense that it was neither constitutional loyalist of the Moderates nor extremism of the revolutionary terrorists. In his speech of Indian nationalism, he sought to incorporate the emergent constituencies of nationalist politics that remained peripheral in the past era. Gandhi was the only effective nationalist leader who truly attempted to go beyond the class conflicts by creating a method which for the first time, brought about the national aggregation of an all-India character. His social and political ideas were the consequence of his serious engagement with issues reflective of India's peculiar socio-economic circumstances. Gandhi concurrently launched movements not only against the British rule but also against the terrible social structures, customs, norms and values, justified in the name of Indian's ancient traditions. Therefore, Gandhi's thought is neither purely political nor absolutely social, but a complex combination of the two. Gandhian philosophy was a thoughtful engagement with modernity and its drawbacks. Against the troubles of industrialisation, materialism and selfish pursuits, Gandhiji suggested swaraj, swadeshi, trusteeship and a minimal state vested only with co-coordinative powers. He was a genuinely a religious man. This standpoint shaped his politics his economic ideas and his view of society. However, the religious approach that he absorbed was significantly different from other religious man. He accepts the inner oneness of all existence in the cosmic spirit, and saw all living beings as representatives of the everlasting divine reality. Gandhiji believed that man's ultimate goal in life was self-realisation. According to him, Self-realisation meant seeing God face to face, i.e., realising the absolute truth or, knowing oneself. He believed that it could not be attained unless man identified himself with the whole of mankind. This necessarily involved participation in politics:

According to Gandhi, man's ultimate aim is the realisation of God and all his activities social political religious have to be directed by the ultimate aim of the vision of God. It is only through the means of self-purification that self-realisation can be attained. The fasts, prayers and works of service that he undertook were all directed towards such an end. In his autobiography, Gandhiji



stated that self-realisation required self-purification as its ethical foundation. Men's moral life flows from such a search into this oneself and express itself in outward activity of fellowship and concern to others. This moral outlook is mainstay of Gandiji's political viewpoint even as his ethics has for its foundation in his metaphysical principles. According to Gandhiji, the moral discipline of the individual is the most important means of social construction.

Gandiji appealed following moral principles:

- 1. Truth
- 2. Non-violence
- 3. Non-stealing
- 4. Non possession
- 5. Celibacy

The adherence of these moral principles would purify man and enable him to strive after self-realisation.

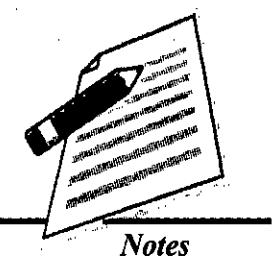
Techniques of political struggle: There are two major tactics that Gandhi ji adopted in his political struggle that include satyagraha and non-violence.

The basic moralities of Gandhian techniques are the Satyagraha and Non-violence or ahimsa. It was mentioned by numerous authors that during the period between his South African experiment and the agitation against the Rowlatt Act, it was Satyagraha that held the key to his entire crusade. Only in the repercussion of the 1919 anti-Rowlatt Satyagraha, was non-violence included as integral to Gandhi's Satyagraha campaign. Undoubtedly, ahimsa always remained an important influence in the conceptualisation of satyagraha, but it was not projected as crucial a component as it later became.

According to Mahatma Gandhi, ahimsa suggests uttermost selflessness. It means, if anyone wants to realize himself, i.e., if he wants to search for the truth, he has to behave in such a way that others will think him entirely safe. Gandhi stated that this is the way of ahimsa. He did not consider non-killing alone to be non-violence. To him, non-violence is not a negative concept but a positive sense of love. He talked of loving the wrong-doers, but not the wrong.

He had strongly opposed any sort of proposal to wrongs and injustice in an indifferent manner. He thought that the wrong-doers can be fought only through the severance of all relations with them.

As a technique, Satyagraha was always learned by ahimsa, though its role was not vividly expressed till their 1919 campaign against the Rowlatt Act. From 1919 onwards, Gandhiji paid enormous attention to both conceptualising and justifying the importance of ahimsa in political mobilisation by referring to the ancient scriptures in his defence. Gandhiji was preparing for a pan-Indian non-cooperation movement in the Satyagraha format in which ahimsa was to play a significant role in political mobilisation. The micro experiments of Satyagraha in Champaran, Kheda and Ahmadabad where ahimsa was constitutive of Gandhian model of anti-imperialism, therefore, became pivotal in Gandhi's social and political thought.



Gandhian doctrine of satyagraha: Satyagraha was a daunting defence that Gandhiji used to fight against injustice. It is a natural outcome from the ultimate concept of truth. Satyagraha is factually holding on to truth, and it means, therefore, Truth force. Satyagraha means the exercise of the purest soul-force against all injustice, oppression and exploitation. Suffering and trust are characteristics of soul-force. Truth is soul or spirit; it is known as soul force. It excludes the use of violence because man is not capable of knowing the absolute truth. According to Gandhiji, truth or satya is go himself. He changed the statement, 'God is truth' later in his life into 'Truth is God' and suggested that it was one of the fundamental innovations of his life's experiments. The life of man, for Gandhiji, is a march of his pursuit in search of Truth or God. Satyagraha is not merely the insistence on truth, it is, in fact, holding on to truth through ways which are moral and non-insolent; it is not the imposition of one's will over others, but it is appealing to the reasoning of the challenger, it is not compulsion but is persuasion. It means urge for satya or Truth.

Gandhi emphasized several characteristics to Satyagraha. It is a moral defence and does not have ill-feeling towards the rival, it is a nonviolent trick and calls upon its user to love his enemy, it does not abate the opponent but strengthens him morally; it is a tool of the brave and is constructive in its approach. Gandhiji stressed that a satyagrahi is always truthful, morally impregnated, non-violent and a person without any hatred, he was devoted to the service of all. Gandhiji decisively believed that truth can be achieved only through non-violence which was not negative, meaning absence of violence, but was a positive condition of love. Resort to non-violence is recourse to love. In its positive sense, it strive for non-injury to others, both in words as well as deeds.

A satyagrahi cooperates not out of fear of punishment but because cooperation is vital for the common good. Satyagraha is battle without any bitterness or hatred or injury to the opponent. A satyagrahi also suffers the consequences of resistance. As a person he owes it to himself to suffer, if necessary for his conscience and as a citizen, it is his duty to suffer the consequences of his conscientious disobedience to the laws of the state. A satyagrahi invites suffering upon himself and does not seek mercy.

The following rules must be followed in satyagraha:

1. Self-reliance at all times.
2. Initiative in the hands of the satyagrahis.
3. Proliferation of the objective, strategy and tactics of the campaign.
4. Reduction of demands to a minimum consistent with Truth.
5. Liberal advancement of the movement through steps and stages- direct action only when all other efforts to achieve an honourable settlement have been exhausted.



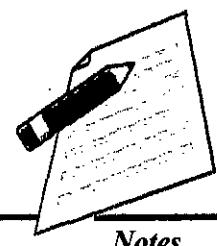
6. Investigation of weakness within the satyagraha group- no sign of impatience, discouragement or breakdown of non-violent attitude.
7. Persistent search for avenues of cooperation with the adversary on honourable terms by winning over the opponent by helping him. There must be sincerity to achieve an agreement with rather than triumph over the adversary.
8. Rejection to surrender essentials in negotiation and there must be no compromise on basic principles.
9. Insistence on full agreement on fundamentals before accepting a settlement.

Gandhi recommends to follow below steps in a satyagraha:

1. Negotiation and arbitration.
2. Preparation of the group for direct action- exercise in self-discipline.
3. Agitation. It means demonstration such as mass meetings, parades, and slogan-shouting.
4. Issuing of an ultimatum.
5. Economic boycott and forms of strike- picketing, dharna, non-violent labour strike and general strike.
6. Non-cooperation.
7. Civil disobedience.
8. Usurping of the functions of government.

Basically, the techniques of Satyagraha may take the form of non-cooperation, civil disobedience, Hijrat, fasting and strike. Gandhiji believes that subjugation and exploitation were possible only on account of the cooperation of the people. If people rebuffed to cooperate with the government, the latter could not function well. Non-cooperation may manifest itself in the form of hartals, Picketing etc. Hartal involved the stopping of work as a measure of protest and its objective was to strike the imagination of the people and the government. Gandhiji had an opinion that hartals in order to be effective were to be voluntarily organized and non-violent method could be used. In the case of picketing also, it is not good to use any force. Picketing should avoid coercion, pressure, rudeness, burning of images and hunger strike.

Civil Disobedience: It is another effectual tactic suggested by Gandhiji for the realisation of satyagraha. It was considered as a "complete effective and bloodless substitute of armed revolt". There can be individual as well as mass civil disobedience. Gandhiji said that complete civil disobedience inferring a refusal to render obedience to every single state made law can be a very powerful movement. It can become 'more dangerous than an armed rebellion' because the stupendous power of innocent suffering undergone on a great scale has great strength.



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Hijrat: It was another form of satyagraha recommended by Gandhiji which inferred voluntary exile from the permanent place of residence. This was to be done by those who feel beleaguered and cannot live without loss of self-respect in a particular place and lack the strength that comes from true non-violence of the capacity to defend themselves aggressively.

Fasting: This is other technique of Satyagraha. Gandhiji regarded this tactic as a burning weapon but it has to be applied only against those who are bound by ties of close personal affection. It required purity of mind, discipline, humility and faith. Gandhiji's vision was that fasting stimulated the lethargic conscience and fired the loving hearts to action.

Strike: It is also effective method of Satyagraha. Gandhiji's view of strike was different from that supported by the socialists and communists. According to Gandhiji, strike was a voluntary, purificatory suffering undertaken to convert the erring opponent. He did not believe in the theory of class war. His opinion was that industry was a joint enterprise of labour and capital, and both of them were trustees. The strikers were required to propose their demands in very clear terms. Some researchers have tried to connect and identify the Gandhian principle of Satyagraha with passive confrontation. While identifying the features of satyagraha in his Hind swaraj, Gandhi had an opinion that passive resistance fails to convey what he meant. It defined a method, but no hint of the system of which it is only a part. It can be said that the similarity between satyagraha and passive resistance was just peripheral since both of them were evidently defined methods of political resistance which were opposed to violence.

Gandhi had drawn passive resistance theoretically, but when he elaborated satyagraha, he emphasised its unique nature and characteristics. As he expounded in Hind swaraj, passive resistance is a technique of securing rights by personal sorrow. He said that "it is reverse of offensive to my conscience, I use social-force." Passive resistance can never be likened with satyagraha as it involved application of force as well. Hence, he stated that passive resistance is an all-sided sword, it can be used anyhow, it blesses him who uses it and him against whom it is used without drawing a drop of blood, it produced for reaching results.

Satyagraha was not physical force but soul force that drew on the spontaneous sacrifice of self by the partakers, which constituted the central of his campaign. Gandhi linked passive resistance with internal violence. It unleashed forces of prejudice and separatism rather than compassion and incisiveness. Gandhiji explained that satyagraha was not only a political dogma directed against the state, it had also social and economic trusts relevant to and drawn on human natures. In contrast with the constitutional and extremist methods of political mobilisation, satyagraha was highly original and creative conceptualisation of social transformation and political action. The ideologies governing satyagraha



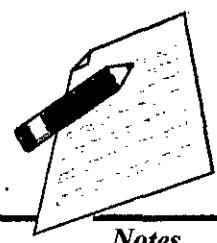
and its participants are explanatory of his attempt to organise mass protest within a strict format that clearly specifies the duties and responsibilities of the individual satyagraha. It is beyond dispute that satyagraha was to be a constant process looking for transformation of the individuals by appreciating the human ethical values that remained confined due to colonization and various social biases, and justified with reference to religion.

Non -violence: Gandhiji was not considered as the originator of this belief. He explored the ideology of non-violence from historical account and his greatness lies in the fact that he made it on the basis of his life and espoused to serve the needs of time. He changed it into social and political method. He regards it as the best concept for the improvement of politics. It is revealed in abundant of literature that the basis of Gandhism is non-violence (Ravindra Kumar, 2002). Non-violence is practised in almost all major faiths and religions: Islam, Hinduism, Christianity, Judaism, Jainism and Buddhism. In fact, for some of these faiths, non-violence is not just a matter of choice; it is an undeniable and irrevocable way of life to which followers must strictly adhere.

Gandhiji powerfully specified that Non-violence or Ahimsa is the central of all religions. Non-violence is truth itself; its very soul, and its fruit. Truth and non-violence are two sides of a smooth unstamped metallic disc and are so intervened that it is very difficult to separate them. Gandhiji stressed on truth than non-violence because he believed that truth existed beyond and unconditioned by space and time, but non-violence existed only on the part of all finite beings (William Borman, 1986).

The crucial component of this theory is ahimsa, "action based on the refusal to do harm." Ahimsa was first revealed in the Chandogya Upanisad as one of the five ethical qualities, and it was later related with Jainism. In modern India, Jainism is strongest in Gandhi's native Gujarat. In medieval India, it should be noted, the notion of nonviolence was significant but was never taken to mean the prohibition of either war or capital punishment. According to Gandhi, in this principle, physical injury is to be avoided and may not even seek to embarrass the challenger. The first step in solving differences is to accentuate interests that the parties to the conflict share, or to express interests that they might possibly share, and to attempt to establish cooperation on this basis. Issues must be made as simple as possible so that difficulties are not further intensified by misinterpretations.

Gandhi supposed that there were always common purposes, but he did not believe that compromise in which each side makes concessions so as to reach agreement was the means for arriving at these purposes. Only when principles were not involved should compromise be employed as a practice. Instead of decreasing demands, a program for resolving conflict should aim at bringing about a new and higher level of adjustment which would prove mutually acceptable.



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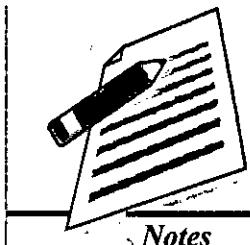
Non-violence is the recognition of spiritual metaphysics. It is not just the negative act of renouncing from doing offence, injury and harm to others but it signifies the ancient law of positive self-sacrifice and constructive anguish. Gandhiji construed it as representing utter selflessness and universal love. The decisive aim of non-violence is even to love the so-called enemies or opponents. According to Gandhiji, there are three levels of non-violence. The highest form was the enlightened non-violence of resourcefulness or the non-violence of the brave. It was the non-violence of one who adopted it not by painful necessity but by inner conviction based on moral considerations.

Non-violence was not just political but holds every sphere of life. The second kind of non-violence was espoused as a measure of expediency and sound policy in some spheres of life. That was the non-violence of the weak or the passive non-violence of the helpless. It is weakness rather than moral belief which rules out the use of violence. It pursued honestly with real courage so long as it is accepted as a policy. It is capable of achieving results to a certain extent. Nevertheless, it is not as effective as the non-violence of the courageous. The third level of non-violence is the passive violence of the coward. As Gandhiji has indicated that timidity and ahimsa (non-violence) do not harmonize. The coward seeks to evade the conflict and flies from the danger. Cowardice is an impotent worse than violence. Gandhiji considered that non-violence cannot be taught to a person who fears to die and has no power of resistance.

Gandhism is not an organized, well worked out political philosophy in the western perspective. It does not claim to apply purely logical procedure and scientific methodology as the positivists do. There is a noticeable realism in Gandhiji's economic philosophies. Gandhism is not only a political doctrine, his philosophy brings about a transformation in human life by the supremacy of self-suffering love. He stressed peace, modesty, gentleness and a sense of sincere respect for the religious views of others. This comprehensive orientation of Gandhian lessons makes it the moral foundation of socialism and democracy. Gandhi has been welcomed as the greatest Indian since Gautama Buddha. He made Indian liberation movement into a mass movement. His teachings of non-violence is significantly pertinent to the modern world infested with militarism, violence, and power politics.

Gandhism ideology in contemporary period:

Gandhian democracy is still relevant in India. It is clear from the 73rd amendment of Indian constitution. That amendment is related only with rural administration of India. One noteworthy provision of that amendment is decentralization of power up to the rural level. That amendment has already been implemented in India. Gandhian systems are mostly followed by the Indian people to fulfil different demands. Gandhi's philosophy of life is applicable to all humanity. He did not reserve any afford in serving India and humanity and sacrificed



even his life. He was a forager, a manual labour, an economist, a politician, a religious man, a lover of humanity and above all a Mahatma. Gandhi's life and ideologies are great message to humankind.

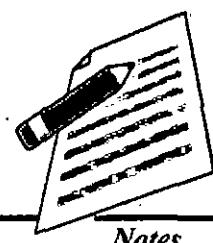
In Gandhian creed, the first principle which guided all his thoughts and activities is the complete unity and integrity of body, mind and soul in the individual human being. Gandhiji never tried to speak that the body should be controlled by the mind and the mind by the soul. But this control is not to be accomplished by neglecting either the body or the mind or in the mystic exhilaration of the soul by itself. He attached to physical health and well-being as much importance as to plain and logical thinking or moral responsibility. He was one of the most logical and influential writers.

It has been observed that the greatest attainment of Gandhi was the spiritualization of politics. This is unquestionably true; but he had no faith in religiousness by itself as an abstract virtue. He considered it as a kind of brightness which should accompany every thought and action. It is difficult to define it through the verses of the Bhagavad-Gita which constituted his daily prayer. The second principle of Gandhian viewpoint is that all social action should be governed by the same simple set of moral values, of which the main elements are selflessness, non-attachment, nonviolence and active service. He believed that the development of a man's personality is balanced to his faith in and practice of these virtues. This is possible only when he identifies himself more and more with an ever-increasing circle till it grips all humanity and even all living beings. He judged the value and vivacity of social institutions by their capacity to foster such progress.

His third conviction was that no society, state or any other institution has any worth or importance apart from its part in contributing to the development of the individuals of which it is composed. The State, the Nation, the community and other traditional groupings had no inherent value for him.

Gandhiji had firm belief that means are at least as important as, and often even more important than, ends. It is, of course, desirable that ends should be good and reasonable. But they merely give a direction to life while the means adopted constitute life itself. Therefore, if the means are right, that is, if they conform to the tests of truth and nonviolence, even mistakes, errors and failures aid the growth of the individual. On the other hand, wrong means unethical the soul and no good can ever come out of them. Gandhi rejected emphatically the idea that ends justify the means. This implies the rejection of war, espionage and crooked diplomacy, even when they are accepted for the noble ends of defending the country, religion or humanity.

According to Gandhi, faith in God is the groundwork of all moral values. He never defined God and was prepared to allow every person to have his own idea of God. He was motivated to think of Him as the Upanishadic Brahman.



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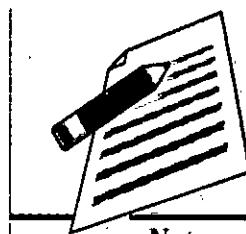
But, so long as a person believes in some source of spiritual life and holds it superior to the material universe; he is a believer in God. Gandhi had no objection even to a formal profession of doubt, so long as a person established by his attachment to moral values that this viewpoint was essentially spiritual in spirit.

To summarize, Gandhism is a dominant political ideology that made immense transformation in the arena of political science. Gandhi is one of the great activist-theoreticians of the twentieth century. His writings arose during the varied process of social, economic and political actions. Gandhism represents a humanitarian world view. The idea is devoted to the transformation of the society for betterment and for the raising the standard of poor people in the society. Gandhi believed in humanity and equality (Teacher Forum, 2014). Basic tools of Gandhi ji for developing noble society and get rid of political turmoil, is satyagraha, nonviolence.

According to Gandhi, Satyagraha is based on a philosophical respect for law and is resorted to non-violently and publicly. The Satyagrahi keenly accepts full penalties, including the rigours of jail discipline as resistance is respectful and restrained, undertaken by law-abiding citizens. Gandhi claims that 'disobedience without civility, discipline, discrimination and non-violence is certain destruction'. A satyagrahi accepts personal responsibility publicly. He must inform the concerned government official(s) about the time and place of the act, the reasons for protest and if possible, the law that would be defied. Gandhi asserts on the need to anchor power and authority in the supreme values of satya, ahimsa and dharma to guarantee that politics eventually is service of all people in general and the underprivileged and the marginalised in particular. The uniqueness of Gandhism ideologies is that Gandhiji desires social and political transformation through non-violent means. He also provides a revelation of his model and accepts modifications to this ideal on grounds of viability.

Summary of the Chapter

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

**Notes**

EXERCISE

Fill in the blanks:

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

Answer

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

Review Questions

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

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MAKING OF THE CONSTITUTION

Introduction

- The demand that India's political destiny should be determined by the Indians themselves had been put forward by Mahatma Gandhi as early as in 1922
- "Swaraj" will not be a free gift of the British Parliament; it will be a declaration of India's full self-expression. That it will be expressed through an Act of Parliament is true but it will be merely a courteous ratification of the declared wish of the people of India even as it was in the case of the Union of South Africa." - M. K. Gandhi
- The failure of the Statutory Commission and the Round Table Conference which led to the enactment of the Government of India Act, 1935, to satisfy Indian aspirations accentuated demand for a Constitution made by the people of India without outside interference, **which was officially asserted by the National Congress in 1935.**
- This demand was, however, resisted by the British Government until the outbreak of World War II when external circumstances forced them to realise the urgency of solving the Indian constitutional problem.
- In 1940, the Coalition Government in England recognised the principle that Indians should themselves **frame a new Constitution for autonomous India**, and in March 1942, when the Japanese were at the doors of India, they sent Sir Stafford Cripps, a member of the Cabinet, with a draft declaration on the proposals of the British Government which were to be adopted (at the end of the War) provided the two major political parties (Congress and the Muslim League) could come to an agreement to accept them :

This agreement included:

1. that the Constitution of India was to be framed by an elected Constituent Assembly of the Indian people;
2. that the Constitution should give India Dominion Status, equal partnership of the British Commonwealth of Nations;
3. that there should be one Indian Union comprising all the Provinces and Indian States; but
4. that any province or Indian State which was not prepared to accept the Constitution would be free to retain its constitutional position



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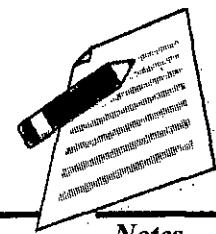
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existing at that time and with such non-acceding Provinces the British Government could enter into separate constitutional arrangements. But the two parties failed to come to an agreement to accept the proposals. and the Muslim League urged-

5. that India should be divided into two autonomous States on communal lines, and that some or the Provinces, earmarked by Mr. Jinnah, should form an independent Muslim State to be known as Pakistan
6. that Instead of one Constituent Assembly there should be two Constituent Assemblies, a separate Constituent Assembly for building Pakistan.
- After the rejection of the Cripps proposals (followed by the dynamic 'Quit India' campaign launched by the Congress), various attempts to reconcile the two parties were made including the Shimla Conference held at the instance of the Governor-General, Lord Wavell. These having failed, the British Cabinet sent three of Its own members including Cripps himself to make another serious attempt. But the Cabinet Delegation, too, failed in making the two major parties come to any agreement and were accordingly obliged to put forward their own proposals, which were announced simultaneously in India and in England on the 16th May, 1946.
- The proposals of the Cabinet Delegation sought to affect a compromise between a Union of India and its division. While the Cabinet Delegation definitely rejected the claim for a separate Constituent Assembly and a separate state for the Muslims, the scheme which they recommended involved a virtual acceptance of the principle underlying the Muslim League.

The broad features of the scheme were:

1. There would be a Union of India, comprising both British India and the States, and having jurisdiction over the subjects of Foreign Affairs, Defence and Communications. All residuary powers would belong to the Provinces and the States
2. The Union would have an Executive and a Legislature consisting of representatives of the Provinces and States. But any question raising a major communal issue in the Legislature would require for its decision a majority of the representatives of the two major communities present and voting as well as a majority of all the members present and voting.
3. The Provinces would be free to form Groups with executives and legislatures, and each Group would be competent to determine the provincial subjects which would be taken up by the group organisation.
- The scheme laid down by the Cabinet Mission was, however, recommendatory, and it was contemplated by the Mission that it would



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be adopted by agreement between the two major parties. A curious situation, however, arose after an election for forming the Constituent Assembly was held.

- The Muslim League joined the election and its candidates were returned. But a difference of opinion had in the meantime arisen between the Congress and the League regarding the interpretation of the Grouping-clauses of the proposals of the Cabinet Mission. The British Government intervened at this stage, and explained to the leaders in London that they upheld the contention of the League as correct.
- For the first time, the British accepted the possibility of two separate states and two separate assemblies. The result was that on December 9, 1946 when the constituent assembly first met, the Muslim league members did not attend and the constituent assembly functioned with its non-Muslim members.
- The Muslim league next urged the British government to dissolve the constituent assembly claiming it did not represent all sections of India. But the British in their statement on 20 Feb, 1947 declared that the British rule in India would end on June 1948 and power will be transferred to Indian hands. If the constituent assembly failed to work out a constitution in accordance with the cabinet missions plan then the British government would transfer power to the centre or a provincial government or both as it may seem fit
- However, the league refused to participate in the constituent assembly and continued to demand a separate assembly for a Muslim state
- The British replaced Lord Wavell with Lord Mountbatten to expedite the transfer of power to India.

3rd June 1947 - Lord Mountbatten Plan

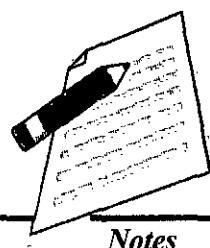
- "The Provincial Legislative Assemblies of Bengal and the Punjab (excluding European members) will, therefore, each be asked to meet in two parts, one representing the Muslim majority districts and the other the rest of the Province The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either Part decides in favour of Partition, division will take place and arrangements will be made accordingly. If partition were decided upon, each part of the Legislative Assembly would decide, on behalf of the areas it represented, whether it would join the existing or a new and separate Constituent Assembly."
- Thus, Mountbatten succeeded in giving the league a separate state for Muslims. He advocated a referendum in the assemblies of Punjab and Bengal on different dates.



- It was also proposed that there would be a referendum in the North Western Frontier Province and in the Muslim majority district of Sylhet as to whether they would join India or Pakistan. The Statement further declared British's intention to introduce legislation during the current session for the transfer of power this year on a Dominion Status basis to one or two successor authorities according to decisions taken as a result of the announcement.
- The result of the vote according to the above Plan was a foregone conclusion as the representatives of the Muslim majority areas of the Provinces (i.e., West Punjab and East Bengal) voted for partition and for joining a new Constituent Assembly. The referendum in the North Western Frontier and Sylhet was in favour of Pakistan.
- On the 26th July 1947 the governor general announced setting up of a separate constituent assembly for Pakistan. The Plan of June 3, 1947, having been carried out, nothing stood in the way of effecting the transfer of power by enacting a statute of the British Parliament in accordance with the declaration.
- It must be said to the credit of the British Parliament that in no time the Indian Independence Bill was drafted upon the basis of the above Plan and this Bill was passed and placed on the Statute Book, as the Indian Independence Act, 1947 with amazing speed. The Bill, which was introduced in Parliament on July 4, received the Royal Assent on July 18 1947, and came into force from that date.

Indian Independence Act, 1947 and Indian Constitution

- The most outstanding characteristics of the Indian Independence Act was that while other Acts of Parliament relating to the Government of India (such as the Government of India Acts from 1858 to 1935) sought to lay down a Constitution for the governance of India by the legislative will of the British Parliament, this Act of 1947 did not lay down any such constitution.
- The Act provided that as from the 15th August, 1947 in the place of India as defined in the Government of India Act, 1935; there would be setup two independent dominions India and Pakistan. Their constituent assemblies shall have unlimited power to frame and adopt any constitution and to repeal any Act of the British Parliament, including the Indian Independence A
- Under the Act, the Dominion of India got the residuary territory of India excluding the Provinces of, Sind, Baluchistan, West Punjab, East Bengal, and the North Western Frontier Province and the district of Sylhet in Assam (which had voted in favour of Pakistan at a referendum, before the Act came into force).



- The Constituent Assembly, which had been elected for undivided India and held its first sitting on the 9th December, 1946, reassembled on the 14th August, 1947, as the sovereign Constituent Assembly for the Dominion of India.

Constituent Assembly for the Dominion of India

It had been elected by indirect election by the members of the Provincial Legislative Assemblies (Lower House only), according to the scheme recommended by the Cabinet Delegation (Mission). The essentials of this scheme were as follows:

1. Each province and each Indian State or group of States were allotted the total number of seats proportional to their respective populations roughly in the ratio of one to a million. As a result, the Provinces were to elect 292 members while the Indian States were allotted a minimum of 93 seats.
 2. The seats in each province had been divided amongst Muslims, Sikhs and general in accordance to their population. Members of each community elected their representatives by the method of proportional representation on the basis of a single transferable vote.
 3. The method of deciding the representatives of the princely states was to be decided by consultations
- As a result of the partition under the 3rd June 1947 plan the strength of the constituent assembly fell and re-elections had to be held in provinces of west Bengal and east Punjab. The members of the newly formed constituent assembly of Pakistan ceased to be members of India.

Notes

M. N. Roy first put forth the idea of a Constituent Assembly. Congress demanded it officially in 1935. The demand was met in principle in August Offer, 1940. Cripps proposal for constituent assembly was rejected as Muslim league wanted two separate constituent assemblies.

However, the Cabinet Mission plans of a single constituent assembly was accepted by congress and Muslim league.

Interim Government

This was the executive council of viceroy. Viceroy was the head and J Nehru was the Vice-president as he was head of the interim government.

Composition of the constituent assembly

Members of the constituent assembly came from provincial assembly [direct election, communal representation], princely state [nominated by princes].

Princely states did not send members to the constituent assembly. **Sathindanand Sinha** was elected as temporary president of the constituent assembly. Later,



Rajendra Prasad and HC Mukherjee became President and vice president of the assembly.

Objective resolution by Nehru was adopted unanimously and later was modified and adopted as the preamble. By 42nd amendment secular, socialist and integrity were added.

Members of the princely states and Muslim league [ML] gradually participated in the assembly but ML members left after the Indian independence act, 1947. The constituent assembly adopted national flag, anthem, song, accepted membership to the commonwealth and elected Rajendra prasad as first president of India. The constituent assembly continued as the provincial parliament of India till the general elections.

Constitution Drafting committee:

Drafting committee of the constitution consisted of seven members: BR Ambedkar [chairman], Aiyar, Ayyangar, Madhav Rau [replaced BL Mitter], Saadullah, KM Munshi and TT Krishnamachari [replaced Khaitan].

Features of the constitution

Constitution was adopted on 26 November 1949; some provisions came into effect on same day. Other provisions are enforced from 26 Jan 1950 "date of commencement". This day was chosen as it was the Purna Swaraj day, currently the republic day. BR Ambedkar was the father of the constitution.

Criticism of constituent assembly:

1. Not a representative body [no direct election]
2. Not a sovereign body [created under British government]
3. Dominated by congress
4. Time consuming
5. Hindu dominated
6. Lawyer-Politician dominated.

PHILOSOPHY AND IDEALS OF INDIAN CONSTITUTION

The constitution of India is the supreme law of India; it lays down the frame work defining fundamental political principles, establishes the structure, procedure, powers and duties of government institutions and sets our fundamental rights, directive principles and the duties of citizens. It is the longest written constitution of any sovereign country in the world. Dr. Bhimrao Ambedkar was the chairperson of the Drafting Committee, adopted by Constituent Assembly on Nov 26th, 1949, and came into effect on Jan 26th, 1950. This constitution is a living document, an instrument which makes the government system work.

NATIONAL VALUES AS ENSHRINED IN CONSTITUTION OF INDIA AND ITS IMPORTANCE

Today, there is great deterioration in our ethical standards, loss of moral and social values resulting in great problems and dilemmas of families, society, nation and ultimately entire world. The constitution of India is the great source of human values and it emphasizes on promoting humanism through its legislative, executive and judiciary institutions. Education as supposed to be a powerful instrument of social change, has to be restructured and reoriented to promote the human values as enunciated in the constitution of India, because the obvious need of mankind is to live in harmony and to nurture creativity so as to realize the goals of inclusive society. Values enshrined in the Constitution of India points towards the principles of equality and social justice and appreciation of cultural values of each other, dignity of all individuals etc. Values such as equality, fraternity and justice can promote inclusively where all members of the society feel included irrespective of their color, culture, economic or social background, caste, religion, gender or community. The culture of inclusivity is particularly relevant and important in the context of our society, nation and making education, a right for all children. Education, its values and its relevance and reflections, finds an important place in the Constitution of India.

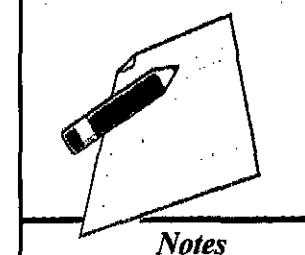
THEME OF A CONSTITUTION

Preamble is like a mini constitution. It reminds us the noble and grand vision of our constitution makers. The preamble is also known as the soul, spirit and backbone of the Indian Constitution. Without reading the preamble makes no sense in reading the constitution. It is the preamble which gives a brief idea about why the constitution has been prepared. The preamble can be classified into three parts: -

According to the first part, the people of India solemnly resolved India into a Sovereign, Socialist, Secular, Democratic, Republic, each and every word of the preamble is wisely chosen and arranged in such a way that by reading the preamble makes a clear picture of India's stand towards its citizen.

The first part explains about:

- The word Sovereign emphasized that there is no authority outside India on which the country is in any way dependent.
- By the word Socialist, the constitution means that the achievement of Socialistic pattern of society through democratic means.
- India is a Secular country and follows age old Indian philosophy Sarva Dharma Sambhav.
- The term Democratic refers not only to political democracy but also to social and economical democracy. Democracy means that the ruler elected by the people of India, which follows a system of "Representative Democracy."





- The word Republic denotes a government where no one holds public power as proprietary right, means the head of the state or country is an elected representative and not the hereditary monarch.

The second part says to secure the liberty, equality, justice and to promote unity and integrity among all. The last part is declaratory, where the people of India in their constituent assembly adopt, enacted and gave themselves this constitution.

- Justice:** the concept of justice was inserted in the second part to secure its citizens political, social, economic justice.
- Liberty:** is freedom, to secure the freedom of the people of their belief, thought, faith etc.
- Equality:** it means each and every citizen of the country is equal and the state will work on the concept of equality before the law.
- Fraternity:** means spirit of brotherhood. The concept the fraternity was introduced so that people feel that all people of the same soil, same motherland are their brothers and sisters are equal in status. India is the country having diversities based on religion, race, and caste so it is important to promote the spirit of brotherhood among them all.

Crux: Values are those characteristics of human society which set norms, exert control and influence the thinking willing, feeling and actions of individuals. In India even though the people with diversified language, culture and tradition live together, sharing some beliefs but they may not agree on all issues, there a constitution comes to our rescue with a set of principles, rules and procedures on which there is consensus. Thus, the Preamble to the Constitution of free India remains a beautifully worded prologue. It contains the basic ideas, objectives and philosophical postulates; the Constitution of India stands for. They provide justifications for constitutional provisions.

Summary of the Chapter

- Politics in India was not considered an independent and autonomous discipline. One has to dig out the conceptions of politics from the host of sources, which deal about the larger questions of human life, mainly religious and philosophical in nature. There is no one text which deals mainly with politics.
- The important sources for the studies of politics are:
 - Vedic literature
 - Dharmasutras and Smritis
 - Epics and Puranas
 - Arthashastras
- The most outstanding characteristics of the Indian Independence Act was that while other Acts of Parliament relating to the Government of India (such as the Government of India Acts from 1858 to 1935) sought to lay down a Constitution for the governance of India by the legislative will of the British Parliament, this Act of 1947 did not lay down any such constitution.



Notes

- The constitution of India is the supreme law of India; it lays down the frame work defining fundamental political principles, establishes the structure, procedure, powers and duties of government institutions and sets our fundamental rights, directive principles and the duties of citizens.

EXERCISE

1. Which Article is for "Protection of interests of Minorities"?

- (a) Article 26
- (b) Article 27
- (c) Article 29
- (d) Article 30

Ans. C

2. The plan to transfer power to the Indians and partition of the country was laid down in the?

- (a) Cabinet Mission Plan
- (b) Simon Commission
- (c) Cripps Mission
- (d) The Mountbatten Plan

Ans. D

3. For the first time Indian Legislature was made «Bi-cameral» under:

- (a) Government of India Act, 1861
- (b) Government of India Act, 1892
- (c) Government of India Act, 1915
- (d) Government of India Act, 1919

Ans. D

4. Which Acts divided legislative powers between the Centre and Provinces?

- (a) Government of India Act, 1935
- (b) Government of India Act, 1919
- (c) Government of India Act, 1892
- (d) Government of India Act, 1861

Ans.

5. Who was the chairman of Drafting Committee?

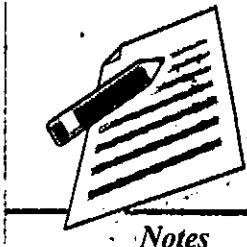
- (a) N Gopalaswamy
- (b) K.M Munshi
- (c) N Madhava Rao
- (d) Dr. B.R. Ambedkar

Ans. D

6. Which Article is related with «Abolition of Untouchability»?

- (a) Article 20
- (b) Article 19
- (c) Article 18
- (d) Article 17

Ans. D



7. «The Constitution should give India Domination Status», was a proposal in?

 - (a) Cabinet Mission Plan
 - (b) Cripps Mission
 - (c) The Mountbatten Plan
 - (d) Simon Commission

Ans. B

8. The first statute for the governance of India, under the direct rule of the British Government, was the

 - (a) Government of India Act, 1858
 - (b) Government of India Act, 1861
 - (c) Government of India Act, 1892
 - (d) Government of India Act, 1915

Ans. A

9. Constitution of India was adopted by constituent assembly on?

 - (a) 25 October 1948
 - (b) 25 October 1949
 - (c) 26 November 1948
 - (d) 26 November 1949

Ans. D

10. Which Act is associated with «Courts can interpret the rules and regulations.»?

 - (a) Regulating Act of 1773
 - (b) Pitts India Act of 1784
 - (c) Charter Act of 1793
 - (d) Charter Act of 1893

Review Question

1. Explain the Background to Indian Politics?
 2. Hoe Indian constitution is formed
 3. Write a note on Legacy of Colonialism
 4. What is ideology of Indian constitution
 5. What is Philosophy of the Indian Constitution

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2**FUNDAMENTAL RIGHTS AND
DIRECTIVE PRINCIPLES OF STATE
POLICY AND FUNDAMENTAL DUTIES****Objective of the chapter**

The main of this chapter is to make student understand about the concept of fundamental rights in India and their significance as well. Apart from fundamental rights concepts like directive principles of the state and **Fundamental Duties** has also been discussed in this chapter.

Introduction**Fundamental Rights**

The Fundamental Rights have been classified under the six categories-Right to Freedom, Right to Equality, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational rights and Right to constitutional remedies. These Fundamental Rights are envisaged in Part III (Articles 12 to 35) of the Indian Constitution.

1. Right to Equality (Art. 14-18)

Article 14 represents the idea of equality, which states that the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. The equality before the law is guaranteed to all without regard to race, colour, or nationality.

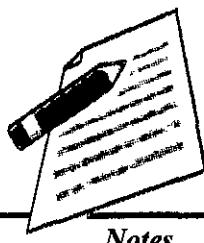
(Article 15): Non-discrimination on grounds of religion, race, caste, sex, or place of birth

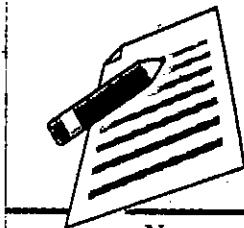
Article 15 states that the state shall not discriminate against any citizen on grounds only of religion, caste, sex, place of birth, or any of them and would not be subject to any disability, liability, restriction, or condition. Nothing in this article shall prevent the state from making any special provisions for women and children.

Nothing in this article or in sub-clause (G) of clause (1) of Article 19 shall prevent the state from making any special provision by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or Scheduled Tribes.

(Article 16): Equality of opportunity in public employment

Article 16 states that no citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them, be

**Notes**



ineligible for or discriminated against in respect of any employment or office under the state.

It empowers Parliament to make a law prescribing any requirement as to residence within that state or UT prior to employment or appointment in that state or UT. It empowers the state to make special provisions for the reservation of appointments or posts in favour of any backward classes of citizens.

(Article 17): Abolition of Untouchability

Article 17 abolishes Untouchability and forbids its practice in any form. Untouchability refers to a social practice that looks down upon certain oppressed classes solely on account of their birth and makes any discrimination against them on this ground.

(Article 18): Abolition of Titles

Article 18 abolishes all titles and prohibits the state to confer titles on anybody whether a citizen or a non-citizen. However, military and academic distinctions are exempted from the prohibition.

2. (Article 19): Right to Freedom

The Right to Freedom guarantees to the citizens of India six Fundamental Freedoms: 1) Freedom of Speech and Expression, 2) Freedom of Assembly, 3) Freedom to form associations, 4) Freedom of Movement, 5) Freedom to reside and to settle, and 6) Freedom of profession, occupation, trade, or business.

(Article 20): Protection in respect of Conviction for Offences

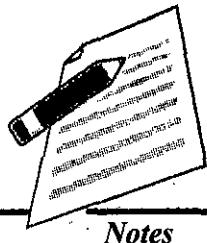
Article 20 provides protection against arbitrary and excessive punishment for any person who commits an offense. This article has taken care to safeguard the rights of persons accused of crimes. Moreover, this article cannot be suspended even during an emergency in operation under Article 359.

(Article 21): Protection of Life and Personal Liberty

Article 21 states no person shall be deprived of his life or personal liberty except according to the procedure established by law. However, Article 21 puts a limit on the power of the State given under Article 246, read with the legislative lists. Thus, Article 21 does not recognise the Right to Life and Personal Liberty as an absolute right but limits the scope of the right itself.

(Article 22): Safeguards against Arbitrary Arrest and Detention

Firstly, Article 22 guarantees the right of every person who is arrested to be informed of the cause of his arrest; secondly, his right to consult and to be defended by a lawyer of his choice. Thirdly, every person arrested and detained in custody shall be produced before the nearest



Notes

Magistrate within a period of twenty-four hours and shall be kept in continued custody only with his authority.

3. (Articles 23-24): Right against Exploitation

Article 23 prohibits traffic in human beings, women, children, beggars or other forced labour militate against human dignity. Article 24 prohibits employing children below the age of 14 years in any hazardous profession. This right followed the human rights concepts and United Nations norms.

4. (Articles 25-28): Right to Freedom of Religion

Articles 25 and 26 embody the principles of religious tolerance and serve to emphasize the secular nature of Indian democracy, i.e. equal respect to all religions. Article 25 offers freedom of Conscience and Free Profession, Practice and Propagation of Religion whereas Article 26 helps to manage religious affairs, which is subject to public order, morality and health, every religious denomination or any section.

Article 27 provides freedom not to pay taxes for religious expenses on the promotion or maintenance of any particular religion. Article 28 prohibits religious instructions in educational institutions wholly maintained by the state.

5. (Articles 29-30): Rights to minorities (cultural and educational rights)

Article 29 provides protection of the interests of minorities. A minority community can effectively conserve its language, script, or culture by and through an educational institution. Article 30 states the rights of minorities whether based on religion or language to establish and administer educational institutions.

The 44th Amendment has abolished the Right to Property as a Fundamental Right guaranteed by Art. 19 (f) and Art. 31 of the Constitution. It is now only a Legal Right under article 300-A, gives protection against executive action but not against legislative action

6. (Articles 32-35): Right to Constitutional Remedies

Rights, in order to be meaningful, must be enforceable and backed by remedies in case of violation. This article guarantees the right to move the Supreme Court by appropriate proceedings for the enforcement of Fundamental Rights and deals with the Supreme Court's power to issue order or writs for the enforcement of Fundamental Rights.

Article 33 empowers Parliament to modify the application of Fundamental Rights to the armed forces or forces charged with the maintenance of public order. On the other hand, Article 35 lays down that the power to make laws to give effect to certain specified Fundamental Rights shall vest only with the Parliament and not with State Legislatures.



Therefore, Fundamental Rights play a significant role because they are most essential for the attainment of the full intellectual, moral, and spiritual status of an individual. Therefore, the objective behind the inclusion of Fundamental Rights in the Constitution was to establish a government of Law to preserve individual liberty, building an equitable society, and establish a welfare state.

Directive Principles of State Policy (DPSP)

Articles 36-51 under Part-IV of Indian Constitution deal with Directive Principles of State Policy (DPSP). They are borrowed from the Constitution of Ireland, which had copied it from the Spanish Constitution. This article will solely discuss the Directive Principles of State Policy, its importance in the Indian Constitution and the history of its conflict with Fundamental Rights. This topic is important for UPSC Mains GS-II and also for political science optional papers and aspirants can also download the DPSP notes.

What are the Directive Principles of State Policy?

The Sapru Committee in 1945 suggested two categories of individual rights. One being justiciable and the other being non-justiciable rights. The justiciable rights, as we know, are the Fundamental rights, whereas the non-justiciable ones are the Directive Principles of State Policy.

DPSP are ideals which are meant to be kept in mind by the state when it formulates policies and enacts laws. There are various definitions to Directive Principles of State which are given below:

- They are an ‘instrument of instructions’ which are enumerated in the Government of India Act, 1935.
- They seek to establish economic and social democracy in the country.
- DPSPs are ideals which are not legally enforceable by the courts for their violation.

Directive Principles of State Policy – Classification

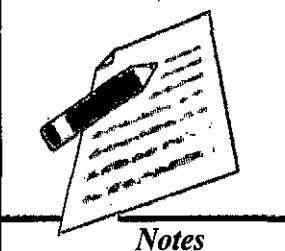
Indian Constitution has not originally classified DPSPs but on the basis of their content and direction, they are usually classified into three types-

- Socialistic Principles,
- Gandhian Principles and,
- Liberal-Intellectual Principles.

The details of the three types of DPSPs are given below:

DPSP – Socialistic Principles

Definition: They are the principles that aim at providing social and economic justice and set the path towards the welfare state. Under various articles, they direct the state to:



Notes

Article 38	Promote the welfare of the people by securing a social order through justice—social, economic and political—and to minimise inequalities in income, status, facilities and opportunities
Article 39	Secure citizens: <ul style="list-style-type: none"> • Right to adequate means of livelihood for all citizens • Equitable distribution of material resources of the community for the common good • Prevention of concentration of wealth and means of production • Equal pay for equal work for men and women • Preservation of the health and strength of workers and children against forcible abuse • Opportunities for the healthy development of children
Article 39A	Promote equal justice and free legal aid to the poor
Article 41	In cases of unemployment, old age, sickness and disablement, secure citizens: <ul style="list-style-type: none"> • Right to work • Right to education • Right to public assistance,
Article 42	Make provision for just and humane conditions of work and maternity relief
Article 43	Secure a living wage, a decent standard of living and social and cultural opportunities for all workers
Article 43A	Take steps to secure the participation of workers in the management of industries
Article 47	Raise the level of nutrition and the standard of living of people and to improve public health

DPSP – Gandhian Principles

Definition: These principles are based on Gandhian ideology used to represent the programme of reconstruction enunciated by Gandhi during the national movement. Under various articles, they direct the state to:

Article 40	Organise village panchayats and endow them with necessary powers and authority to enable them to function as units of self-government
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CLASS-12
POLITICAL SCIENCE



Notes

Article 43	Promote cottage industries on an individual or co-operation basis in rural areas
Article 43B	Promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies
Article 46	Promote the educational and economic interests of SCs, STs, and other weaker sections of the society and to protect them from social injustice and exploitation
Article 47	Prohibit the consumption of intoxicating drinks and drugs which are injurious to health
Article 48	Prohibit the slaughter of cows, calves and other milch and draught cattle and to improve their breeds

DPSP – Liberal-Intellectual Principles

Definition: These principles reflect the ideology of liberalism. Under various articles, they direct the state to:

Article 44	Secure for all citizens a <u>uniform civil code</u> throughout the country
Article 45	Provide early childhood care and education for all children until they complete the age of six years
Article 48	Organise agriculture and animal husbandry on modern and scientific lines
Article 49	Protect monuments, places and objects of artistic or historic interest which are declared to be of national importance
Article 50	Separate the judiciary from the executive in the public services of the State
Article 51	<ul style="list-style-type: none"> • Promote international peace and security and maintain just and honourable relations between nations • Foster respect for international law and treaty obligations • Encourage settlement of international disputes by arbitration

What are the new DPSPs added by the 42nd Amendment Act, 1976?

42nd Amendment Act, 1976 added four new Directive Principles in the list:

S.No	Article	New DPSPs
1.	Article 39	To secure opportunities for the healthy development of children



5. Article 245 of the Indian Constitution says that the powers of both Parliament and State legislatures are subject to the provisions of the constitution.
6. All Articles from 131 to 136 entrusts the Indian court with the power to adjudicate the disputes between the individuals, between the individuals and the state, between the states and the union. However, the court may be required to interpret the provisions of the constitution and the interpretation that is given by the Supreme Court becomes the law that shall be honoured by all courts of the land.

Recent Controversies

1. Back in the year 2016, Justice Nagarjuna Reddy of the High Court of Andhra Pradesh and Telangana got all lights on him when 61 Rajya Sabha members moved a petition for his impeachment on charges of him misusing his position to "victimize" a "Dalit" judge. However, later, nine of the 54 members of the Rajya Sabha, who proposed the initiation of proceedings against him, withdrew their signatures.
2. On 20 April 2018, a petition seeking impeachment of CJI Dipak Misra was submitted by seven opposition parties to the Vice President, Venkiyah Naidu. The petition was rejected by the Vice President.
3. On 19 April 2019, a junior court assistant and a former employee in CJI Gogoi's office sent a complaint-letter attached with a detailed affidavit to 22 Judges of the Supreme Court of India, narrating a series of events, spelling out how CJI Gogoi had allegedly sexually harassed her.

Summary of the Chapter

The Constitution of India plays a major role with the help of other rules and laws enforced from time to time to strengthen the judiciary system of India. The Supreme Court of India has been granted the utmost authority by the Indian Constitution. The decision of the supreme court cannot be challenged. However, the parliament and the President of the country holds the right to impeach the Supreme Court Judge, as and when needed.

This was all about Judiciary of India. Do share your feedback in the comment section.

EXERCISE

Multiple Choice Questions

1. Who is the final authority to interpret the constitution?
 - (a) The President
 - (b) The Lok Sabha
 - (c) The Parliament
 - (d) The Supreme Court



Notes

1. Should be a citizen of the country.
2. Should have been the judge of one of the high courts of the country for at least 5 years.
3. The president of the country shall consider him to be a distinguished jurist.
4. Should have been an advocate in any one of the high courts of the country for a period of 10 years.

It shall be noted that no minimum age of a Judge of the Supreme Court has been mentioned in the Indian Constitution.

The Qualification that is needed to be a judge in the Judge in the high court of the country is that he/she should –

1. Have held a judicial office in the Indian territory for 10 years, OR
2. Have been an advocate of the high court(s) for a minimum period of ten years.

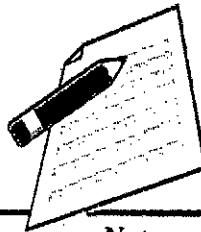
Removal procedure

1. A Supreme Court or a High Court Judge shall be removed from his post concerning an order passed by the President of the Country. However, this order of removal can only be issued after the Parliament presented and addressed him on the same matter.
2. The address in the parliament shall need a majority of two-thirds of the members that are present and voting in the house.
3. The two grounds on which a Supreme Court or a High Court judge shall be removed are proved misbehaviour or incapacity.
4. The procedure relating to the removal of a judge of the Supreme Court or the High Court is regulated by The Judges Enquiry Act (1968).
5. It must also be noted that to date, no judge of the Supreme Court of India has been impeached by the Parliament and the President.

Constitutional Provisions

Articles 13, 32, 131-136, 143, 145, 226, 246, 251, 254, and 372 are the constitutional provisions that guarantee judicial review of legislation.

1. Article 13 considers any law void which contravenes any of the provisions of the part of Fundamental Rights.
2. Article 372 talks about the judicial review of the pre-constitution legislation.
3. Both Articles 32 and 226 entrusts the roles of the protector of the constitution and guarantor of fundamental rights to the Supreme and the High Courts.
4. Article 246 (3) makes sure that of the state legislature's exclusive powers on matters that are about the State list.



5. Court of record

Herein, the Supreme Court of India has two powers, that are –

- It is given the authority to punish for the contempt of court, either with simple imprisonment for a term up to six months or with fine up to 2,000 or both.
- The judgments, proceedings, and acts of the Supreme Court are recorded for perpetual memory and testimony and they are recognized as legal precedents and legal references.

Some of the Powers that are granted to the High Court are the following –

1. Original Jurisdiction

The high courts are empowered to issue writs to enforce fundamental rights, as and when needed. Adding to this, they have original jurisdiction in cases that are related to will, divorce, contempt of court, and admiralty. Furthermore, election petitions can also be heard in the High Court.

2. Appellate Jurisdiction

An appeal can be made to the High Court against a district court's decision, in the civil cases. If the dispute involves a value that is higher than Rs. 5000/- or on a question of fact or law, then an appeal can be made from the subordinate court, directly. A person can move to the High Court if he has been awarded imprisonment of seven years and above under a criminal case. Appeals on constitutional matters can also be taken up in the High Court.

3. Administrative Powers

The high court is the controller of all the subordinate courts. It also has the right to ask for the details of the proceedings from the subordinate courts. The rules regarding the working of the subordinate courts are also issued by the High court. The High Court can also appoint its administration staff and determine their salaries and allowances, and conditions of service.

4. Power of Judicial Review

High Courts hold the power of judicial review. They have the right to declare any law or ordinance as unconstitutional if it is found to be against the Constitution of India.

5. Power of Cancellation

A High Court alone can choose to certify the cases that it feels are fit for an appeal before the Supreme Court of India.

Qualification and Appointment

The Qualification that is needed to be a Judge in the Supreme Court of India are that he/she –



Notes

Powers of High Court and Supreme Court

There are different types of jurisdictions and powers of the Supreme Court. Some of them are listed below:

1. Original Jurisdiction

Being a Federal court, the Supreme Court decides disputes between –

- Two or more states
- Centre and the state/states
- Centre and states on one side and the other states on the other side

In any of the above-mentioned disputes, the supreme court has the exclusive original jurisdiction.

However, this jurisdiction does not apply to the following cases-

- A dispute that arose out of any pre-Constitution treaty, agreement, covenant, engagement, and or any other similar instruments.
- Any Inter-state water disputes.
- Matters that are referred to the Finance Commission.
- Recovery of the damages by a state against the Centre.
- An ordinary dispute that is commercial between the Centre and the states.
- A dispute that arose out of any treaty, agreement, etc., which specifically provides that the said jurisdiction does not extend to such a dispute.
- An adjustment of certain expenses and pensions between the Centre and the states.

2. Writ Jurisdiction

The Supreme Court is granted the power to issue writs, like habeas corpus, mandamus, prohibition, quo-warranto, and certiorari for the enforcement of the fundamental rights of an aggrieved citizen. However, this jurisdiction of the Supreme Court is not exclusive as the High Courts are also granted the power to issue writs for the enforcement of the Fundamental Rights.

3. Appellate Jurisdiction

Several appeals can be made in the Supreme Court of India. These appeals can be broadly classified into four categories, that are, Constitutional Matters, Civil Matters, Criminal Matters, and Special Leaves.

4. Advisory Jurisdiction

Under Article 143, the President of India has the right to seek the advice of the Supreme court when any question of law or fact of public importance which has arisen or is likely to arise or if any dispute is arising out of any pre-constitution treaty, agreement, covenant, engagement, or other similar instruments.

**2. Protector of the Fundamental Rights**

The judiciary is supposed to act as a protector of the fundamental rights of the citizens of the country. It also holds the right to enforce fundamental rights by issuing writs.

3. Administrative Functions

The court has also been granted some of the administrative functions that include, assigning the guardian of the minors, registering marriages, and more.

4. Supervisory Functions

The higher courts in the country also hold the responsibility to supervise the lower courts and look into their cases, to ensure justice is delivered.

5. Advisory Functions

By Advisory functions, we mean that the judiciary of India holds the right to give its opinions on the questions of the constitution.

Evolution of Indian Judiciary

The evolution of the Indian Judiciary can be broadly classified into 4 phases. The four phases of the evolution of the Indian Judiciary are as follows.

Phase 1: Textual Approach

In Phase 1, the supreme court of India adopted a textual approach, which means that it looked out for the literal meaning of the words that are mentioned in the Constitution of India.

Phase 2: Structuralist Approach

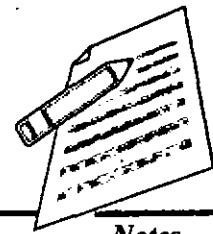
In phase 2, the supreme court looked at the constitution with a more structuralist approach. It explored various methods and techniques of interpretation of the words mentioned in the Indian Constitution, to dig deeper.

Phase 3: The Challenge of heterogeneity

This was the stage in which the supreme court's interpretation was more focussed on the end result and not much effort was granted to the reasoning of the respective issues. Due to the rise in the cases, the panels of the judges started to increase, and during the same time, though the Indian judiciary was powerful but was accused of its judicial overreach.

Phase 4: Transformation and Social Revolution

The recent phase of the Indian judiciary can be termed as the fourth stage, wherein it has taken a lot of decisions for the social revolution and the transformation. Some of them include lifting the ban of women from entering the Sabarimala Temple, decriminalizing homosexuality, and more.



Notes

Supreme Court of India

It is placed at the highest position in the Hierarchy of Indian Courts. The Supreme Court of India is led by the Chief Justice of India and with him, are appointed 30 judges to advise the CJI. The Supreme Court of India started its operations on 28th January 1950. as per a report of the Supreme Court, the court has taken more than 24,000 judgments. The decision of the Supreme Court is binding on all the other courts. It also holds the authority to transfer the judges of the High Courts. Not only the judges but the Supreme Court of India can transfer cases from one high court to another and if needed, it can also move the cases to itself.

High Courts of India

The High Courts in India are considered to be the Second important courts. The high courts are run per Article 141 of the Indian Constitution. There are a total of 25 high courts in India that take care of the regional juridical system of the country out of which Kolkata High Court is the oldest. High courts are confined to the jurisdiction of a state, group of states, or Union Territory. There are some specific areas in which only High Courts have the authority to exercise the right for hearing like cases related to Company Law as it is designated especially in a state or federal law.

However, normally the high courts are involved in the appeals that are raised in the cases of lower courts with the writ petitions as conferred in Article 226 of the Indian Constitution. They also have the right to publish writs as and when needed.

District Courts of India

A district court in India is one of the lower courts that are meant to deal with the issues of a district. They are mainly run by the state government appointed district judges. There are a total of 672 district courts in operation. Depending upon the factors like the number of cases, distribution of population, and more, the state government decides the numbers of District Courts that are needed to be in operation for a single district or clubbing together different adjacent districts.

Functions of Judiciary of India

Some of the many functions of the Indian Judiciary are –

1. Guardian of the Constitution

The supreme court of India acts as a guardian of the constitution. It takes care of the conflicts between the centre and the state, or the state and the legislature. Under the judicial review, it can state any law or act as unconstitutional if it is found to be violating any of the provisions of the constitution.



3

FUNCTIONS OF JUDICIARY OF INDIA – SUPREME COURT, HIGH COURT AND DISTRICT COURT

Introduction

Judiciary plays an imminent role in the working of countries across the globe. The constitution of India came into existence on 26 January 1950. However, the Indian constitution is referred to as a "Bag of Borrowings" but this does not mean it is in any way less than the other constitutions of the countries around the world. Indian Constitution is unique in its way. In this article, we will learn more about Judiciary of India and its functions.

JUDICIARY

Basic Idea about the Judiciary

1

Function of Indian Judiciary

Evolution of Indian Judiciary

3

Powers of High Court and Supreme Court

Qualification and Appointment

5

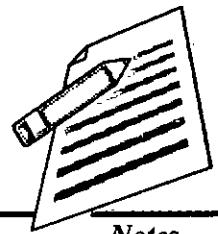
Removal Procedure

Judiciary of India

India has an Independent Judiciary, which means that other organs of the government do not hold the authority to intervene in its working. The judiciary is one of the branches of the government that interprets the law, settles disputes, and administers justice to all citizens of the country. It is also considered to be the watchdog of Democracy.

Structure of Indian Judiciary

The judiciary in India has a hierarchical structure, wherein, the Supreme Court stands at the top and below it are the high courts and district courts, respectively. As per the size of the country, the Indian judiciary system is planned to cater to the requirements of the citizens of India and to serve the India Community with efficiency.



Notes

- (a) Only 1 and 3
- (b) Only 3
- (c) Only 2 and 4
- (d) None

Ans. (d) None

3. Which among the following statements is/are true?

- 1. Lok Sabha and Rajya Sabha both follow the method of Proportional Representation for electing members
 - 2. Rajya Sabha members are elected by the elected members of the state legislative assemblies
 - 3. Maximum strength of Lok Sabha is fixed at 552
 - 4. The voting age was reduced from 21 to 18 by the 61st Constitutional Amendment Act, 1988.
- (a) Only 1 and 3
 - (b) Only 2 and 3
 - (c) Only 1,3, and 4
 - (d) Only 2,3, and 4

Ans. (d) Only 2,3, and 4

4. Which among the following statements is/are false?

- 1. For qualifying to the Lok Sabha, a person must be at least 25 years of age
 - 2. A person can be a member of both Lok Sabha and Rajya Sabha at the same time
 - 3. A person belonging to Scheduled Caste or Scheduled Tribe can contest elections from a general seat also, and not just the reserved seat
 - 4. If a member of either of the Houses votes against the directions given by his party, he can be deemed to be disqualified
- (a) Only 1
 - (b) Only 2 and 4
 - (c) Only 3
 - (d) Only 2

Ans. (d) Only 2

5. What is NOT true about the tenure of the Speaker of the Lok Sabha?

- (a) he is no longer a Speaker if he ceases to be a member of the Lok Sabha due to any reason
- (b) When the Lok Sabha dissolves, the Speaker vacates his position simultaneously
- (c) The Speaker is the head of the Lok Sabha and also its representative
- (d) When there's a deadlock in vote, the Speaker can cast his casting vote to break the deadlock

Ans. (b) When the Lok Sabha dissolves, the Speaker vacates his position simultaneously

Review Questions

1. Explain the power and function of Lok Sabha
2. Explain the power and function of Rajya Sabha
3. What is Money Bills
4. What is finance Bill
5. What is Consolidated funds of India



nominated by the speaker of the chairman. It works under the direction of the speaker. A parliamentary committee shall present its report to the house or to the speaker or the chairmen. It is also supposed to have a secretariat that is appointed by the Lok Sabha or the Rajya Sabha.

There are two types of Parliamentary Committees that are provided in the Indian Constitution. They can be either a Standing Committee or an ad hoc Committee. A standing Committee is permanent in nature, whereas, an Ad Hoc committee is temporary in nature. The Adhoc Committees are further divided into two types that are, Inquiry and Advisory Committee.

An inquiry committee is constituted from time to time either by the houses, the speaker or the chairman to inquire on a specific topic. However, advisory committees are appointed to consider and report on particular bills. It is supposed to follow the rules of procedure as directed by the speaker.

Summary of the Chapter

The parliament of India consists of two houses and the President. Both the houses have their respective functions and shall perform their duties as described in the constitution. Any major decision shall require the approval of both the houses and eventually the President of the Country. The Indian Parliament organizes various sessions to talk about varied issues. Adding to that, the parliament also enjoys some of the privileges, but the President is not given the advantage to use these privileges. The parliament is also bound on budget and funds. And to look into the matters, it holds the right to appoint various committees to make its work easier and more effective.

EXERCISE

Multiple Choice Questions

1. Which among the following can be said to be a part of the Parliament of India?
 1. President
 2. Lok Sabha
 3. Rajya Sabha
 4. Governors of states
 - (a) only 2 and 3
 - (b) only 1,2, and 3
 - (c) only 4
 - (d) All of the above
- Ans.** (b) only 1,2, and 3
2. Which among the following statements is/are true?
 1. The maximum strength of Rajya Sabha is fixed at 278
 2. In USA, the states are given proportional representation in the Senate according to their population
 3. The American Senate has a fixed quota of 12 nominated senate members, just like India
 4. Both Lok Sabha and Rajya Sabha can pass a motion of no-confidence against the government



Notes

Financial Bills (I), and Financial Bills (II). Financial Bills (I) shall be introduced in Lok Sabha but not Rajya Sabha. They shall be introduced in the Rajya Sabha only on the recommendation of the President. Whereas, financial bills (II) can be introduced in either of the houses without the recommendation of the President.

4. Constitution Amendment Bills

The bills that are concerned with the amendments of the provisions are classified under the Constitutional Amendment Bills.

The procedure of passing a constitution amendment bill is –

These types of bills shall be introduced in the houses of the parliament but not in the state legislature. They don't require prior permission of the president and can be introduced either by a minister or by a private member. The Bill must be passed by the parliament and eventually gain the assent of the president to be considered as a law or an act.

Budgets and Funds

Widely speaking, there are basically three types of funds for the central government.

1. Consolidated funds of India

Consolidated funds are talked about in the article 266 of the Indian Constitution. These funds contain,

- All the revenues received by the government.
- All the loans raised by the government.
- Money received by the government for the repayment of loans.

It must be noted that any payment made out of the consolidated bills needs the approval of the president.

2. Public Account of India

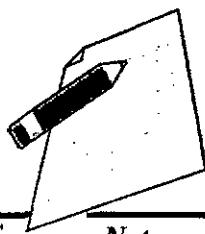
The Public money that is received by the government other than the consolidated funds shall be added to the public account of India. Payment out of these funds does not require the approval of the Parliament. Article 226 of the Indian Constitution talks about the Public Account of India.

3. Contingency Fund of India

The contingency Fund of India was established by the parliament back in 1950. These funds are operated by executive action. They are placed at the disposal of the president to enable advances to be made by him out of such funds for the purposes of meeting unforeseen expenditure or pending authorization of such expenditure by the parliament.

Parliamentary Committees

A parliamentary committee is a committee that is appointed by the house or



for breach of its privileges or its contempt by reprimand, admonition, or imprisonment.

3. The Court does not have the right to investigate proceedings of the House or any of its committees.

Bill and law-making Procedure

A bill is the draft of a legislative proposal, that becomes law after receiving the approval of both the houses of the Parliament and the assent of the President. The bills that are introduced in the parliament can be classified into the following types-

1. Money Bills

These bills are related to financial matters, which include taxation, public expenditure, and more.

The procedure for passing a money Bill-

A money bill shall be introduced in the parliament only on the recommendation of the President. It must be noted that the speaker's certificate on a money bill once given is final and cannot be challenged.

2. Ordinary Bills

Ordinary bills are the bills that are concerned with matters other than financial matters.

The procedure for passing an ordinary bill is as follows-

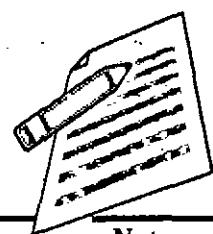
- First Reading: The introduction of the bill in either of the houses of the Parliament by a minister or by a private member is considered to be the First Reading.
- Second Reading: This is the stage where the bill undergoes detailed scrutiny including discussion of every clause.
- Third Reading: No amendment to the bill are allowed at this stage. Here, the bill needs to be passed by a simple majority of members present and voting in the House.
- Bill in the second house: At this stage, the bill needs to be passed by a simple majority of members present and voting in the House. If the bill is passed at this stage then it goes further for the assent of the President.
- Assent of the President: If the bill gets the assent of the President, then it is treated as a law, otherwise, the bill gets scraped.

3. Finance Bills

The bills that are concerned with the finances but are not included in the money bills are classified under Finance Bills.

The procedure for passing a financial bill is –

Financial bills can be further classified into three types, money bills,



Notes

7. Miscellaneous Powers

Other than the above-mentioned powers, they also hold the authority to approve the ordinances that are passed by the President. They also can make any changes required for amending the qualifications that are needed to be a member of the Lok Sabha or Rajya Sabha.

ANTI DEFECTION LAW AND 10TH SCHEDULE

The 10th schedule of the Indian Constitution that talks about the Anti-Defection Law are designed to prevent political defections that are prompted by the lure of office or material benefits or other considerations. This law was passed by the parliament in the year 1985 and was reinforced in 2002. It was inserted in The Indian Constitution during the 52nd Amendment. The main aim of this law is to prevent MPs from switching political parties for any personal motive. It applies to both the houses of the parliament and also the state assembly.

Some of the provisions regarding the disqualification of the members that were brought to this law during the 10th schedule are the following-

The member will stand disqualified if He/She,

1. Gives up his membership of a political party voluntarily.
2. Votes in the House, contrary to any direction issued by his political party.
3. Who is independently elected, joins a party?
4. Who is a nominated member, joins a political party after the end of 6 months?

Parliamentary Privileges

Parliamentary privileges are the rights that are granted to the members of the Lok Sabha and Rajya Sabha. However, it shall be noted that these privileges are not enjoyed by the President of the country.

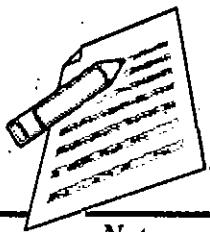
There are two types of Parliamentary Privileges, that is, Individual and collective.

The individual Privileges include :

1. Members cannot be arrested during sessions of the parliament, 40 days before beginning, and 40 days after the end of each session and this extends to civil cases, not criminal cases or preventive detention.
2. Any member is not liable to any proceedings in any given court for anything said or any vote by him/her in the parliament or its committees.

The collective Privileges are :

1. Parliament also holds the right to exclude guests from its proceedings and in some cases of national interest, it can also hold a secret meeting on any important matter.
2. Parliament holds the authority to punish members as well as outsiders



Continues for a period of 5 years and can be dissolved before time by a non-confidence motion.	It is a permanent body.
The Head of the house is the Speaker.	The Chairman of the house is the Vice President of India.
The strength of the house envisaged is 552.	The strength of the house is 250.

Special powers of Rajya Sabha

Rajya Sabha is granted some of the Special Powers by the Indian Constitution. The Special Powers of this house is divided are as follows-

1. Legislative Powers

It must be noted that the Rajya Sabha enjoys equal powers with the Lok Sabha. A bill cannot become a law unless passed by the Rajya Sabha.

2. Financial Powers

After the annual budget has been passed by the Lok Sabha, it is sent to the Rajya Sabha for approval. In concern of the financial matters, the parliament holds the topmost authority and control, however, this control cannot be exercised without the agreement of the Rajya Sabha.

3. Executive Powers

The Prime Minister can be from the Rajya Sabha if the majority party in the Lok Sabha elects him as the leader. It also keeps an eye on the day-to-day activities of the executive.

4. Amendment Powers

The Lok Sabha and Rajya Sabha, together hold the power to amend any of the parts of the Indian Constitution, provided they have a two-thirds majority in each of the houses.

5. Electoral Powers

The Rajya Sabha has some electoral powers, too. The elected members of the Rajya Sabha along with the other members of the Lok Sabha the State Legislative Assemblies elect the President of India. Adding to this, the members of the Rajya Sabha and Lok Sabha together elect the Vice-President of India. Rajya Sabha members also elect a Deputy Chairman from amongst themselves.

6. Judicial Powers

Rajya Sabha and Lok Sabha together hold the power to impeach the President of the country upon his violation of the Indian constitution. They can also pass a special order for the removal of a judge of the supreme or the high court. Furthermore, any charges against the Vice President can only be levelled in the Rajya Sabha.

Indian Parliamentary Proceedings

There are a few devices that are used in the Parliamentary Proceedings. The devices are the following –

1. Question Hour

The first hour of every parliamentary sitting is slotted for the Question Hour. During this time, the members are supposed to ask questions and expect answers from the ministers.

2. Half an Hour Discussion

A matter of sufficient public importance, which has been subjected to a lot of debate and the answer to which needs elucidation on a matter of fact, are put up in the Half an Hour Discussion. Three days a week can be allotted by the speaker for such discussions.

3. Short Discussion

A short Discussion is also known as a two-hour discussion as the time allotted for such a discussion should not exceed two hours.

4. Place of Order

When the proceedings of the House do not follow the normal rules of procedure, a Member can raise a point of order. It should relate to the interpretation of the Rules of the House or such articles of the Constitution that regulate the business of the House and it should raise a question that is within the cognizance of the Speaker.

5. Special Mention

A matter which could not be raised during question hour, half-an-hour discussion, short duration discussion, or under adjournment motion, calling attention notice or under any rule of the House can be raised under the special mention in the Rajya Sabha.

Lok Sabha and Rajya Sabha

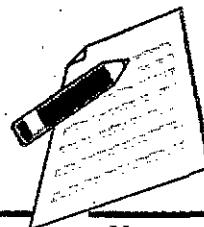
These are the two houses of the Parliament. Lok Sabha is the lower house and it consists of 543 members. The Rajya Sabha is the higher house and it consists of 250 members. Any law or decision that needs to be taken by the Government has to first pass in the Lok Sabha and then the Rajya Sabha.

Difference Between Lok Sabha and Rajya Sabha

LOK SABHA	RAJYA SABHA
It is the house of people.	It is the council of states.
The minimum age to be a Lok Sabha member is 25 years.	The minimum age to be a Rajya Sabha member is 30 years.



Notes

**2. Censure Motion**

A censure motion is against the ruling government and can only be taken forward by the opposition in the house. And if such a motion is passed in the Lok Sabha, the council of the ministers is bound to take it into the confidence of the Lok Sabha at the earliest possible.

3. No-Confidence Motion

A no-confidence motion can only be moved in the Lok Sabha and that too, by the opposition. This motion shall be against the council of ministers as a whole and not against a particular individual. Unlike the Censure motion, this motion does not require a specific ground.

4. Call Attention Motion

To call the attention of a minister to a matter of urgent public importance, a Call attention Motion shall be passed by a minister. After that, the minister is supposed to make an authoritative statement on the respective matter.

5. Adjournment Motion

A motion that is related to the adjournment of the business of the house to discuss a definite matter that is of urgent public importance.

6. Cut Motion

A cut motion is an effective tool to test the strength of the government. It is said that if a cut motion is adopted by the house and the government does not have a majority then it is bound to resign.

Sessions in parliament of India

Sessions in a parliament are the time period in which a house meets almost every day to manage the business. There are typically three types of Sessions, which are Budget, Monsoon, and Winter Session.

1. Budget Session

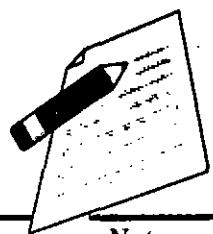
The budget session is held from the months of February to May, every year. It is considered to be one of the most crucial sessions of the parliament. This session is generally split into two periods with a gap of one month between them.

2. Monsoon Session

The monsoon session is held between the months of July to September, every year. Matters of the public are discussed in this session.

3. Winter Session

The winter session is held between the months of mid-November to mid-December, every year. This session is the shortest session of all. The topics that were left to be discussed in the previous sessions are taken up in this session.



Notes

Article 109	Special procedure in respect to Money Bills
Article 110	The definition of "Money Bills"
Article 111	Assent to the bills
Article 112	Annual Financial Statement
Article 113	Procedure in Parliament concerning the estimates
Article 114	Appropriation of bills
Article 115	Supplementary, excess, and additional grants.
Article 116	Votes of credit, votes on account, and exceptional grants
Article 117	Special provisions to financial Bills
Article 118	Rules of the Procedure
Article 119	Regulation by law of procedure in the Parliament concerning the financial business
Article 120	Use of Language in the Parliament
Article 121	Restriction on discussion in the Parliament
Article 122	No inquiry of courts into the proceedings of the Parliament.
Article 123	Power of the President to promulgate Ordinances during recess of the Parliament

Motions in Parliament of India

A motion is a formal proposal that asks the house to take some action. With the permission of the presiding officer, motion is necessary to be stated in the parliament before the conduction of a discussion. There are three kinds of motions in the Parliament that are, Subsidiary, Substitute, and Substantive motions.

A substantive motion is the one that is a self-contained independent proposal. A substitute motion is a motion in substitution of an original motion and if it is adopted by the house, it supersedes the original motion. And a subsidiary motion is the one that does not have a meaning in itself and is not capable of stating a decision.

There are different types of motions in parliament that are-

1. Privilege Motion

Parliamentary privileges are certain rights and immunities that are enjoyed by the MPs, MLAs, and MLCs, individually and collectively, to aide them, effectively discharge their functions. When any of these rights or immunities is disregarded, the offense is called a breach of privilege and is punishable under the law of Parliament. And thereof, a privilege motion is moved against the breach of parliamentary privileges.

CLASS-12
POLITICAL SCIENCE



Notes

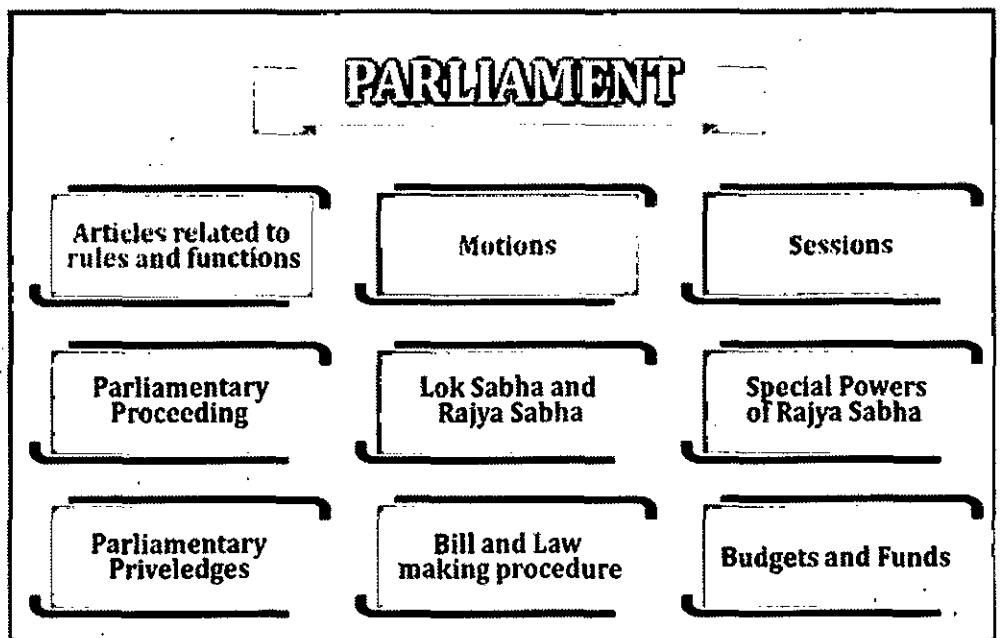
Article 83	Duration of the houses of the Parliament
Article 84	Qualification of the membership of the Parliament
Article 85	Sessions of the Parliament, propagation, and dissolution
Article 86	Right of the President to address and send messages to the house
Article 87	A special address by the President
Article 88	Rights of the ministers and attorney generals.
Article 89	The Chairman and Deputy Chairman of Council of the States
Article 90	Vacation, resignation, and removal of the office of Deputy Chairman
Article 91	Power of the Deputy Chairman or the other person to perform the duties of the office, or to act as, the Chairman
Article 92	The Chairman, or the Deputy Chairman to not preside, while a resolution for his removal from office is under consideration
Article 93	The Speaker and the Deputy Speaker of the House of People
Article 94	Vacation, resignation, and removal from, the offices of Speaker and Deputy Speaker
Article 95	Power of the Deputy Speaker or other the person to perform the duties of the office, or to act as, the Speaker
Article 96	The Speaker or the Deputy Speaker not to preside while a resolution for his removal from the office is under consideration
Article 97	Salaries and allowances of the Chairman, the Deputy Chairman, the Speaker, and the Deputy Speaker
Article 98	Secretariat of the Parliament
Article 99	Oath or affirmation by the members
Article 100	Voting in the houses, power of Houses to act notwithstanding vacancies and the quorum
Article 101	The Vacation of seats
Article 102	The disqualification of membership
Article 103	The decision on questions as to disqualifications of the members
Article 104	Penalty for sitting and voting before making the oath or affirmation under article 99, or when not qualified or disqualified
Article 105	Powers, privileges, and more, of the Houses of Parliament and of the members and committees thereof.
Article 106	Salaries and allowances of the members
Article 107	Provisions to the introduction and passing of Bills
Article 108	A joint sitting of both the Houses in certain cases

2**FUNCTIONS OF PARLIAMENT OF INDIA – PART V OF INDIAN CONSTITUTION****Objective of the chapter**

The main objective of this chapter is to make student understand about the articles related to – Lok Sabha, Rajya Sabha, and President of India.

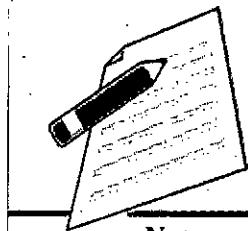
Notes**Introduction**

The Indian Parliament consists of a Lok Sabha, Rajya Sabha, and President of India. There are normally three sessions of the Parliament that are, Budget session, Monsoon Session, and Winter Session. Learn more about Parliament of India as this topic is important for competitive exams like UPSC, SSC etc.

**Functions of the Parliament of India**

Chapter II of Part V of the Indian constitution deals with the roles and functions of the Parliament. Articles 79 to 123 talk in-depth about the Parliament of the country.

Article	Talk About
Article 79	Constitution of the Parliament
Article 80	Composition of the Council of States
Article 81	Composition of the House of the People
Article 82	The readjustment after each census



Notes

12. First Indian Prime Minister to resign from Office?

 - (a) Atal Bihari Vajpayee
 - (b) Morarji Desai
 - (c) H.D.Deve Gowda
 - (d) P.V.Narasimha Rao

13. The total number of ministers including the prime ministers shall not exceed-

 - (a) 20% members of the Lok Sabha
 - (b) 10% members of the Lok Sabha
 - (c) 25% members of the Lok Sabha
 - (d) 15% members of the Lok Sabha

14. A bill initiated by which among the following is a Government Bill?

 - (a) Member of Parliament from Ruling Party / Coalition
 - (b) Minister
 - (c) Member of parliament from opposition party
 - (d) Either 1 or 2

15. The Supreme Court of India at present contains the following number of Judges?

 - (a) 25 judges
 - (b) 31 judges
 - (c) 20 judges
 - (d) 30 judges

ANSWERS

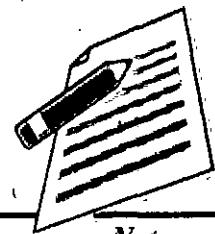
1. (d) 2. (b) 3. (c) 4. (d) 5. (a) 6. (c) 7. (c)
8. (b) 9. (b) 10. (a) 11. (b) 12. (b) 13. (d) 14. (b)
15. (b)

Review Questions

1. Explain the constitutional provisions regarding president of India
 2. Explain the constitutional provisions regarding prime minister of India
 3. Explain the emergency powers of president
 4. Explain the concept of council of ministers
 5. What is the difference between cabinet and state minister?

Space for Notes

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Notes

5. What is the official term of the President's office?
- 5 years
 - 10 years
 - 3 years
 - 4 years
6. In which of the following circumstances, the prime minister of India cannot participate in voting on a no-confidence motion against his / her government?
- He / She leads a coalition government
 - He / she has minority in Rajya Sabha
 - He / she is a member of Rajya Sabha
 - He / she is forbidden by speaker of Lok Sabha
7. Which one of the following articles deals with the appointment of the Prime Minister and other ministers?
- Article 76
 - Article 74
 - Article 75
 - Article 72
8. Which of the following is / are parts of Union Executive?
- Council of Ministers headed by the Prime Minister
 - President of India
 - Central Secretariat
 - Vice President
- Select the correct answer from the codes given below:
- Only 1
 - Only 1 & 2
 - Only 1, 2 & 3
 - 1, 2, 3 & 4
9. The Prime Minister is appointed by which one of the following?
- Attorney general of India
 - President
 - Vice-president
 - Chief justice of India
10. Who among the following heads the Central government in India?
- Prime minister
 - Chief Minister
 - President
 - Vice-President
11. Who among the following shall communicate to the president all the decisions of the council of ministers under article 78?
- Home minister
 - Prime minister
 - Attorney general
 - Finance minister



1. Person should be a citizen of India.
2. Should be qualified to be appointed as the judge of the supreme court.
3. Should have served the high court as a judge for at least five years
4. Or, an advocate of some high court for ten years or, an eminent jurist in the opinion of the President.

He is responsible to give advice to the Government of India upon legal matters that are referred to her/him by the President. The term of the Attorney General is not fix. He also has to look into other duties assigned to him by the President.

Summary of the Chapter

The union consists of different members that have varied duties depending upon their designation. Where the President is known to be the Head of the Union, Prime Minister is said to be the Central Representative of the central government. It shall be noted that the functions of all the members of the union are interrelated and cannot be done without the efforts and inputs at even one stage.

EXERCISE

Multiple Choice Questions

1. What is the minimum age for the eligibility to be a Presidential candidate?
 - (a) 30
 - (b) 28
 - (c) 21
 - (d) 35
2. Who is regarded as the head of the Indian state?
 - (a) Prime Minister
 - (b) President
 - (c) Chief Justice of India
 - (d) None of the above
3. The executive actions of the government are carried out under whose name?
 - (a) Cabinet
 - (b) Prime Minister
 - (c) President
 - (d) Both (b) and (c)
4. Who among the following is NOT directly participating in the election of the President?
 - (a) the elected members of Lok Sabha and Rajya Sabha
 - (b) the elected members of the legislative assemblies of the state
 - (c) the elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry
 - (d) Both elected and nominated members of the State legislative council

decisions of the Council of Ministers relating to the administration of affairs of the Union and proposals for legislation are communicated to the President by the Prime Minister.

RESIGNATION AND REMOVAL OF VICE PRESIDENT

The vice president shall submit his resignation to the President of the country and he will be removed from the duties the day his resignation is accepted.

In case of the removal of the Vice President, a resolution needs to be passed by the Lok Sabha and then the Rajya Sabha with an absolute majority which is more than 50% of the total membership. However, the Vice President needs to be given a notice of 14 days.

POWERS AND FUNCTIONS OF COUNCIL OF MINISTERS

The powers of the Union of Council can be divided into three major parts that are –

1. Executive Powers

It must be noted that All executive powers of the President of India are really used by the Council of Ministers. They are also responsible to formulate the policies which are to be submitted to the Parliament for approval. Also, for all their policies and decisions the Council of Ministers is collectively responsible before the Lok Sabha.

2. Legislative Powers

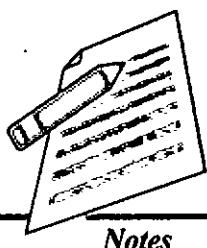
The council of ministers is both the heads of government departments as well as members of the Parliament. They take a full and active part in the working of the Parliament. Most of the bills are piloted and introduced by the council of ministers. A ministry that is backed by a majority can have its way in the Parliament.

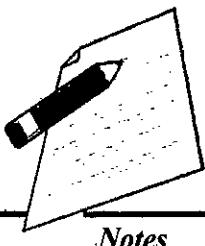
3. Financial Powers

The Cabinet plays a leading role in this sphere. The budget is also prepared and passed by the Cabinet in the Lok Sabha. It runs a financial administration in accordance with the provisions of the budget that are previously passed by the Parliament. If there is any action of the Parliament that is against the wishes of the Cabinet; it amounts to a vote of no-confidence against the Government. And in such a situation, the council of ministers can get their wishes fulfilled.

ATTORNEY GENERAL

The Attorney General is the Highest Law Officer in the country. He is a part of the union executive. He is appointed by the President of the country and he is provided an office under Article 76 of the Indian Constitution. Some of the qualifications to be the Attorney general are:





1. The impeachment charges are initiated by one-fourth of the members of Lok Sabha.
2. After that, a 14-day notice is sent to the President of India.
3. Once the charges are signed by Lok Sabha, it is then passed to the Rajya Sabha for investigation.
4. During the investigations of Rajya Sabha, the President holds the right to be present in the sittings.
5. If the Rajya Sabha agrees to the charges and passes it with a majority of two-thirds of the house, the President stands removed.

And if under any condition, the president of the country chooses to resign from the post then he shall submit his resignation to the Vice-President of the country.

ROLE AND RESPONSIBILITIES OF PRIME MINISTER

The Prime Minister of India is the central representative of the Central Government. The Prime Minister is also the chief counsellor to the President of India and is also the leader of the Council of Ministers. He has a few roles and responsibilities to play which are the following :-

1. The Prime Minister of India is the Head of the Government of India
2. He has the authority to assign portfolios to the Ministers.
3. The Prime Minister is the chairman of the cabinet. if there is a crucial opinion difference among the members, the Prime Minister holds the power to impose his decision.
4. He represents the country for high-level international meetings.
5. He is the link between the President and the cabinet.

ROLE AND RESPONSIBILITIES OF CABINET MINISTERS

The cabinet ministers are the advisors to the President. They help him exercise his powers. The 42nd amendment made the ministerial advice "expressly binding" on the President and hence boosted the constitutional authority of the cabinet ministers. Amidst other responsibilities, the Cabinet Ministers have to meet some serious expectations such as improving the nation's foreign affairs, strengthening the security of the country, and keeping its economy in a good state. Other than that, the Cabinet is also responsible for the whole expenditure of the State and for raising necessary revenues to meet it. One of the most essential responsibilities of the Cabinet is to co-ordinate and guide the functions of the several Ministries and Departments of Government.

ROLE AND RESPONSIBILITIES OF COUNCIL OF MINISTERS

The council of ministers advises the President in the exercise of his functions. The council of ministers is collectively responsible to the Lok Sabha. All



Notes

The constitution provides the President with the right to impose three types of emergencies in the country. They are –

a. National Emergency

National emergency shall be imposed by the President if he feels that the security of India or any part of India is threatened by war.

During a national emergency, The right to freedom of speech and expression, freedom to form an association, freedom to practice and profession, etc., embodied in Article 19 shall remain suspended during the period of emergency. A national emergency can be imposed for an indefinite period.

b. Failure of State Constitutional Machinery

During such an emergency, the powers of the legislatures of the State are to be exercised by the Union Parliament. The President can opt to declare this emergency in case of failure of Constitutional machinery in a State. This type of emergency can be carried for a period of three years.

c. Financial Emergency

If the president feels that the financial stability of the country is threatened then he can declare a Financial Emergency. A financial emergency can be continued for an indefinite period. During the time of the emergency, all money-bills passed by the State Legislatures are to be reserved for the consideration of the President.

6. Military Powers

Being the Supreme Commander of the Indian Armed Forces, the President can declare war or conclude peace. This shall be done on the advice of the Union Council of Ministers headed by the Prime Minister. All the major treaties are made in the name of the President. He also appoints the chiefs of the armed forces.

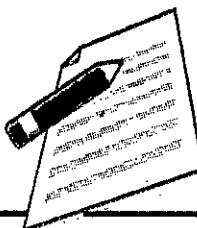
7. Judicial Powers

As said in Article 72 of the Indian Constitution, the President is empowered with the powers to grant pardons in case the Punishment is for an offense against Union Law, Sentence is that of death, or Punishment is by a Military Court. Mostly, the President exercises his executive powers on the advice of the Prime Minister and the cabinet.

RESIGNATION AND IMPEACHMENT OF THE PRESIDENT

The president can only be impeached if he has violated the constitution of India. However, no definition has been provided for ‘violation of the constitution’ in the Indian Constitution.

In case the president has violated the constitution, the impeachment is held in the following manner.

**2. Legislative Powers and Functions****a. Nomination**

The President is responsible for ensuring adequate representation of all the sections in the Parliament. President nominates the members of both the houses.

b. Power in Respect of Bills

After a bill gets passed from both the houses, it needs to be signed by the President. He can either choose to pass the bill or can even keep it on a stand. However, upon the disapproval of the President, if the parliament passes the same bill, even without any amendment, it becomes obligatory for the President to pass the bill this time around.

c. Bill passed by a state legislature

Under Article 200, The President enjoys the right in relation to a bill passed by a State Legislature only in the cases where those are referred to him by the Government of a State.

d. Part of parliament

The President is an integral part of the Union Legislature. He shall summon the Houses of Parliament from time to time, either separately or jointly. If needed, he also holds the power to dissolve the lower houses of the Parliament.

e. Summons and Addresses Parliament

If the President of the country has a serious disagreement with the council of ministers then he has the authority to Summon or send messages to the Lok Sabha or the Rajya Sabha or both. He may also place the reasons for doing so.

3. Financial Powers and Functions

The President of India has an integral hold onto the finances of the country. No proposal for spending money or raising revenues for purposes of government can be introduced in Parliament without the previous permission of the President. The Indian constitution says that the Annual Financial Statement shall be placed by the President before both the Houses of Parliament.

4. Diplomatic Powers

Since the President is considered to be the first citizen of the country, therefore, he has a hand on the diplomatic powers. All the international treaties and agreements are negotiated and concluded on behalf of the President by the Prime Minister of the Country. However, the President can send and receive diplomats.

5. Emergency Powers

The value of the vote of an MLA is calculated by dividing the population of the state with the total number of elected members of the state legislative assembly and multiplying it by 100. The value of the vote of an MP of a state is calculated by dividing the total value of votes of MLAs of all states to the total number of elected members parliament and multiplying it by 100.

The procedure of electing the Vice President is very much similar to the election procedure of the President other than the members of the Electoral college. The Electoral College for the election of the Vice president consists of both elected and nominated members of both the Houses of Parliament and the States here, have no role to play.

FUNCTIONS AND POWERS OF THE PRESIDENT

The President is considered to be the head of the Government of India and is also the Supreme Commander of the Armed forces. The function and powers of the President of India can be classified into several types, which are, Executive, Legislative, Financial, Judicial, Diplomatic, Military, and Emergency.

1. Executive Functions

The executive functions of the President are as follows –

a. Head of the Union

The President is the Head of the Union; therefore, he holds the right to exercise all the executive powers.

b. Appointments

The President of the country holds the right to appoint the governors of the state, the judges of the supreme court, and high court, and many other higher officials like the Election Commission, Union Public Commissions, and more.

c. Appointment of the Prime Minister

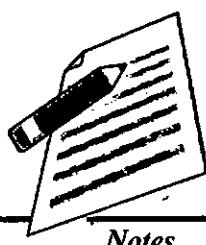
The President does enjoy some discretionary powers in this case only under exceptional circumstances. The President has a larger role to play in the case of Coalition Politics, wherein he must appoint the Prime Minister of the country.

d. Supreme Commander

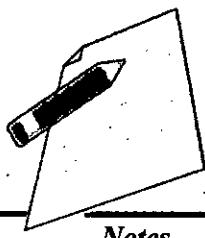
The President is considered to be the Supreme Commander of the armed forces. He holds the right to sign a treaty, or declare war, as and when needed.

e. Can ask to prove majority in Lok Sabha

Usually, the council of minister remains in the office for a period of five years but the President holds the right to dissolve the Union Council of Ministers under Article 75(2) of the Indian Constitution if he feels that the Ministry does not enjoy the support of the majorities in the Lok Sabha.



Notes



Article 68 of the Indian Constitution says that an election for the new Vice President needs to be held before the expiration of the previous Vice President of the Country.

18. Article 69: Oath or affirmation by the Vice-President

This article says that before entering the office, the Vice President shall take an oath in the presence of the President of the country.

19. Article 70: Discharge of the President's functions in other contingencies

This article can be taken as a provision by the Parliament of the country, as and when it thinks it is fit for the discharge of functions of the president.

20. Article 71: Matters related to the election of the President or the Vice President

This article says that if there is any conflict during the elections of the president or the vice president, then the supreme court of India has to get into the matter and solve the matter.

21. Article 72: Powers of President to grant pardons, and to remit, suspend, or commute sentences in certain cases

Article 72 states that the President can grant reprieves, pardons, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offense.

22. Article 73: Extent of the executive power of the Union

This article states that the parliament has the power to make laws and have the measures to exercise it. Not just that, it holds the right to make laws for states.

QUALIFICATION AND ELECTION OF PRESIDENT AND VICE PRESIDENT

Some of the qualifications that a person needs to hold if he is standing for the post of the president or vice president include –

1. He/she must be 35 years or above
2. He/she must be a citizen of the country
3. Should be qualified to become a member of Lok Sabha.
4. Should not hold any office of profit under the Government.

Moving to the election of the President of India

Article 54 of the Indian Constitution talks about the election of the president. It says that the President shall be elected by the electoral college according to a secret ballot by the system of proportional representation through a single transferable vote. The electoral college consists of Elected members of the two Houses of Parliament and Legislative Assemblies of States. States here means the NCT of Delhi and the UT of Pondicherry.



best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of India."

10. Article 61: Procedure for impeachment of the President

The President of India can be impeached under this article if he violated the constitution. The resolution for the same needs to be passed by at least two-thirds of the house.

11. Article 62: Time of holding the elections to fill the vacancy in the office of the President and the term of office or person elected to fill a casual vacancy

This article states that the election of the new president needs to be done before the term of the previous president gets over.

12. Article 63: Vice president of India

Article 63 of the Indian Constitution talks about the duties and responsibilities of the Vice President of the country.

13. Article 64: Vice President to be ex- officio chairman of the council of states

This article talks about the Vice President to be the ex-officio chairman of the council of states. It is also said that during the time when the Vice President is acting as a President, he shall not perform the duties of the chairman.

14. Article 65: Vice President to act as the President or to discharge his functions during the casual vacancies in the office or during the absence of the President

The article says that during the time the Vice President shall act as the President when the President has resigned or has been removed due to the violation of the Indian Constitution.

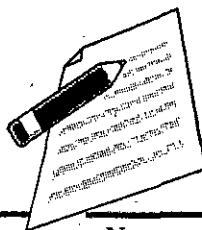
15. Article 66: Election of Vice President

Article 66 talks about the qualifications that one needs to stand for the Vice President of the country. It says that if a candidate for the Vice President shall not be a member of either house of the parliament.

16. Article 67: Term of office of Vice President

Article 67 of the Indian Constitution says that the Vice President shall hold the office and responsibilities for a term of five years. However, if a resolution is passed by a council of states, then the Vice President can be removed.

17. Article 68: Time of holding elections to fill the vacancy in the office of Vice President and the term of office of person elected to fill a casual vacancy

**3. Article 54: Election of President**

This article states that the President of the country needs to be elected by the elected members of both the houses of parliament and the members of legislative assemblies of states.

4. Article 55: Manner of election of President

This article states that there shall be uniformity in the scale of representation of different states at the time of the election of the president. The elections shall also be held keeping the proportional representation in mind.

5. Article 56: Term of office of President

This article states that the President shall hold the responsibilities and the office for five years from the day that he entered the office. However, he can be removed under the violation of the constitution and can be henceforth removed from the office and impeached in a manner as stated in Article 61.

6. Article 57: Eligibility for Re-election

This article states that a person who holds or has held the office as the president of the country is eligible for the re-elections.

7. Article 58: Qualification for election as a President

Article 58 states various qualifications that are needed to be the president of the country. These qualifications include :-

The candidate needs to be a citizen of the country.

The candidate must be 35 years or above.

He/she is qualified for election as a member of the house of people.

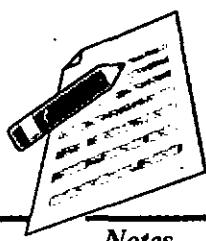
Not eligible if he/she holds any office of profit under the government of India.

8. Article 59: Conditions of President's Office

This article talks about a few conditions of the president's office. Some of the conditions include that the President needs to be entitled to the office without the payment of any kind of rent and that the allowances of the President are not supposed to be diminished during his term of presidentship, and some more.

9. Article 60: Oath or affirmation by the President

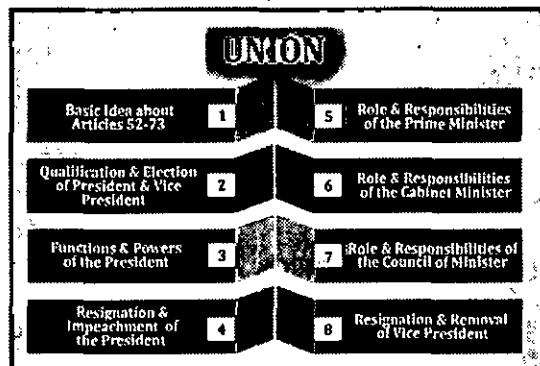
This article states that any person that has been appointed as the President of the nation, needs to take an oath in the presence of Chief Justice of India, and if the CJI is not available, then the senior-most judge. The president shall speak, "I, A.B., do swear in the name of God / solemnly affirm that I will faithfully execute the office of President (or discharge the function of the President) of India and will to the

1**UNION EXECUTIVES OF INDIA
— PRESIDENT, VICE-PRESIDENT,
COUNCIL OF MINISTERS AND
PRIME MINISTER****Notes****Objective of the chapter**

The main objective of this chapter is to make student understand about the articles related to — President, Vice-President, Council of Ministers and Prime Minister.

Introduction

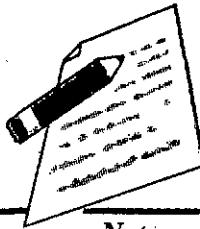
Part V of the Constitution of India talks about the union of the country. The union consists of the President, the Vice-President, the Council of Ministers, and the Prime Minister. Understanding articles 52-73 is vital when we talk about the union.

**BASIC IDEA ABOUT ARTICLES 52-73****1. Article 52: The President of India**

Article 52 of the Indian Constitution says that there shall be a President of the country.

2. Article 53: Executive Power of the Union

This article states that the executive power of the union shall be vested in the President and be exercised by him, directly or through the officer's subordinate to him. This article also states that nothing in this article should be deemed to transfer any functions to the president conferred by existing law on any state government or preventing the parliament from conferring by law functions on authorities, other than the president.



Notes

7. Which among the following judgements of Supreme Court deals with the imposition of President Rule in the states?
 - (a) Kihoto Hollohan vs Zachillhu and others
 - (b) Kesavananda Bharati vs State of Kerala
 - (c) I.R. Coelho vs State of Tamil Nadu
 - (d) S. R. Bommai vs Union of India
8. Who among the following has the power to revoke State emergency?
 - (a) Governor of the concerned state
 - (b) Chief Minister of the concerned state
 - (c) President of India
 - (d) Prime Minister of India
9. National Emergency for its continuance needs parliamentary approval for every
 - (a) 2 months
 - (b) 4 months
 - (c) 6 months
 - (d) 12 months
10. How many times have the National Emergency been implemented in India?
 - (a) 2
 - (b) 3
 - (c) 4
 - (d) 5

Answer

- | | | | | |
|--------|--------|--------|--------|---------|
| 1. (c) | 2. (c) | 3. (a) | 4. (a) | 5. (c) |
| 6. (a) | 7. (d) | 8. (c) | 9. (c) | 10. (b) |

Review Question

1. Explain the provisions of National Emergency?
2. Explain the provisions of state Emergency?
3. Explain the provisions of financial Emergency?

Space for notes



Notes

2. Which among the following conditions can lead to proclamation of emergency in India?
- War
 - External aggression
 - Armed rebellion
 - Internal disturbances
 - Failure of constitutional machinery in states
 - Threat to financial stability of India
- 1, 2, 4 only
 - 1, 2, 3 only
 - 1, 2, 3, 5, 6 only
 - All of the above
3. Consider the following provisions regarding Emergency Provisions and choose the correct options from the alternatives given below :-
- It converts federal structure of country into unitary one without a formal amendment of the constitution.
 - The Prime Minister can proclaim a national emergency only after receiving a written recommendation from the council of ministers.
- 1 only
 - 2 only
 - Both of them
 - None of them
4. Which among the following Articles of Indian constitution gets suspended automatically after imposition of National Emergency?
- Article 19
 - Article 20
 - Both Article 19 and Article 20
 - None of constitutional articles gets suspended without formal order
5. Consider the following provisions regarding proclamation and dissolution of National Emergency and choose the correct options from the alternatives given below:
- The proclamation of National Emergency must be approved by both the Houses of Parliament within one month from the date of its issue.
 - A resolution of disapproval of National Emergency is required to be passed only by Lok Sabha and not by Rajya Sabha.
- 1 only
 - 2 only
 - Both of them
 - None of them
6. Consider the following provisions regarding Financial Emergency and choose the correct options from the alternatives given below :-
- No maximum period of financial emergency is mentioned in the constitution.
 - India witnessed financial emergency only once in the year 1991 during the time of Balance of Payment crisis.
- 1 only
 - 2 only
 - Both of them
 - None of them



During this emergency, the Centre's relation undergoes a modification with all the States.	Centre's relation undergoes a modification only with the state under the President's Rule.
There is no delegation of law-making power of Parliament under the State list.	President may make laws for the state after consulting with the Members of Parliament from that state.

Summary of the Chapter

Under the Indian Constitution, there are **three types** of emergency provisions –

- National Emergency;
- Failure of constitutional machinery in state/s or President's Rule; and
- Financial Emergency.

National Emergency

- Article 352 states that if the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion, he may, by Proclamation, make a declaration to that effect in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation.

Failure of constitutional machinery in state/s or President's Rule

- Article 356 states that if the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, then he (the President) may issue state emergency.

Financial Emergency

- Article 360 states that if the President is satisfied that a situation has arisen whereby the financial stability or credit of India or of any part of the territory thereof is threatened, he may by a Proclamation make a declaration to that effect.

EXERCISE

Multiple Choice Questions

1. Which among the following parts of Indian Constitution deals with Emergency Provisions?
 - (a) Part XVI
 - (b) Part XVII
 - (c) Part XVIII
 - (d) Part XV

44th Constitutional (Amendment) Act, 1978

The imposition of Emergency stressed the legislature to think again about the Constitutional provisions that provide power to the executive to supersede the judiciary hampering the basic structure of the Indian Constitution.

Under Article 352, the amendment had substituted the ground of "*Internal Disturbance*" with "*Armed Rebellion*". The President is allowed to impose emergency only when the *Union Cabinet* communicates to him in writing about their decision.

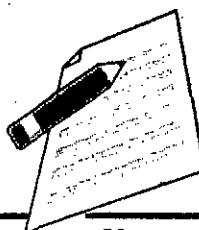
The Proclamation is required to be approved by both the houses of Parliament by resolution within a month instead of two months by a total majority of the membership of each house of Parliament and by the ratification of not less than 2/3rd members present and voting in each house instead of a simple majority.

Under Article 356, the period for extension of a Proclamation from one month has been amended to six-months. Proclamation in the first instance can only be exceeded for six months.

Difference between the National Emergency and President's Rule

National Emergency (Article 352)	President's Rule (Article 356)
National Emergency is proclaimed under Article 352 on the ground of <i>war, external aggression and armed rebellion</i> .	State Emergency is proclaimed under Article 356 when the State Government cannot be carried out according to the Constitutional provisions.
State Executive and legislature perform their power as mentioned in List II of Schedule VII. Concurrent List power vests in the Central Government.	State Executive powers get vested in the Central. Governor works in the state on the advice of the President. State Legislative Assembly is dissolved or suspended.
The Proclamation may be continued for an indefinite time as no maximum period is prescribed but it is subject to renew every six months.	The maximum period up to which State Emergency may continue is three years after which it will cease but it may be further continued after the Constitutional Amendment.
Fundamental Rights are suspended during National Emergency except Article 20 & 21.	There was no effect on the Fundamental Rights of the people of the State.
Resolution for the continuation of the proclamation of emergency must be passed with a special majority.	Resolution can be passed with a simple majority in the Parliament.
The resolution for the revocation of the proclamation can be passed by Lok Sabha.	Resolution for revocation of the proclamation can be passed by President in his discretion.





Emergency Provisions

1. Article 352: Proclamation of Emergency.
2. Article 353: Effect of Proclamation of Emergency.
3. Article 354: Application of provisions relating to the distribution of revenues while a proclamation of emergency is in operation.
4. Article 355: Duty of the Union to protect States against external aggression and internal disturbance.
5. Article 356: Provisions in case of failure of constitutional machinery in State.
6. Article 357: Exercise of legislative powers under Proclamation issued under Article 356.
7. Article 358: Suspension of provisions of article 19 during Emergencies.
8. Article 359: Suspension of the enforcement of the rights conferred by Part III during emergencies.
9. Article 360: Provisions as to Financial Emergency.

Article 352

Article 352 (Part XVIII) talks about “*Proclamation of Emergency*”.

Clause 1 states that National Emergency may be imposed by the President if he is satisfied that there exists a grave situation due to which there is a threat to the security of India or any part of the territory because of:

- War
- External Aggression
- Armed Rebellion

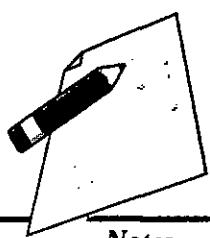
The proviso of Clause 1 states that an Emergency may be proclaimed by the President even when there is no actual occurrence of war, external aggression, and armed rebellion. In this case, the President must be satisfied that there is an imminent danger.

Clause 2 states that another Proclamation may be issued to revoke and to make any variation in the previous Proclamation.

Clause 3 states that the President of India may declare an Emergency when Union Cabinet (Council of Minister headed by the Prime Minister) advice to him in writing.

Clause 4 states that before issuing Proclamation it is required to be placed before both the Houses of Parliament and shall end its effect at the expiration of one month unless both the Houses of Parliament approve it by resolution before the expiration of the said period.

Clause 5 states that proclamation approved in the second resolution shall have an effect up to six months and on expiry of six months, it will end to operate unless it is revoked in between the period.



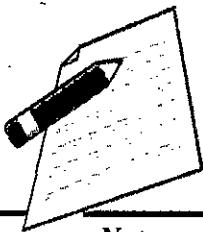
Notes



Financial Emergency

Article 360 deals with "Provisions as to Financial Emergency". Financial Emergency is imposed by the President when there arises any situation which causes a financial threat to India or any part of India.

Financial Emergency has never been imposed in India. However, in 1990, the possibility of financial emergency emerged but the situation was controlled by the Indian Government as in July 1991 the Reserve Bank of India pledged 46.91 tonnes of Gold with Bank of England and Union Bank of Switzerland to raise \$400 million.



any formal declaration of war. It is a unilateral attack by any country towards another country. **For example** – If a country attacks India without any formal declaration of war, in such a scenario, the President of India may impose a National Emergency.

Again, an Emergency was imposed from December 3, 1971, to March 21, 1977, by the then President of India Mr V.V. Giri during the Indo-Pakistan war. The reason was the same as above i.e. external aggression.

The third Emergency was imposed due to a clash between Legislature and Judiciary. Mrs Indira Nehru Gandhi, the then Prime Minister of India with the permission of the then President Fakhruddin Ali Ahmed declared an emergency. It was imposed for a period of 19 months from June 25, 1975 to March 21, 1977.

State Emergency

Article 356 deals with State Emergency or President's Rule in the State ("*Provisions in case of Failure of Constitutional Machinery in States*"). The President of India has the power to proclaim State Emergency when he receives a report from the Governor of that particular State explaining that the situation in the State Government is such that they cannot carry out the Constitutional provisions.

President's Rule has been imposed on the State of Jammu and Kashmir for six years and 264 days from January 19, 1990, to October 9, 1996. The State has always been a target for many external elements. The Indian Government imposed President's Rule to control the situation of Jammu & Kashmir which was facing a military threat from Pakistan.

Punjab was under the President's Rule for 4 years and 259 days from June 11, 1987, to February 25, 1992. The reason for imposing President's rule in Punjab was the control of Khalistan Commando Forces which was a Sikh organisation which was involved in the genocidal attack on Hindus.

Till January 2016, the President's Rule has been imposed 124 times in India. During Indira Gandhi's regime, the President's Rule was invoked for maximum time. The President's Rule under her cabinet was imposed 35 times in various states.

The case **S.R Bommai v. Union of India**[2] is a landmark case in respect of imposing President's Rule in any State. The case laid down the power of the Union Government in relation to the State Emergency under Article 356 of the Indian Constitution. Judicial Review of the President's Rule was made possible by this case. While giving the judgement, the court depended on **Sarkaria's Commission Report, 1987**.

President's Rule can be judicially reviewed and the President becomes answerable only when the Emergency is imposed in certain cases, which are:

It is a unilateral attack by any country towards India. In such circumstances, the President of India may impose a National emergency.

Armed Rebellion

Emergency due to the armed rebellion may be imposed by the President of India when a group of people rebel against the present government which will lead to the destruction of lives and property.

State Emergency

Grounds for the Proclamation of the State Emergency is a failure in the Constitutional machinery of the state. In this Emergency, when Governor of the state is satisfied that the State is not functioning in accordance with the Constitutional provisions then he may write his report to the President of India. And the President, if satisfied by the report, may impose the President's rule. After that, the President will become the executive head of the state.

Financial Emergency

Grounds for the Proclamation of the Financial Emergency is that when a state arises in the Country which leads to a financial crisis in India, the President of India may impose emergency to tackle the situation. In this situation, the Central Authority may reduce the budget or cut the budget given to the State, salaries of the Government officials may be deducted.

Reason for Emergency in India

National Emergency

Article 352 deals with "Proclamation of Emergency" or "National Emergency". The President of India has the power to declare an Emergency in India or any part of India by making a Proclamation. Under this Article, if the President is satisfied that a grave emergency exists in India due to which there is a threat to the security of the nation, he may declare Emergency on the grounds of-

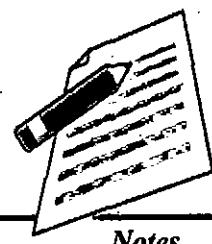
1. War
2. External Aggression
3. Armed Rebellion

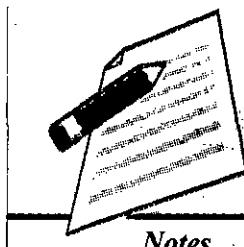
The word "Armed Rebellion" was substituted for "Internal Disturbance" by the Forty-fourth Constitution Amendment Act, 1978.

National Emergency has been imposed three times in India so far. The time period in which this happened was from 1962-1977. Brief description of the emergencies are as follows –

An emergency was imposed at the time of Indo-China war by the then President of India Dr Sarvepalli Radhakrishnan on the ground of external aggression from October 26, 1962, to January 10, 1968.

External Aggression means when a country attacks another country without





3

EMERGENCY PROVISIONS

Introduction

India is a federal country of "its own kind". It acquires unitary features during an Emergency. Due to this reason, Dr B.R Ambedkar called the Indian Federal system as *unique* because it becomes entirely unitary during an Emergency. During an Emergency, as Constitutional machinery fails, the system converts itself into a unitary feature. The Emergency is a period of depression where all Fundamental Rights of a person is taken away except article 20 and 21.

Emergency Definition

An emergency is a situation which arises due to the failure of the government machinery which causes or demands immediate action from the authority.

According to the Black Law's Dictionary, "*Emergency is a situation which requires quick action and immediate notice as such a situation causes a threat to the life and property in the nation. It is a failure of the social system to deliver reasonable conditions of life*" [1].

Types of Emergency

Part- XVIII of Indian Constitution deals with the Emergency provisions i.e. Articles 352 to 360. There are three types of Emergencies mentioned in the Constitution. The power of imposing all three types of Emergencies is vested upon the President of India. The concept of Emergency was borrowed from the Weimar Constitution of Germany. The three types are as follows –

1. Article 352 – National Emergency
2. Article 356 – President's Rule
3. Article 360 – Financial Emergency

Grounds for the Proclamation of Emergency

National Emergency

Grounds for the proclamation of National Emergency are as follows:

War

When a country declares a formal war against India and there is a violent struggle using armed forces, the President of India may impose National emergency.

External Aggression

When a country attacks another country without any formal declaration of war.



Notes

8. Which article of the Constitution abolishes Untouchability?

 - (a) Article 18
 - (b) Article 15
 - (c) Article 14
 - (d) Article 17

9. Which of the following is correct with respect to "Right against exploitation"?

 - (a) Prohibition of traffic in human beings and forced labour
 - (b) Freedom as to payment of taxes for the promotion of any particular religion
 - (c) Protection of interests of minorities
 - (d) Equality before law

10. In which part of the Indian Constitution, the Fundamental rights are provided?

 - (a) Part II
 - (b) Part III
 - (c) Part V
 - (d) Part IV

Answer

1. (d) 2. (b) 3. (b) 4. (d) 5. (c)
6. (a) 7. (b) 8. (d) 9. (a) 10. (a)

Review Questions

- 1. What does the word 'fundamental rights' mean?**

Ans. The word fundamental rights are guaranteed by the fifth part of the constitution and enforceable in a court of law.

- ## **2. What are the types of fundamental rights?**

Ans. The different types of fundamental rights include the right to equality, right to freedom of expression, right against exploitation, cultural rights, right to constitutional remedies and right to education

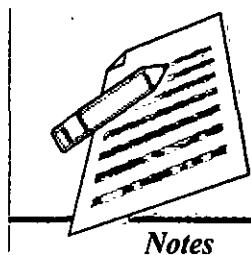
- ### **3. What is the newest fundamental right to be incorporated?**

Ans. The newest fundamental right to be incorporated is the right to education. It was done in the year 2011 to increase the access of education.

- #### **4 Who is the essence of fundamental rights?**

Ans. The essence of fundamental rights is rooted in its various provisions that give meaning to the existence of citizens in a country to create opportunities that can deliver them their wishes, desires, and aspirations.

Space for notes



Notes

EXERCISE

Multiple Choice Questions

1. The fundamental duties are included in the constitution by which of the following act?
 - (a) 40th amendment act
 - (b) 44th amendment act
 - (c) 43rd amendment act
 - (d) 42nd amendment act
2. The fundamental duties are mentioned in which of the following?
 - (a) Part-IV A
 - (b) Part-IV
 - (c) Part-III
 - (d) In schedule IV-A
3. Which of the following article of the Constitution contains fundamental duties?
 - (a) 45 A
 - (b) 51 A
 - (c) 42
 - (d) 30B
4. Which of the following are fundamental duties?
 - (a) Safeguarding public property
 - (b) Protecting the sovereignty, integrity and unity of India
 - (c) Developing scientific temper and humanism
 - (d) All the above
5. Which of the following committee suggested to incorporate fundamental duties in the constitution?
 - (a) Malhotra committee
 - (b) Raghavan committee
 - (c) Swaran Singh committee
 - (d) Narasimhan committee
6. Which of the following Articles contain the right to religious freedom?
 - (a) 25-28
 - (b) 29-30
 - (c) 32-35
 - (d) 23-24
7. Which of the following articles guarantees equality before law and equal protection of law for all individuals residing within the territory of India?
 - (a) 15
 - (b) 14
 - (c) 17
 - (d) 18



Notes

- Some of the duties are vague, ambiguous and difficult to be understood by the common man.
- The list of duties is not exhaustive as it does not cover other important duties like casting vote, paying taxes, family planning and so on. In fact, the duty to pay taxes was recommended by the Swaran Singh Committee.
- The critics said that the inclusion of fundamental duties as an appendage to Part IV of the Constitution has reduced their value and significance. They should have been added after Part III so as to keep them on par with Fundamental Rights.
- Swaran Singh's Committee recommended more than 10 Fundamental Duties, however, not all were included in the Constitution. Those duties recommended by the committee which were not accepted were:
 1. Citizens to be penalized/punished by the parliament for any non-compliance with or refusal to observe any of the duties.
 2. The punishments/penalties decided by the Parliament shall not be called in question in any court on the ground of infringement of any of Fundamental Rights or on the ground of repugnancy to any other provision of the Constitution.
 3. Duty to pay taxes.

Summary of the Chapter

- The Rights and Fundamental Rights are sections of the Constitution of India that provides people with their rights. These Fundamental Rights are considered as basic human rights of all citizens, irrespective of their gender, caste, religion or creed. etc. These sections are the vital elements of the constitution, which was developed between 1947 and 1949 by the Constitution of India.
- There are six fundamental rights in India. They are Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and Right to Constitutional Remedies.
- In a democratic country like India, every citizen must have awareness in relation to right to information. Modern welfare states exercise vast powers that may be misused for personal gains and harmful to the society. Right to information, after Right to Information Act, 2005 opens to get information about the authority, about government offices, people who are the ultimate decision makers must have all information regarding the government and governance for making a proper decision for the betterment of the people



7.	Protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures
8.	Develop scientific temper, humanism and the spirit of inquiry and reform
9.	Safeguard public property and to abjure violence
10.	Strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement
11.	Provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002

The Fundamental Duties form an important topic for IAS Prelims as can be seen from the past year question papers. Aspirants preparing for UPSC 2021 are advised to cover the topic with all facts and figures. The topic once understood can fetch you a great score in prelims and mains both.

Importance of Fundamental Duties- Part IV-A

Fundamental Duties are an inalienable part of fundamental rights. The importance of these are given in the table below:

S.No	Importance of Fundamental Duties
1.	They remind Indian Citizens of their duty towards their society, fellow citizens and the nation
2.	They warn citizens against anti-national and anti-social activities
3.	They inspire citizens & promote a sense of discipline and commitment among them
4.	They help the courts in examining and determining the constitutional validity of a law
5.	They are enforceable by law

Criticism of Fundamental Duties

The Fundamental Duties mentioned in Part IVA of the Constitution have been criticized on the following grounds:

- They have been described by the critics as a code of moral precepts due to their non-justiciable character. Their inclusion in the Constitution was described by the critics as superfluous. This is because the duties included in the Constitution as fundamental would be performed by the people even though they were not incorporated into the Constitution.



Notes

2.	Article 39A	To promote equal justice and to provide free legal aid to the poor
3.	Article 43A	To take steps to secure the participation of workers in the management of industries
4.	Article 48A	To protect and improve the environment and to safeguard forests and wildlife

Criticism of Directive Principles of State Policy

As a point of debate, the following reasons are stated for the criticism of Directive Principles of State Policy:

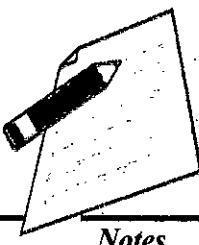
1. It has no legal force
2. It is illogically arranged
3. It is conservative in nature
4. It may produce constitutional conflict between centre and state

Fundamental Duties in India

The fundamental duties which were added by the 42nd Amendment Act of the Constitution in 1976, in addition to creating and promoting culture, also strengthen the hands of the legislature in enforcing these duties vis-a-vis the fundamental rights.

The list of 11 Fundamental Duties under article 51-A to be obeyed by every Indian citizen is given in the table below:

S.No	11 Fundamental Duties
1.	Abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem
2.	Cherish and follow the noble ideals that inspired the national struggle for freedom
3.	Uphold and protect the sovereignty, unity and integrity of India
4.	Defend the country and render national service when called upon to do so
5.	Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women
6.	Value and preserve the rich heritage of the country's composite culture



While this is voluntary for most countries, India has a mandatory rule in this regard. India is also engaged in serious and systematic efforts to develop alternative and renewable sources of energy like solar, wind and wave energy which are environment friendly. Emphasis is laid on solar energy on which some significant technological progress has been made. India is taking all these measures partially with international assistance.

Some Measures taken by Indian Government to Check Environmental Pollution

- 1. Environmental Courts:** Special courts are being set up to ensure speedy justice of the poor against factories that pollute the Environment.
- 2. Environment Friendly Products:** The government is setting stringent standards for all products in the market. Those, which meet these standards of production and performance will be given the label of excellence like the ISI mark.
- 3. Unloading of Petrol:** Refineries are being persuaded to make their petrol lead free. Indian petrol has the highest lead content, which creates major pollution through automobiles.
- 4. Ban on Harmful Pesticides:** Eight chemical pesticides, of which DDT, BHC, Aldrin and Malathion are the main culprits have been isolated. There are now plans to replace them with safe biopesticides.
- 5. National Waste Management Council:** The main task is to convert 40 million tons of flash, that lie as a mountain near thermal power plants into bricks, city garbage into energy and sewage into fertilizer.
- 6. Public Liability Insurance:** This makes it mandatory for all companies to take out a public liability insurance to be paid in 48 hours.
- 7. Pollution by Motor Vehicles:** Anti-pollution measures against motor vehicles are being strictly enforced. Vehicles not adhering to the standards prescribed are fined heavily and may even be asked to be off the road.
- 8. Hotel Near Sea Shore:** Action has been taken against a large number of hotels which encroach beaches in flagrant violation of laws.
- 9. National River Action Plan:** The proposal is to set up a National river authority which will plan policy for water use and waste management at the national level.
- 10. Solar Energy Commission:** Since the energy sector is the major polluter, the idea is to create decentralized energy at the village level, instead of multiplying the mainstream producer.
- 11. No Smoking in Public Places:** A ban is proposed on smoking in public places. The Delhi government has taken a lead in this direction.

National and International Commitment to The Protection of Environment

CLASS-12
POLITICAL SCIENCE



Notes

The growing awareness about environmental protection has resulted in new measures across the world. The late Prime minister Mrs. Indira Gandhi was the only Head of Government, attending the 1972 Stockholm conference, which was called the "U.N. Conference on Human environment".

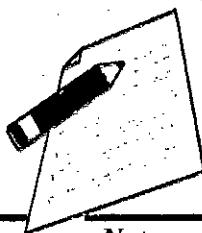
The Rio Conference 20 years later was called the "U.N. Conference on Environment and Development". It was Mrs. Gandhi who first pointed out that poverty was the greatest polluter and unless it was eliminated through national and international efforts it was futile to talk about protecting the planet from environmental disaster. UNDP, the World Bank and other institutions of the U.N. system are now advocating the elimination of poverty as the central task in sustainable development. Indeed, environmental and development policies are seen as complementing each other.

The conflict between the requirement of long-term environmental interests and the immediate compulsions of development is certainly to be resolved. But any world order cannot be sustainable if three-fourths of its population continues to live in poverty. Environmental rights and developmental rights together constitute the democratic and human rights of all the people of the world.

The Montreal convention and the conventions on climate change; bio-diversity and forest adopted at Rio are important landmarks in the world movement for sustainable development and environmental protection. India has accepted these conventions and is taking systematic measures to implement them. An environmental action programme funded by U.N.D.P. is under implementation. There are 31 schemes for industrial pollution control approved by the World Bank, involving US. \$ 105 million.

On the anvil are common effluent plants for small industries located in a cluster, the big plants being looked after individually. Seventeen grossly polluting industries have been identified for environment control within a time schedule. For certain categories of industries, prior environment clearance is compulsory before they can be set up. In regard to transport pollution apart from conservation measures, pollution free engines are being designed, some of which have already been introduced for two-wheelers, three-wheelers and some of the popular cars.

A National Forestry Plan is in progress. Environmental Brigades, Afforestation Brigades and Ecological task Force have been organized by Non-government organizations (NGOs.) India's wild life conservation projects have met with remarkable success. India has a protected network of 75 national parks and 421 wild life sanctuaries. The Tiger project has been a great success. India also has an elaborate law relating to the prevention of pollution of water, soil and air and a system of environmental audit of most industrial projects.



harnessing it; more about small communities and less about the larger ones. It is not a concept of development with environment, but is environment without growth. Indeed, ecological degradation should stop. But why should the pace of development stop? A disciplined use of environmental benefits go a long way for all round development. Scholars and activists assert that environmental degradation can be controlled and reversed only by ensuring that the parties causing the damage should be made accountable for their action and that they should participate in improving environmental conditions. What is needed is a set of norms, which bring the demands of development and the compulsion of environment closer to each other.

National and International Efforts

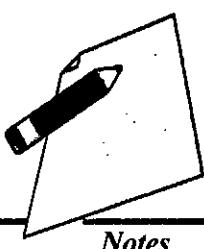
In India, the environmental awareness gained importance since 1970s after the UN sponsored conference on environment in Stockholm (1972). Indian government took many environment friendly activities. Ministry of environment and forest was established and laws were enacted on environment protection in 1986. The objective of India's National Environment policy, here, are worth stating.

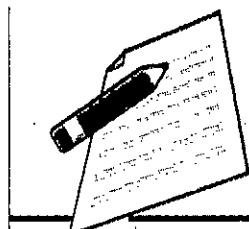
1. Conserve and develop safe, healthy, productive, and aesthetically satisfying environment;
2. Upgrade, develop and manage rural and urban settlement to enhance the quality of life;
3. Plan development on sound ecological principles with environmental impact assessment and incorporating appropriate environmental safeguards;
4. Promote environmental safety-technologies, recycling of resources and utilization of wastes;
5. Conserve the biotic diversity in the country by creating nature reserves and sanctuaries for specific habitats such as mountains, rain forests, pastures, deserts, wet lands, lakes, beaches, mangroves, estuaries, lagoons and island;
6. Safeguard the environment within the national maritime Exclusive Economic Zone;
7. Evolve environmental norms and establish effective mechanism for monitoring surveillance and collection and dissemination of information;
8. Preserve science landscapes, as well as historic and cultural monuments and their environs;
9. Promote environmental education at all level and create public awareness;
10. Encourage research in environmental science and technological and social investigation to conserve and improve the environment and
11. Develop adequate manpower within the country, of ecologists, environmental scientists, planners and managers of the highest quality and recognize their work as an important component of national development.

becoming increasingly conscious of issues such as famines, droughts, floods, scarcity of fuel, firewood and fodder, pollution of air and water, problems of hazardous chemicals and radiation, depletion of natural resources, extinction of wildlife and dangers to flora and fauna. People are now aware of the need to protect the natural environmental resources of air, water, soil and plant life that constitute the natural capital on which man depends. The environmental issues are important because the absence of their solutions is more horrible. Unless environmental issues are not solved or not taken care of the coming generations may find earth worth not living. The need of the planet and the needs of the person have become one. There is no denying the fact that environment has to be protected and conserved so to make future life possible. Indeed, man's needs are increasing and accordingly the environment is also being altered, indeed, nature's capacity is too accommodating and too regenerative yet there is a limit to nature's capacity, especially when pressure of exploding population and technology keep mounting. What is required is the sustenance, conservation and improvement of the changing and fragile environment.

The Concept of Sustainable Development

The world commission on environment and development (the Brundtland commission) submitted its report entitled "Our common future" in 1987. This report highlighted and popularised the concept of 'sustainable development'. Sustainable development has been defined on meeting the needs of the present generation without compromising the need of future generations. All developmental activities involve some amount of environmental degradation. What is required is to take into account the damage to environment as a result of development, and strike a balance between development and environmental protection. The aim should be to achieve sustainable levels of people's welfare and development. The primary concern is how many people can ultimately be supported by environment and at what level of quality of life. The mainstream greens scholars like Carr, Brown, Dala, Schumacher. Does not make sense and others, all lay stress on "sustainability" of environment together with development. The emphasis of the mainstream green' are not on pollution, but on (1) energy and its resource may be renewed, and be kept renewing, (2) the waste be changed into raw-material, raw-material into waste, waste into raw- material: recycling of waste into raw-material; (3) gross national product and its growth targets need not be sought, but what should be sought is the satisfaction of real human needs'. The greens say that growth means cancer, a cancer that threatens to spread worldwide, and destroy all life. They accept industry if it is on small scale and is for purpose of self-sufficiency. They advocate extensive decentralization. The concept of sustainable development is more about environment and less about development; more about stability and less about change; more about restricting one's wants and less about the continuing material development more about the non-exploitative attitude towards environment and less about





Environmental Problem

Some of the notable problem of environment can be identified as under:

- a. **Land Air and Water:** pollution of land and water has affected plants, animals and human beings. The quality of soil is deteriorating resulting in the loss of agricultural land. The loss is estimated to be about five to seven million hectares of land each year. Soil erosion, as a result of wind and/or water, costs the world dearly. The recurring floods have their own peculiar casualties like deforestation, silt in the river bed, inadequate and improper drainage, loss of men and property. The vast oceans, after being turned in to dumping grounds for all nuclear wastes, have poisoned and polluted the whole natural environment.
- b. **Population Growth:** population growth means more people to eat and breathe, and putting an excessive pressure on land and forest, and ultimately disturbing the ecological balance. Our growing population is putting pressure on land, leading to poor quality of productivity, deforestation (the loss of forest land so necessary for ecological balance and extinction of wild life leading to imbalance in the ecological order, loss of wild life heritage and ultimately dwindling of several species. The growing population is not only a problem for the natural environment; it is a problem for any other aspect of environment, say, for example social, economic, political etc.
- c. **Urbanization:** Urbanization is no less a source of pollution, and therefore, a threat to the environment. Urbanization means maddening race of people from villages to the cities. The net result of urbanization is dirt, disease and disasters. In a state of growing urbanization, environmental problem like sanitation, ill-health, housing, water-supply and electricity keeps expanding. On the other, the environmental degradation is caused in the rural life due to indiscriminate collection of firewood, overgrazing and depletion of other natural resources.
- d. **Industrialization:** Industrialization coupled with the development of the means of transport and communication has not only polluted the environment, but also has led to the shrinking of the natural resources. Both ways, the loss is really heavy. Increasing level of heat fluxes, carbon dioxide and particulate, radioactive nuclear wastes and the like create environment hazards. On the other hand, the consumption of conventional source of energy leads to the loss of natural resource. We are building a world without caring for future generations.

Awareness about Environmental Protection

In the past two decades, environment has attracted the attention of decision makers, scientists and even laymen in many parts of the world. They are

2

ENVIRONMENTAL AWARENESS**Objective of the chapter**

The main objective of the unit is to make student understand about the concepts of Environmental Awareness, its problem and solution as well.

Introduction

Environment includes all living and non-living objects. We live in the environment and use the environmental resources like air, land and water to meet our needs. Development also means meeting the needs of the people. While meeting the ever-growing needs, we put pressure on the environment. When the pressure exceeds the carrying capacity of the environment to repair or replace itself, it creates a serious problem of environmental degradation. If we use any environmental resource such as ground water beyond its limit of replacement, we may lose it forever. Therefore, there is a need to create 'awareness' about Environmental protection. While efforts are being made at the national and international level to protect our environment, it is also the responsibility of every citizen to use our environmental resources with care and protect them from degradation. In this lesson we will discuss the meaning and causes of environmental degradation and the importance of environmental conservation.

Environmental Degradation Environment constitutes a very important part of our life. To understand life without studying the impact of environment is simply impossible. The need to protect environment can be ignored only at our peril. We use environmental resources in our day-to-day life. These resources are renewable and non-renewable. We have to be more cautious in consuming non-renewable resources like coal and petroleum, which are prone to depletion. All human activities have an impact on environment. But in the last two centuries or so, the human influence on environment has increased manifold due to the rapid population growth and the fast development in science and technology. These two are the major factors in reducing the quality of environment and causing its degradation. The environmental degradation poses a great danger to man's own survival. It should be realized, sooner than later, that conservation and improvement of the environment are vital for the survival, and well-being of mankind. Natural resources of land, air and water have to be used wisely as a trust to ensure a healthy environment for the present and future generations.



Notes



Importance of Woman's Reservation

Women constitute nearly half of the entire Indian population. But condition of women in India is miserable, due to illiteracy, poverty and backward social values. Keeping in view the prevalent circumstances, reservation for the women was started to emancipate the women from the drudgery of household. A debate has been going on to ensure women's reservation at every level of representative system of Indian Democracy and even in the state administrative services. Under the Panchayati Raj system women's seats have been reserved at both the Panchayat level, and the block & district levels. Some political parties are also debating the issue of giving at least 30% tickets to women candidates for contesting elections of state legislative assembly and also for the parliamentary elections but women's reservation bill is still pending in the parliament.

Summary of the Chapter

Communalism has divided Hindus and Muslims on religious lines and thwarted communal harmony. The British during the colonial rule and the self-centred political class promoted religious extremism. As a result communal violence has disrupted normal life in the country practically. The criminal forces also caught on to this. Minority communalism and majority communalism alike are harmful to healthy democracy and economic progress. In light of the historically accumulated backwardness of the backward classes and the need to bring them at par with the rest of the society, constitution provided for protective discrimination. Protective discrimination is not an exception but integral to the Right to Equality. While the SCs and STs got the benefit of reservation from the state and central governments since the inception of Indian Republic, the OBCs could get the benefits of reservation in central services much later in 1993. No reservation in legislative Representation is provided to the OBCs.

EXERCISE

Fill in the Blank

1. The constitution provides _____ and _____ percentage of jobs to Schedule Caste and Schedules tribes.
2. The constitution does not identify other backward classes. (True/False)
3. Name the commission that recommended reservations to OBCs (a) Sarkaria Commission (b) Mandal Commission (c) Ramanand Prasad Committee.
4. As per the Supreme Court _____ is not eligible for OBC reservation.

Answer:

- | | |
|----------------------|------------------|
| 1. 15 and 7.5 | 2. True |
| 3. Mandal Commission | 4. Creamy layer. |

Review Questions

1. What is communalism?
2. Briefly discuss the role of caste in Indian Society?
3. Discuss about the Reservation Policy in India?

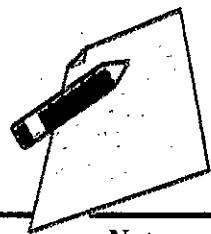


Notes

and Scheduled Tribes.” Accordingly, the Union and the State governments have reserved 20% of the seats in all educational institutions maintained by public money. Moreover, qualifications for admission have also been relaxed for the SCs and STs so that they can get access to educational opportunities. Articles 330 and 332 provide for reservation of seats in the Lok Sabha and State Legislative Assemblies. 78 seats for the SCs and 38 seats for the STs are reserved in the Lok Sabha. In State Legislative Assemblies 540 and 282 seats are reserved for SCs and STs respectively. Moreover, seats are also reserved in the Panchayati Raj institutions.

Reservations for the OBCs

As we have already noted, the task of specifying and identifying other Backward Classes (OBCS) was left to the union and state government. In many States where the backward classes movement was strong, such as in Tamil Nadu, Andhra Pradesh, Kerala, Gujarat, Bihar, to name a few, the state governments have reserved jobs at all levels in the public services and seats in educational institutions. The Union government, however, took a very long time in deciding to provide reservation to the OBCs in the central services. The Union government had as early as 1953 appointed Kalelkar Commission under Article 340. The Commission submitted its report in 1956, but its recommendations were not implemented by the Union government. The second Commission under Article 340 was appointed by the Janta Party Government in 1978. This Commission known as Mandal Commission submitted its report in 1982. It identified 3943 castes as OBC and recommended 27% reservation in government and semi government jobs and admission to educational institutions. On 13th August 1990 the Union Government headed by V.P. Singh issued an office memorandum extending reservation to the OBCs on the lines recommended by the Mandal Commission. Soon thereafter, widespread protests were staged. Writ petitions were filed in Supreme Court and many High Courts questioning this measure. The Supreme Court examined the issue in November 1992 and permitted the Union Government to reserve 27% of the jobs for the OBCs subject to the exclusion of the ‘creamy layer’ among the OBCs. Ramanand Prasad committee was set up by the Union government to identify the “creamy layer”. Once it had done its job, the government executed the order of 13th August 1990 in September 1993. Thus, we can see that it took nearly forty years for the union government to provide the benefits of reservations to the OBCs. It also took as much time to accept caste as a valid basis for the identification of socially and educationally backward classes. We must also note that benefits of reservation to the OBC apply only to government jobs but no seats have been reserved for the OBC in Lok Sabha, and State Legislative Assemblies — a benefit which has been given to the SCs and STs



form of protective discrimination. The policy of reservation is an instance of protective discrimination. Before we discuss the policy of reservation and its constitutional provisions, let us briefly look at the constitutional provisions relating to the backward classes. Articles 38 and 46 in the chapter of Directive principles, enjoin upon the state the duty to strive for the welfare of the people in general and the backward classes in particular. Article 38 states: 1) the state shall strive to promote the welfare of the people by securing and promoting as effectively as it may a social order in which Justice — social, economic and political shall form all institutions of national life; 2. the state shall in particular, strive to minimize the inequalities in income, and endeavour to eliminate the inequalities in status, facilities and opportunities not only amongst individuals but also amongst group of people residing in different areas and engaged in different vocations. Article 46 stipulates: "The state shall promote with special care the educational and the economic interest of the weaker sections of the people and in particular, of the Scheduled Castes and Tribes and shall protect them from injustices and all forms of exploitation."

The policy of reservation is based on the principle of protective discrimination. Protective discrimination in favour of the backward classes were felt necessary by the constitution makers because of the realization that equality of opportunity alone would not suffice to bring the backward classes at par with the rest of the society. Equality of opportunity in absence of equality of conditions would result in deepening of inequality instead of promoting equality. One must note here that the provision of protective discrimination is not an exception to but integral to the Right to Equality.

Reservations for SCs and STs

The constitution recognizes three categories of people as backward classes. In this section we will deal with the provisions relating to the SCs and STs. The constitution provides for three types of reservations for the SCs and STs. These are (1) reservation of jobs in government services and in public sector, (2) reservation in educational institutions, and (3) reservations in legislative representations. Under Articles 16(A), 320(4) and 333, 15% and 7% of the jobs are reserved at all levels in the public services for the SCs and STs respectively. This reservation however, must as far as it may be, be consistent with the maintenance of efficiency of the administration (Article 35). Article 15(4) deals with the reservation of seats in the educational institutions. Article 15(4) states: "Nothing in Article 15 or clause (2) of Article 29 shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes

the level of election and the region. Its influence is far more at the local and state-level political process than at the national level. Caste plays greater role in the rural than in urban areas.

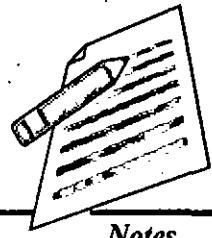
In the rural areas and at the local level, the smallness of constituency and the fact that there is greater face to face interactions account for the strong influence of caste in politics. Since independence two factors have especially brought the issue of caste in Indian politics into sharp focus. These are

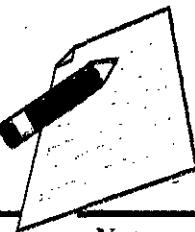
(1) the introduction of universal adult franchise and

(2) the constitutional provisions for protective discrimination in favour of the backward classes. The introduction of universal adult franchise brought a very large section of the populace, who had been hitherto excluded on account of property qualification to vote, into the arena of electoral politics. This made the task of mobilizing votes enormously difficult for the political parties. The daunting task was, however, made easy when political parties relied upon castes to get their votes. In the process castes' involvement in politics deepened with every election in India. In addition to the enlarged arena of electoral politics, the constitutional provisions for protective discrimination also provided the ground for castes to play a significant role in politics. One may note here that protective discrimination was meant for three categories of people – the Scheduled Castes, the Scheduled Tribes and the OBC — collectively called as the backward classes. Of these three categories, the SCs and STs were easily identifiable and there was a large measure of consensus on the need and the desirability of having reservations for them. But the case of the OBCs was different. Since Independence two types of caste politics can be discerned. The first type involved the caste groups clamouring either for being recognised as OBC by the state governments or those already recognised for getting a higher quota in the reservations. The decision of the State governments to appoint Backward classes Commission from time to time provided the occasion for such caste politics to flourish. The second type of caste politics, involved mobilization of social and political forces for and against reservations for the OBC based solely on caste criteria. The extent of castes involvement in politics can be appreciated by noting a simple fact that over 50% of the populace belong to the category of the OBCs. While the first type of caste politics sought to influence the reservation policy of the state government, the second type of caste politics was aimed to resist the reservation policy of the central government. The reservation issue thus, provided a fertile ground for castes to play an active role in politics.

Reservation Policy

- 1. Rationale** Keeping in mind the backward conditions of the backward classes, the constitution makers also made special provisions for the upliftment of the backward classes. The special provisions are in the





inferior status as divinely ordained. In the backdrop of this awakening, the introduction of democratic principle of governance, the emergence of party-centered politics and the attempt of the British rulers to mobilize the lower and the out-castes along with the Muslims in its support to thwart the growing national movement — all combined to prepare the ground for the politicization of the castes. By the time India gained Independence, the Backward classes, because of politicization, had become a force to reckon with. Their claims and demands could no longer be ignored. At the same time the nationalist leaders were also committed to the task of improving their conditions. In light of the above, the constitution makers enjoined upon the new state to take positive measures for bringing the backward classes at par with the rest of the society. They realized that without the positive intervention by the state it would not be possible to remove their historically accumulated backwardness. The policy of reservation for the backward classes needs to be understood in this context. Backward classes refer to three categories of the people — the scheduled castes, scheduled tribes and the other backward classes (OBC).

Cast in Politics

Caste began to play an important role after independence as its involvement in politics increased. The fact that it existed as easily identifiable social cluster of people made it an easy object of political mobilization by political parties in their quest for political support and votes. While the political parties sought to exploit caste for its own electoral purposes, caste groups by making politics their sphere of activity got a chance to assert their identity and bargain for benefits and position in society.

Thus, caste and politics interaction has been a two-way process. In politicizing the castes, the caste associations played a crucial role. Caste associations were quasi-voluntary associations in the sense that its membership was open only to the individuals of the caste community. These associations were formed to secure economic benefits or educational openings or for more clearly political purpose of uniting to fight the hegemony of the upper castes. In either case, involvement in politics was considered necessary for securing the specific purpose for which they were formed. Thus, once formed on the basis of caste identity, caste associations went on to acquire non-caste functions. In electoral politics the role of the caste in politics has become powerful.

This can be seen at all levels of the political process of the country. All political parties tend to give party ticket to candidates for contesting elections from amongst the numerically or otherwise dominant caste in every constituency. Major caste groups get representation in the council of ministers. Be it elections, political appointments or even formation of political parties, caste has been the major consideration. The influence of caste, however, varies depending upon

country manages to convert economic problems like poverty unemployment, price rise etc. into caste and communal ones. People should be careful not to be influenced by such tactics. Economic problems of the people, like-poverty and unemployment must be resolved in the country before the problem of communal violence can be totally eliminated.

Role of Caste in Indian Society

The political process of any society is influenced by the nature of the society. To understand the nature of the society we study its social structure. India's social structure is best understood in terms of caste system wherein the cast is hierarchically arranged. Over the years, the caste system developed into an elaborate system to maintain socio-economic inequalities in the society. Individuals born in and belonging to the lower castes and the out-castes suffered from many disadvantages and were oppressed and exploited by the upper castes. The conditions of the outcastes (Dalits) were particularly pathetic. The practice of untouchability epitomized their conditions.

1. In the typical Varna-Vyvastha there are four Varnas: Brahmin (the priest and the intellectual class), Kshatriya (warrior and the ruling class), Vaisyas (the producing class - peasants and artisaas) and Shudra (those who performed menial and 'polluting' jobs. One must note here that the 'varna-vyvastha' provides more the theory than the actuality of the caste. In reality, there are not four but thousands of castes and jatis, in which the caste system is organized. It is possible, nevertheless to classify most of the jatis in accordance with the Varna distinctions, although it is easier to be done at the extreme ends of the social spectrum than at the middle ranges. In other words, Varna system is related to jati in that it gives a holistic frame-work to which any jati will fit.
2. Caste is a localized group having a traditional association with an occupation. The principle of birth forms the exclusive basis of membership in a caste group. Accordingly, the choice of occupation is not open but is determined on the basis of one's birth in a caste. In addition, caste groups have rules governing food and marriage. The group defines rules of behaviour for its members and exercise some degree of authority over them including the right to expel those who defy its authority. Caste as group identity, however, got strengthened in the new context of modern ideas and institutions. This happened because it became one of the bases of political mobilization among the many castes and classes before, during the freedom struggle and afterword's. The socio-religious movements of the 19th century had made the lower castes conscious of their backward conditions and also of their rights that had been denied to them over the centuries. As a result, many amongst them were no longer prepared to accept their



Notes



Impact of Communalism

Communalism has divided our society for long. It causes belief in orthodox tenets and principles, intolerance hatred of other religions and religious group, distortion of historical facts and communal violence.

Communal Violence

Most communal riots prior to 1947 were rooted in the 'divide and rule' policy of the British colonial rule. But after the partition of the country, sections of the Indian elite from both the communities are also to be blamed for the problem. Communal violence in independent India has been caused by many factors. Some general factors are:

First the class divisions of our society and the backwardness of our economy has resulted in uneven development of the economy. It is the upper classes of the less-developed communities that have enjoyed the fruits of limited growth and hence it is they who have also enjoyed political power. Over a period of time some sections among this elite developed a sense of rivalry vis-à-vis their counterparts in other communities. In order to draw support from the masses of their own community, these leaders have often encouraged communal feelings to strengthen their political support.

Thus, the traditional beliefs of the society are perpetuated to the advantage of the elites. When they, many among common people, feel insecure because of some adverse circumstances, they often tend to rely on religion, which make them vulnerable to political manipulation to inflame communal passions, sometimes leading to violence. Communal violence also increases because communal parties carry on religious propaganda in an offensive manner, thereby creating ill-will among the members of the various communities. The political parties in India which adopt a communal attitude should be blamed for encouraging communal feelings which often cause communal violence. Apart from these general factors, some specific local causes also account for communal violence in India. First, because the power of smugglers and criminal gangs, local rivalries between traders of different communities often leads to such violence. Large cities are also prone to periodic communal riots because of the power of smugglers and criminal gangs. The communal violence after the demolition of the Babri Masjid in 1993 is an example.

Secondly, communal riots occur in towns which have a history of communal riots. Aligarh and Hyderabad, among other cities, suffer from this trend. Presence of a large proportion of religious minorities increases political rivalry between the upper strata of both these communities who often appeal to their communal identity to gain support. Whatever may be the cause of communal violence, whenever it occurs, it immediately attracts attention of the nation. In our society class identities still remain submerged under caste and communal identities. With economic problems becoming important, the ruling elite of our

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COMMUNALISM, CASTE AND RESERVATION

Notes

Objective of the chapter

The main objective of the unit is to make student understand about the concepts of Major Contemporary Issues like Communalism, Caste and Reservation.

Introduction

in a democratic system, it is quite common that people use different methods for expressing solidarity and achieving political power. In a country like India, politics has been dominated by promoting communalism and castism.

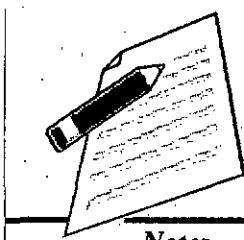
The social diversities and disparities in our country are understood in terms of the existence of many groups linked to a caste or religion. Tensions have prevailed for long among them due to suspicion, economic deprivation and social dissemination. Playing up these factors and pitting one group against another describes the politics of communalism and castism.

These trends have vitiated not only the democratic process at the time of election, but have also become serious obstacles to good governance, economic development and social harmony. For upliftment of the backward and downtrodden classes, provision has been made for reservation. In this lesson, we will understand the use of caste and religious identity, its significance and also effects on Indian political system.

Meaning of Communalism India is a land of multiple faiths and religions leading often to violence and hatred among the people. Those who fan this religious violence do not consider religion as a moral order but use it as a means and weapon to pursue their political ambitions. Communalism essentially leads to violence as it is based on mutual religious hatred. This phenomenon leads to distinction between a communal organisation and a religious organisation. Communalism essentially has following main features.

1. It is based on orthodoxy.
2. It is exclusive in outlook; a communalist considers his own religion to be superior to other religions.
3. It is based on intolerance.
4. It also propagates intense dislike of other religions.
5. It stands for elimination of other religions and its values.
6. It adopts extremist tactics including use of violence against other people.

CLASS-12



Notes

2. The Pressure Group tries to promote the interests of their members by exerting pressure on:

 - (a) Executive
 - (b) Judiciary
 - (c) Legislative
 - (d) All the above

3. Which of the following are known as Pressure Groups?

 - (a) Trade unions
 - (b) Caste groups
 - (c) Tribal organisations
 - (d) All the above

4. Which of the following is not a feature of pressure group?

 - (a) It tries to influence from outside
 - (b) Its membership is large
 - (c) It actively joins political parties
 - (d) Its members can join any number of groups

5. Which of the following is not a method used by the pressure group for achieving its objectives?

 - (a) It finances political parties
 - (b) It organises demonstrations
 - (c) It clearly aligns with a political party
 - (d) It tries to influence policy makers

Answer

1. (d) 2. (d) 3. (d) 4. (c) 5. (c)

Review Questions

1. What do you understand by pressure groups?
 2. What are the various types of pressure groups?
 3. What is difference between formal and informal pressure group?
 4. What are the challenges faced by pressure group in India.
 5. Write a note on Pressure Groups and Political Parties

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2. These groups have specific shared interests.
3. These specific interests unite the members of the group.
4. The members of this group aim to protect and promote the interests that they have united.

Types of Pressure Groups in India

1. Institutional Interest Groups

An institutional interest group is the one that is made with the purpose of raising its voice by constitutional means. The members of this group are professionals who are already a part of the government machinery. Some political parties, bureaucracies, armies, and legislatures could be a part of such a type of pressure group. Some examples of an Institutional Interest Group can be the IAS Association, State civil service association, and more.

2. Associational Interest Groups

An associational interest group is the one that is made to pursue some of the limited goals. This group includes trade unions, civic groups, industrialists, and more. Some of the examples of the Associational Interest groups include NSUI, AITUC, etc.

3. Non-Associational Interest Groups

A non-associational interest group has an informal structure. These groups are articulated by the family and the religious heads. They include caste groups, groups, language groups, etc.

4. Anomic Interest Groups

An anomic interest group is formed out of a spontaneous breakthrough into a political system. These breakthroughs could be riots, assassinations, demonstrations, and more.

Summary of the Chapter

Pressure groups are now one of the most indispensable parts of a democratic system. Being unnoticed for a long time, now these groups have made their place in the system. Since politics and the lives of the people are becoming complicated every next day, it becomes vital to put across their viewpoints and opinions.

EXERCISE

Multiple Choice Questions

1. The Pressure groups are:
 - (a) Political organisations
 - (b) Economic organisation
 - (c) Moral organisations
 - (d) Organisations of universal character



the society, it helps to facilitate social progress. It also puts forth the issues that help them in their respective political agendas.

5. Accountability of the decision-makers

Opposition parties and pressure groups complement each other by bringing in light the wrongdoings of the ruling government. This helps to hold the government accountable for the decisions that they make. This further promotes better and quality decisions by the government.

Shortcomings of Indian Pressure Groups

1. Misuse of Power

The power that the pressure groups exercise can be misused in such a way that their influence on society can be used to serve the political interest of the group. They are unable to exert pressure on the political processes.

2. Instability

Throughout the years, it has been observed that the pressure groups do not remain stable. In fact, they lack commitment. It has been observed that their loyalties shift to the political situations which end up threatening the general welfare.

3. Selfish interests

Though the groups are formed with a purpose to serve the society with time, they end up catering to their selfish interest. These groups are generally found to be associative to a specific religion, region, or caste.

Pressure Groups and Political Parties

The pressure groups and political parties are not alike. They hold a lot of differences and a few similarities. Both of these groups play an important role in a democratic nation like India. Where political parties fight with each other in the zest to earn power and authority, pressure groups do not have any such agenda. A political group works according to a particular ideology but pressure groups do not have any such ideologies. The interests of a pressure group are specific. However, both of them carry out the representation, facilitate political participation, and also contribute to the policy process.

Pressure Groups and Interest Groups

There is often a confusion between the understanding of the interest groups and pressure groups. However, it is important to realize that these two terms are not alike, and are hugely distinct. Unlike the pressure groups, interest groups are not organized groups of people that seek to promote specific interests. Some of the characteristics of Interest groups include –

1. Interest groups are well organized.



Notes

Types of Groups	Examples
Business Groups	Federation of All India Food grain Dealers Association, Federation of Indian Chamber of Commerce and Industry.
Trade Unions	Indian National Trade Union Congress, All-India Trade Union Congress, Hind Mazdoor Sabha
Caste Groups	Harijan Sevak Sangh, Nadar Caste Association, etc
Tribal Groups	National Socialist Council of Nagaland, Tribal National Volunteers in Tripura, United Mizo federal org, Tribal League of Assam, etc
Religious Groups	Rashtriya Swayam Sevak Sangh, Vishwa Hindu Parishad, Jamaat-e-Islami, etc
Linguistic Groups	Tamil Sangh, Andhra Maha Sabha, etc
Anomic Groups	Naxalite Groups, Jammu and Kashmir Liberation Front, United Liberation Front of Assam, Dal Khalsa, etc.
Student Organisations	All India Students Federation, National Students Union of India.
Agrarian Groups	All India Kisan Sabha, Bharatiya Kisan Union, etc
Professional Groups	Indian Medical Association, Bar Council of India, All India Federation of University and College Teachers
Ideology Based Groups	Narmada Bachao Andolan, Chipko Movement, Women's Rights Organisation, India Against Corruption, etc.

Functions, Role, and Importance of Pressure Groups in India

1. Agent of political socialization

By influencing the orientation of the people towards the political process, they act as the agents of political socialization. They also provide links for the communication between the people and the government.

2. Vital role in the legislative process

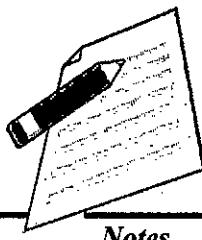
Pressure groups in the country play a vital role in the legislative processes of the country. They are the active agencies that are engaged in lobbying with legislatures.

3. Help in improving the quality of the government

By putting forth a rational view, it enables the government to make the decisions that favour different sections of the society. The information provided by these groups caters to the government with an added bit of information regarding the same.

4. Facilitate social progress

By bringing into consideration different concerns of the sections of



means include the exploitation of creed, caste, and religious feelings to promote the interest of the group. The modern means include sponsoring some of their close candidates, providing finance to the political parties, and more.

3. Represents Changing Consciousness

The pressure groups are widely known to represent the changing consciousness. Like, the stagnation in production leads to resignation but an increase in production leads to demands, protests, and the formation of new pressure groups.

4. Certain Interests

Different pressure groups have different and have specific interests under which the group's structure is set. It is often observed that each political party or a system seems to be pressurized by the pressure groups. These groups are in some way or the other similar to each other.

5. Results out of Increasing Pressure and Demands on Resources

There are various reasons that lead to the formation of a pressure group. The scarcity of resources and claims and counterclaims on them are some of the reasons. Due to the continuous demands of the generation (both rich or poor), it has been observed that these groups have emerged more out of the rich than the poor. Where the poor demand for food and shelter, the rich section of the society demands better and stable working conditions and opportunities.

Techniques used by Pressure Groups in India

There are different techniques used by the pressure groups to secure their purposes. Some of them are –

1. Lobbying

Through this technique, they aim to persuade the public officers to see if they are favourable towards them or not. They aim to get their support by talking about the policies that might favour them.

2. Propagandizing

By this technique, they try to influence public opinion to gain an indirect influence over the ruling government.

3. Electioneering

In this technique, they aim to post those public office persons who are favourable towards the interest of the group.

Major Pressure Groups in India

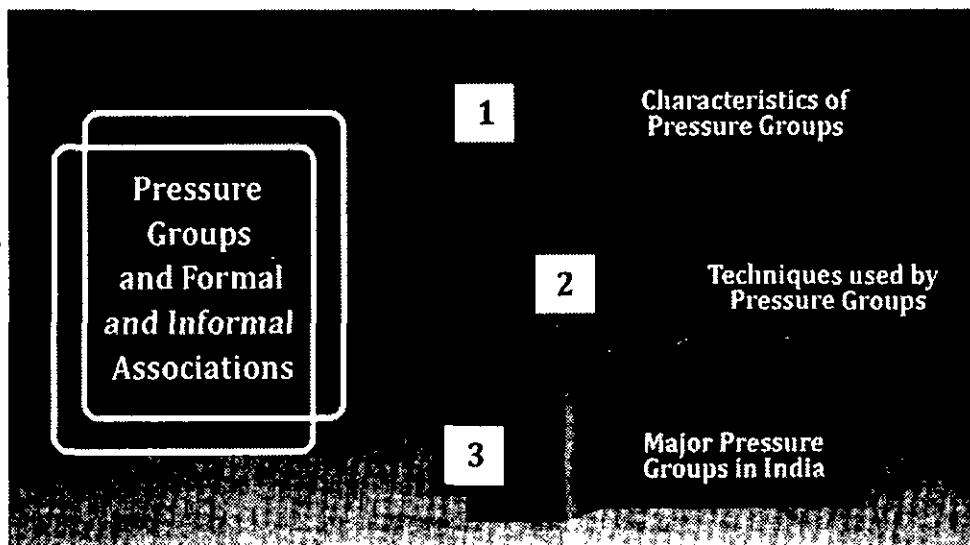
Some of the major pressure groups in the country, which can be classified into various categories. The examples of each of the categories are as follows –

4**PRESSURE GROUPS – FORMAL AND INFORMAL ASSOCIATIONS AND THEIR FUNCTIONS****Objective of the chapter**

The main objective of the unit is to make student understand about the concepts of Pressure groups in India including their types and challenges faced by them.

*Notes***Introduction**

Pressure groups and formal and informal associations are one of the most important institutions or groups in a democratic nation. They play the role of pressurizing the administrative and the political system of a nation. They help to put across the other viewpoint of the people and make them feel that their interests and opinions matter.

**Characteristics of Pressure Groups in India****1. Inadequacies of Political Parties**

The pressure groups are basically an outcome of the inadequacies of the political parties. The political parties make big promises to the poor population of the country. But, with time it does not fill in those promises. This incapability of the party gives rise to the pressure groups in the country.

2. Use Modern and Traditional Means

Pressure groups use both modern and traditional means. Traditional

**Review Questions**

1. State the various functions political parties perform in a democracy.
2. What are the various challenges faced by political parties?
3. Suggest some reforms to strengthen parties so that they perform their functions well?
4. What is a political party?
5. What are the characteristics of a political party? 6. A group of people who come together to contest elections and hold power in the government is called a

Read the following passage and answer the questions given below:

Muhammad Yunus is a famous economist of Bangladesh. He received several international honours for his efforts to promote economic and social development for the benefit of the poor. He and the Grameen Bank he started jointly, received the Nobel Peace Prize for the 2006. In February 2007, he decided to launch a political party and contest in the parliamentary elections. His objective was to foster proper leadership, good governance and build a new Bangladesh. He felt that only a political party different from the traditional ones would bring about new political culture. His party would be democratic from the grassroots level. The launching of the new party, called Nagarik Shakti (Citizens' Power), has caused a stir among the Bangladeshis. While many welcomed his decision, some did not like it. "Now I think Bangladesh will have a chance to choose between good and bad and eventually have a good government," said Shahedul Islam, a government official. "That government, we hope, would not only keep itself away from corruption but also make fighting corruption and black money a top priority." But leaders of traditional political parties who dominated the country's politics for decades were apprehensive. "There was no debate (over him) winning the Nobel, but politics is different – very challenging and often controversial," said a senior leader of the Bangladesh Nationalist Party. Some others were highly critical. They asked why he was rushing into politics. "Is he being planted in politics by mentors from outside the country," asked one political observer.

- Do you think Yunus made a right decision to float a new political party?
- Do you agree with the statements and fears expressed by various people?
- How do you want this new party organised to make it different from other parties? If you were the one to begin this political party how would you defend it?

Space for Notes

Efforts made to tackle challenges



Notes

Ban on Defection: It is observed that many elected MLAs i.e. Member of Legislative Assembly and MPs i.e. Member of Parliament change the party in order to become minister or gaining cash rewards. This is called Defection. Rule developed against it banned elected MLA or MP from changing the party. But because of the same rule MLAs and MPs have to listen blindly what the top-level leaders say.

Reduced influence of power: Supreme court passed orders to submit Affidavit giving details of money and criminal activities before contesting the election so as to reduce the influence of money and Muscle power. But the problem is that there is no system to check whether the given affidavit is true and also to track if this system has reduced the influence or not.

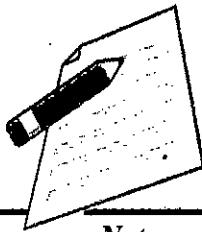
EXERCISE

Multiple Choice Questions

1. Which one of the following facilities is offered by the Election Commission to a recognised political party?
 - (a) Party name
 - (b) Election funds
 - (c) Election symbol
 - (d) Manifesto
2. Which one of the following is a 'National Political Party'?
 - (a) Samajwadi Party
 - (b) Rashtriya Janata Dal
 - (c) Rashtriya Lok Dal
 - (d) Bahujan Samaj Party
3. Who among the following recognises political parties in India?
 - (a) Election Commission
 - (b) President of India
 - (c) Speaker of Lok Sabha
 - (d) Supreme Court
4. Which one of the following countries has one party system?
 - (a) China
 - (b) Indo-China
 - (c) Japan
 - (d) Germany
5. In which of the following states does Shiv Sena exist as a regional political party?
 - (a) Gujarat
 - (b) Karnataka
 - (c) Maharashtra
 - (d) Madhya Pradesh

Answer

1. (c) 2. (d) 3. (a) 4. (a) 5. (c)

**Lack of Internal Democracy:**

All over the world in political party the power is concentrated mainly in the hands of one or very few top leaders thus these takes decisions on behalf of the party without considering the opinion of other party members.

In addition to this, no or very Few Party Meetings Takes Place, Ordinary Members did not get sufficient information neither their opinion is listened and those who oppose the decisions, get removed from the party. this suggests that there is lack of internal democracy inside a party.

As a result, party members show more loyalty to party leaders than to Party Principles.

Dynastic Succession:

In parties it is a tendency of top leader to present their leadership to successive family member thus the Top Positions are always controlled by same family members this is referred to as dynastic Succession.

Such system is unfair with the other party members as they never get chance to occupy positions of power.

Also the family member may not have experience to handle the party and hence Decision may go Wrong.

Growing Money and Muscle Power

During Elections, parties are focussed on winning elections. For that they Nominate Rich Candidates, take Fund from rich peoples and businesses, sometimes they Support Criminals who can win the elections too. Thus, money and muscle power influence Policies and Decisions of the Party.

Meaningful Choice:

The policies and ideologies of different parties must be different so that the voter could choose one of their interest but in Present Situation parties have very few differences in policies and ideologies and therefor voters can't do Meaningful Choice.

E.g., The Labour Party and the Conservative Party in Britain has very few differences in their ideologies. Thus, voters could not do effective choice.

How Can Parties be reformed?

The political parties could be reformed so as to overcome the four challenges i.e., Lack of Internal Democracy, Dynastic Succession, Growing Money and Muscle Power, Meaningful choice, but there are certain other problems such as whether the parties are willing to be reformed, if no then why these are not reformed, is it possible to force them for reforming, and most importantly what if government refuse to reform.



Notes

In Jharkhand

- Jharkhand Mukti Morcha

In West Bengal

- Forward Bloc
- Revolutionary Socialist Party
- Trinamool Congress

In Tamil Nadu

- All India Anna DMK – leaf
- Dravida Munnetra Kazhagam
- Pattali Makkal Katchi
- Marumalarchi Dravida Munnetra Kazhagam

In Kerala

- Indian Federal Democratic Party
- Kerala Congress (Mani) – leaf
- Muslim League

In Andhra Pradesh

- Telugu Desam Party – cycle
- Telangana Rashtra Samiti – car

In Goa

- United Goans Democratic Party -leaf
- Maharashtraadi Gomantak Party – lion

In Pondicherry

- Puducherry Munnetra Congress

In Orissa

- Biju Janata Dal

In Karnataka

- Janata Dal (Secular)

In Maharashtra

- Shiv Sena – Bow

Punjab

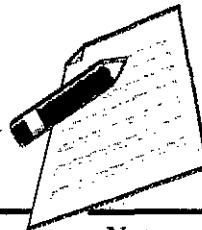
- Shiromani Akali

Haryana

- Indian National Lok Dal

Challenges to Political Parties

Now we know that political parties are necessary for the democracy but people often blame political parties for wrong working of democracy. Parties often face dissatisfaction from the people whenever it fails in performing their functions. Party's failure is often related to four major challenges those are



Opportunity to be a part of National Alliance: Since 1996 nearly half of the state parties got an Opportunity to be a part of National Alliance.

Strengthening of Federalism and democracy: State parties also help in strengthening of Federalism and Democracy of India.

Regional Parties in India: Regional Parties in India in 2007 are

In Jammu Kashmir

- Jammu and Kashmir National Conference
- Jammu and Kashmir National panther's party
- Jammu and Kashmir people's democratic party

In Uttarakhand

- Uttarakhand Kranti Dal

In Uttar Pradesh

- Rashtriya Lok Dal
- Samajwadi Party

In Bihar

- Janata Dal
- Lok Jana Shakti party
- Rashtriya Janata Dal

In Sikkim

- Sikkim Democratic Front

In Assam

- Assam United Democratic front
- Asom Gana Parishad

In Arunachal Pradesh

- Arunachal Congress

In Nagaland

- Nagaland People's Front

In Manipur

- Manipur People's Party

In Mizoram

- Mizoram People's Conference
- Zoram Nationalist Party – sun without rays
- Mizo National Front

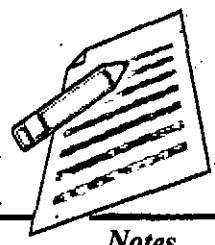
In Tripura

- Indigenous Nationalist Party of Tripura -leaf

In Meghalaya

- Meghalaya Democratic Party
- United Democratic Party

Communist Party of India – Marxist CPI(M)



Notes

It was founded in 1964 and believes in Marxism-Leninism.

It supports Socialism, secularism and democracy, opposes Imperialism i.e. use military power to control a nation, and also opposes Communalism.

It gets strong support of Majority Poor, Factory Workers, Farmers, Agricultural labourers and the Intelligentsia (people doing mental work), in West Bengal, Kerala and Tripura.

It has ideas such as new economic policies based on free flow of foreign capital and goods into the country.

This party won 6% votes and 43 seats in Lok Sabha in 2004.

This party supports UPA from outside i.e. does not take part in forming government.

Communist Party of India (CPI):

It is formed in 1925. It believes in Marxism-Leninism, secularism and democracy.

The party is against the communalism and Secessionism i.e. the people or groups which believe in separation of people based on any criteria.

This party supports Parliamentary Democracy because the party believes that it is the only way to put forward interests of working class, farmers, and the poor people.

This party became weak after splitting the party into CPI(M).

It is significantly present in Kerala, West Bengal, Punjab, Andhra Pradesh and Tamil Nadu.

In 2004 Lok Sabha election it secured just 1.4% votes and 10 seats.

It currently supports UPA government from outside.

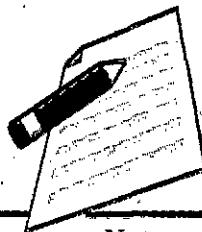
State Parties

State Party: If a party succeeds in obtaining at least 6% of the total votes in assembly election (Vidhan Sabha) and wins at least two seats then the party is recognised by Election Commission as a "State Party".

These are also called Regional Parties and act usually internal to a state. e.g. Biju Janata Dal, Sikkim Democratic Front, Mizo National Front. There are certain State parties that have national level Political Organisation such as Samajwadi Party, Samata Party, Rashtriya Janata Dal.

Diversity in Parliament: From last three decades large number of parties emerged and existing parties become stronger, thus currently it led to more Diversity in Parliament.

Because of this any national party could not be able to get Majority on its own hence this situation gave rise to 'Alliances' i.e. forming a group of parties in a way to win the election and form Government.



It was founded in 1885.

After Independence it was the party that ruled India for several decades at national and state levels. The party ruled from Independence to 1971 and then from 1980 to 1989. In 2004 this party emerged as largest party by winning 145 seats. It also ruled from 2004 to 2014.

Congress Party with the leadership of Jawaharlal Nehru tried to bring secularism in India.

It aims towards cutting social divisions, bringing secularism and work for the welfare of peoples of lower sections and minorities.

The party supports new economic improvements keeping the economic conditions of common people in mind.

Bharatiya Janata Party (BJP)

BJP is founded in 1980 by reviving the old Bharatiya Jana Sangh.

This party aims to build modern India by taking inspirations from India's ancient culture and values.

This party is based on Hindutva and want uniform civil code i.e., uniformity of laws for every citizen of India irrespective of community to which the individual belongs.

The party wanted no special status of Jammu and Kashmir but wanted full territorial and political integration in India.

The party is currently leading National Democratic Alliance (NDA). An alliance is a group of parties that come together to win the election. Some other members of NDA include Shiv Sena, Telugu Desam Party, Lok Janshakti Party, Shiromani Akali Dal, Rashtriya Lok Samata Party, Apna Dal, Naga People's Front, National People's Party and many others.

Bahujan Samaj Party (BSP)

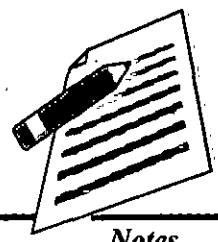
It was formed in 1984 with the leadership of Kanshi Ram.

This party aims to Secure Power for Bahujan samaj i.e. Dalits, Adivasis, OBC's, and Religious Minorities by taking the inspirations from Ideas and Teachings of Shahu Maharaj, Mahatma Phule, Periyar Ramaswami Naicker and Babasaheb Ambedkar.

It is found mainly in Uttar Pradesh, Madhya Pradesh, Chhattisgarh, Uttarakhand, Delhi and Punjab.

Several times BSP formed government in Uttar Pradesh with the help of other parties in the state.

In Lok Sabha elections in 2004 BSP got 5 per cent votes and got 19 Seats.



Notes

taking support of other parties called as Multi-Party system. e.g., India is a multiparty system. Often in a multiparty system several parties unite to win the election then it is called alliance or a front. e.g. In India such alliance are National Democratic Alliance (NDA), the United Progressive Alliance (UPA), the Left Front. Problems in this system are political instability, but the advantage is it allows multiple interests and opinions to be represented politically.

Which is better?

In any country a party system gets developed depending on nature of society, social and regional divisions, history of politics and the system of election.

If we consider example of India then it has large social and geographical diversity which could not be handled by two or three parties hence India has Multi-Party system.

Thus, we can say that no system is ideal for the country and for all situations instead a party system continuously evolves over longer time.

National Political Parties

India is a democratic country following a federal system. Federal system indicates that India is a group of states which has its own government and also has a central government. Therefore, in India there are two kinds of Political parties National Parties and State Parties. The activities of a State Party are confined internal to state while some large parties have their units in different states called as National Party.

Activities of Election Commission

The Election Commission registers a party whether it is state party or national party.

The Election Commission assign unique symbol for each party.

The Election Commission treats all parties equally but it can offer some special facilities to large and established parties i.e.; to recognised parties.

Criteria for a party to become 'a recognised party'

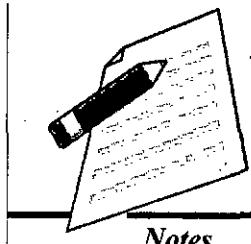
If a party succeeds in obtaining at least 6% of the total votes in assembly election and wins atleast two seats is called is recognised as a "State Party".

If a party succeeds in obtaining at least 6% of the total votes in Lok Sabha elections, or, assembly elections of four states, and wins atleast four seats in Lok Sabha is called is recognised as a "National Party".

As per these criterias there were six national parties in 2006 these are

Indian National Congress (INC):

It is popularly known as Congress Party



Notes

Form and Run Government: Parties select leader, train them and after winning election make them ministers so as to run the government.

Role of Opposition: Parties that lose the election play the role of Opposition. These parties give different opinions on any policy. These blame the government for its failure or any wrong policy.

Shaping Public Opinion: Parties bring the attention of the government towards issues. Often these issues are raised through movements. Parties may have lacks of members all across the country which try to shape public opinion.

Access to Government Machinery and Welfare Schemes: It is easy for an ordinary citizen to approach a local party leader than a government officer even if they did not fully trust him. This is a way for the party leader to gain support of the people by answering their demands and helping them accordingly.

Necessity:

Imagine a situation where there is no party system and all candidates are independent. This suggests that any candidate can't promise the people about major policy changes. Government will be formed but may not be useful. Any elected candidate will be answerable within its political area only and hence no one will care about the nation.

Parties act as representatives for the Public Opinion.

with the help of parties, a responsible government could be formed. Hence Parties are necessary for Democracy.

How Many Parties should we have?

Any citizen of democratic nation is free to form a political party. Thus, there are large number of political parties in democratic nation. In India more than 750 parties are registered with election commission of India. There are only few big parties which race to win election and form government.

One Party system: In a country if only single party is allowed to form government then it is called One-Party System. E.g. In China only Communist Party is allowed to form government. Other parties could not exist because china did not permit free competition for power. One-party system is not a good option because it is not a democratic option. Democracy suggest there should be at least two parties that compete in election to come to power.

Two-Party System: In some countries the government is usually established by any one of the two big parties which win the election. There are other parties but they get only few seats. Such party system is called two party system. e.g., In United States of America and United Kingdom the party system are Two-party system.

Multi-Party System: There are countries where there are more than two parties which have capability to win the election either by their own strength or by

3**WHY DO WE NEED POLITICAL PARTIES?****Objective of the chapter**

The main objective of the unit is to make student understand about the concepts of political parties in India at national and regional level.


 Notes
Introduction

For a most ordinary individual especially those who are less educated, Democracy is nothing but a Political party. They did not know about the Constitution & the Nature of the Government but they do know something about Political Parties. Some people tend to blame the parties for what is wrong in our democracy and political life. Hence the question arises do we need political parties?

Meaning of Political Party

A group of people who contest elections to gain political power is called political party. A political party has a leader, Active Members and Followers. Political Party state their Policies & Programmes to the public and try to gain their support. With this support they seek to win election and implement these policies.

Often the party is related to any part of the society and hence has more affection towards it. So party is known by its policies and the social part to which it is interested.

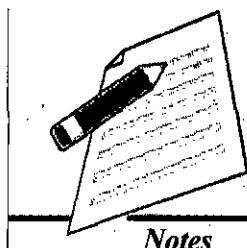
Functions

Contest Election: Political parties decide candidates and contest the election. In some countries like USA candidates are selected by Members and Supporters of the party while in India these are selected by Top Party Leaders.

Policies and Programmes: A political party presents policies and programmes and let voters choose from them. Since people have different opinions about the policies suitable for the society hence a party, groups together similar opinions, formulate the policies and promote these policies. Any party collect similar opinions of people and formulate the policies on their basis and then present these policies to the people.

Making Laws: Laws are debated and passed in legislature i.e. a law-making body of country or state. But most of the time members give Priority and Support to party's collective opinion.

CLASS-12 **POLITICAL SCIENCE**



2. Elections in India for Parliament and State Legislatures are conducted by....
 - (a) President
 - (b) State Election Commission
 - (c) Governor
 - (d) Election Commission of India
3. Members of Election Commission are appointed by.....
 - (a) President of India
 - (b) Prime Minister of India
 - (c) Elected by the people
 - (d) Chief Justice of India
4. Which article of the Indian constitution says that will be an election commission in India?
 - (a) Article 124
 - (b) Article 342
 - (c) Article 324
 - (d) Article 115
5. The number of seats reserved for scheduled caste in the Lok Sabha is:
 - (a) 59
 - (b) 79
 - (c) 89
 - (d) 99
6. Which Articles in the Constitution give provisions for the electoral system in our country?
 - (a) Articles 124-128
 - (b) Articles 324-329
 - (c) Articles 256-259
 - (d) Articles 274-279
7. The elections for Lok Sabha are held every:
 - (a) 3 years
 - (b) 4 years
 - (c) 5 years
 - (d) 6 years

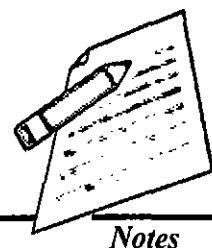
Answer

- | | | | |
|--------|--------|--------|--------|
| 1. (d) | 2. (d) | 3. (a) | 4. (c) |
| 5. (b) | 6. (b) | 7. (c) | |

Review Questions

1. What is Exit Polls
2. What is Proxy Voting
3. Explain the concept of Independence of Election Commission
4. What are the functions of The Election Commission
5. What is the qualifications to vote?

Space for Work



Notes

Exit Polls

- The Election Commission (EC) banned dissemination of results of opinion polls during 48 hours before the poll and put a blanket ban on exit polls till the last phase is over in the event of multi-phase elections.
- The government had in 2008 October amended the Representation of the People Act (RPA), 1951 to curb publication of exit polls during elections till the conclusion of the final phase of voting so that it does not 'influence' the voters.

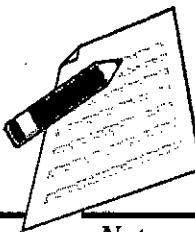
Summary of the Chapter

Conduct of elections in a vast country like India involves elaborate security management. It includes ensuring the security of polling personnel, security at the polling stations, security of polling materials and also the overall security of the election process. Central Armed Para Forces are deployed for area domination prior to poll in order to build confidence in the minds of voters especially vulnerable voters viz. weaker section, minorities etc. The challenge is more so in the Left-wing Extremism (LWE) affected areas. The abuse of 'Money Power' in election entails certain risks like uneven playing field, lack of fair competition, political exclusion of certain sectors, co-opted politicians under campaign debts and tainted governance with rule of law undermined. Curbing the use of money power during election process is another major challenge in view of its inherent complexities involved. By amendment made to the Representation of the People Act, 1951, conducting and publishing results of exit polls have been prohibited from the time of commencement of poll till half an hour after conclusion of poll in all constituencies. The Commission has been suggesting to the Government that there should be a similar prohibition or restriction on opinion polls also as there could be several manipulated opinion polls which could impact the voting pattern. The prevalence of Web and social media has increased over the years and there have been demands from the political and social groups to regulate the social media during elections as other media is regulated. With the emergence of use of social media for election campaigning and also certain violations of the Electoral Law in the social media, regulation of social media has become important in the interest of transparency and level playing field in the elections.

EXERCISE

Multiple Choice Questions

1. Which of the following is not a feature of Election system in India?
 - (a) Universal Adult Franchise
 - (b) Secret Voting
 - (c) Reservation of seats in the legislature for the members of Scheduled Castes and Scheduled Tribes
 - (d) Communal Electorate



State Funding of Elections

State funding of elections has been under consideration in India for more than three decades.

The following committees recommended state funding of elections

- Joint Parliamentary Committee (1971-1972)
- Tarakunde committee set up by Jayaprakash Narayan (1974)
- Dinesh Goswami committee (1990).
- multi-party parliamentary committee under the chairmanship of Indrajit Gupta (1998) was set up to look into the question of state funding of elections.

Criminalization of Politics

- Criminalization of politics refers to persons with criminal record entering legislature at national, state and local levels through the electoral process by money and muscle power. When Jaw breakers become law makers the adverse consequences are in the form of corruption; demoralization of bureaucracy; loss of faith in the democratic system by the common man; weakening of rule of law and so on.

Model of Representation System

FPTP system

- FPTP system is one where there are two or more candidates contesting in a single seat territorial constituency. The winner is one who gets more votes than the nearest rival- called plurality of votes. It is in contrast to the term 'majority of votes' which is one vote more than 50% of the total valid votes polled.

FPTP system, is adopted for the following reasons:

- simple to administer
- country being huge and the electorate being largely not very literate, it is the most convenient and suitable system
- relatively inexpensive

Proxy Voting

- The word proxy means 'to act on behalf of another'. It is allowed in India for defence personnel since 2001.
- The need for proxy voting arises from the fact that the campaigning period is reduced to 14 days. Ballot papers can be printed only after withdrawal of the nominations before being dispatched to the far-off locations. For example, a soldier from Kerala posted to Tripura has to be sent the ballot postally and must mail it to the returning officer in Kerala within less than a fortnight which very often is found impossible.

Some more electoral reforms that are recommended and are under consideration are:

- Non-serious candidates to be discouraged.
- Forfeiture of security deposit for failure to secure less than 1/4th of the votes polled.
- Statutory backing for important provisions of model code of conduct. The recommendation is not acted upon as statutory backing will open it for judicial review which is time consuming and so is not advisable during elections
- Bye-elections should be held within a period of six months of the — occurrence of the vacancy.

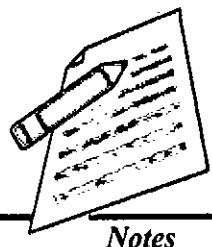
Ethics in Governance (2007)

The six-member Commission headed by the former Chief Minister of Karnataka, Veerappa Moily made the following suggestions in its report titled. Ethics in Governance (2007).

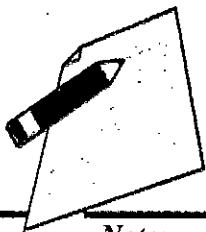
- partial state funding of elections should be available
- tightening of anti-defection law. Power of disqualification of MPs and MLAs on grounds of defection should be taken away from the Presiding Officers and be vested with President and Governors on the advice of the Election Commission. Such an amendment to the law is said to be necessary in the light of the long delays seen in some recent cases.

Model Code of Conduct

- The model code of conduct was brought into force in 1967 after the political parties, in discussion with the EC, unanimously agreed to the contents.
- The objective of the code is to ensure that political parties do not misuse official resources when they are in power. The code seeks to establish a level playing field among the parties. The code comes into effect immediately after the announcement of the elections by the EC and will cease with the declaration of the result.
- The code prescribes broad guidelines about the conduct of the parties, particularly for the ruling parties at the Centre and the States
- If a recognized political party violates the model code, EC has the power to suspend or withdraw recognition of the party
- The Code is not given a statutory status as there is a voluntary desire on the part of the parties to obey the same.



Notes

**EC Appoints the Following:**

The Election Commission of India nominates or designates an Officer of the Government of the State/Union Territory as the Chief Electoral Officer in consultation with that State Government/Union Territory Administration the Chief Electoral Officer of a State / Union Territory is authorised to supervise the election work in the State/Union Territory subject to the overall superintendence direction and control of the Election Commission.

EC's other administrative functions are:

- Under Art.324, EC is made responsible for the free and fair elections in the country for elections to Parliament, State Legislature, President and Vice President of India.
- Under Art.324, EC has the duty to prepare and revise the electoral rolls
- Political parties have to be registered with the Election Commission.
- EC enforces the Model Code of Electoral Conduct that is mutually agreed upon by the political parties
- Defines the national political party and State political party and accords recognition. EC declares other parties as registered-unrecognised parties.
- in case of a dispute as to which party is to be given a particular symbol, it is the Election Commission that decides

Advisory Jurisdiction

- Under the Constitution, the Commission also has advisory jurisdiction in the matter of
- Most election Disqualification of sitting members of Parliament and State legislatures. For example, for holding office of profit.
- cases of persons found guilty of corrupt practices at elections which are dealt with by Supreme Court and High Courts are also referred to the Commission for its opinion on the question as to whether such person shall be disqualification and, if so, for what period.

Political Parties & the Election Commission

- The Election Commission of India is the authority to register political parties under Sec.29A of the Registration of People Act. All political parties are registered with the Election Commission under the law.

Independence of Election Commission**Independence of Election Commission and its insulation from executive interference is guaranteed by the following provisions**

- The term of office of the Chief Election Commissioner and other Election Commissioners is six years from the date he assumes office or till the day he attains the age of 65 years, whichever is earlier.

For Detail Description, Analysis and More MCQs of the Chapter Buy this Study Notes:

Art: 325:

- Art: 325 says that there shall be one general electoral roll for every territorial constituency for election to either House of Parliament and State Legislature.

Art. 326:

- Art. 326 lays down adult suffrage as the basis for elections to the house of the People and to the Legislative Assemblies of States.

The following are the qualifications to vote:

- Should be a citizen of India
- Should be not less than eighteen years of age.
- is not disqualified under this Constitution or any law made by the appropriate Legislature on the grounds of
 1. non-residence
 2. unsoundness of mind
 3. crime or
 4. corrupt or illegal practice.

Art. 327:

- Art. 327 confers on Parliament the power to make provision with respect to elections to federal and state Legislatures, subject to the provisions of the Constitution, on all matters relating to elections to Parliament or Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies etc.

Article 324(2):

- Article 324(2) empowers the President of India to fix from time to time the number of Election Commissioners other than the Chief Election Commissioner.
- The Chief Election Commissioner or an Election Commissioner holds office for a term of six years from the date on which he assumes his office or till he attains the age of 65 years, whichever is earlier.

The Election Commission

Administrative Functions

Under Article 324(1) of the Constitution of India, the Election Commission of India, is vested with the power of superintendence, direction and control of conducting the elections to the offices of the President and Vice-President of India.





2

ELECTORAL SYSTEM IN INDIA**Objective of the chapter**

The main objective of the unit is to make student understand about the concepts of Electoral System in India including its bodies and functions.

Introduction**Provisions Related to Elections:**

Part XV of the Constitution (Art.324-329) contains provisions related to elections are two RPAs:

- Representation of the People Act, 1950, which mainly deals with the preparation and revision of electoral rolls and
- Representation of the People Act, 1951 which deals, in detail, with all aspects of conduct of elections and post-election disputes.
- Other laws that confer powers on the EC are Presidential and Vice-Presidential Elections Acts, 1952, Government of Union Territories Act, 1963, Government of the National Capital Territory of Delhi Act, 1991 and the Rules and powers under them.

Constitutional Provisions

- Art. 324 broadly speaks of the functions of the Election Commission and its composition. It confers the power of superintendence, direction and control of elections in the Election Commission. It includes the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and State Legislature; and elections to the offices of President and Vice-President of India.
- The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, as the President may from time-to-time fix. President appoints the Chief Election Commissioner and other Election Commissioners Subject to any law made by Parliament.
- The manner of removal of the CEC and the ground for removal are the same as the Supreme Court judge- parliamentary vote followed by the Presidential decision.
- Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

representation is also secured through some other methods such as cumulative vote system and limited vote plan:

EXERCISE

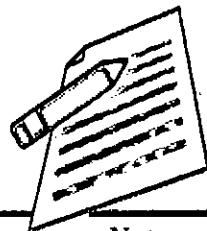
Fill in the blanks:

1. The first-past-the-post system is commonly known as _____.
 2. The multi-member constituency is also known as the _____ system.
 3. In India, the elections to Lok Sabha and Legislative Assemblies are held on the basis of _____ system.
 4. The methods by which proportional representation is secured are _____ and _____.
 5. Electoral methods to ensure adequate representation to the minority groups in the legislature are called _____ and _____.

Review Question

1. Explain the meaning and significance of Universal Adult Franchise.
 2. What is a simple majority system? Explain.
 3. Describe the system of proportional representation. What are the two methods of ensuring proportional representation?
 4. Explain the methods of securing minority representation other than the proportional Democracy at Work representation.

Space for Notes



Notes



known as the limited vote system. For example, if there are 6 seats in a constituency, every voter will have right to vote only for 4 candidates. The voter has to vote for different candidates of his or her choice, but he or she cannot vote for more than 4 candidates.

The Second Ballot System In election, if there are only two candidates contesting election for a single seat, the one who secures a clear majority (at least 50 percent + 1) is declared elected. But when there are more than two candidates, it may be the case that none of the candidates secures an absolute majority. In this case, second ballot is held, which means votes are again cast after a few days. In this second ballot only two candidates, who had secured maximum number of votes in the first poll remain in the field. After voting, one who secures more than 50 percent of votes is declared elected. For example, in a constituency, three candidates are contesting election. The total number of votes polled are 12,000. Candidate A secures 5000 votes, candidate B secures 4000 votes, and candidate C secures 3000 votes. In such a situation no candidate gets absolute majority, that is 6001 votes. This necessitates holding of a second ballot. The candidate (in this case, candidate C) who has secured least number of votes is dropped. As such, the contest now remains between A and B. If B secures majority at the second poll then B and not A will be declared successful. This system is practiced in France for the election of President and the National Assembly.

Summary of the Chapter

In this lesson you have learnt that universal adult franchise is the foundation of a representative democracy. It means that each man or woman after attaining a prescribed age (such as 18 years in India) is entitled to vote in the elections without any discrimination on grounds of caste, creed, religion, language or sex. The citizens exercise their right to vote in order to choose their representatives in elections. Elections are, in fact, the bedrock of democracy and express the sovereign will of the people through the exercise of their free and equal vote. You have also learnt that there are two alternative systems of representation – Territorial and Functional. Under the territorial system, the country is divided into territorial constituencies and voters of each constituency elect their representatives. Territorial system is quite popular, and in India, the elections to Lok Sabha and Legislative Assemblies are held on territorial basis. Functional representation implies that the people elect their representatives on the basis of their different occupational and professional affiliations. Thus, teachers, managers, industrialists, traders, workers, etc. elect their respective representatives. The simple majority system usually followed is single-member constituencies where the candidate simply securing the highest number of votes is declared elected. This system does not ensure adequate representation to all sections of the electorate. The system of proportional representation is followed to provide representation to the minorities in proportion to their voting strength. Minority



Notes

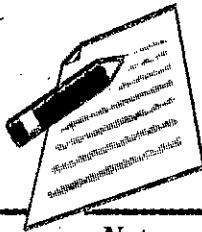
are candidates. The voter writes 1, 2, 3 and so on against the names of the candidates of his choice. (c) But the voter cannot cast all his preferences in favour of only one candidate. (d) In order to be elected, a candidate must secure a certain quota of votes. The quota is determined by dividing the total votes cast by the number of seats in the constituency.

2. **List System** This is another method of proportional representation. Under this system, large multimember constituencies are formed and many candidates are elected from each constituency. Each political party submits a list of its candidates for election from a particular constituency. A voter votes not to individuals but to the lists of candidates of different political parties. These votes are indivisible. If 4 representatives are to be elected from the constituency, the voter has no option to cast 2 votes on one list and 2 on the other list. The Democracy at Work voter has to select all the four candidates from either of the list. A quota is determined, and the candidates are declared elected according to the quota of votes secured by political parties. A party entitled to three seats, according to the quota will declare the first three candidates on its list elected. There are two forms of list system – the 'bound list' and the 'free list'. In 'bound list' a voter has no choice except to endorse or reject the entire list of candidates prepared by a political party. But, in a free list, the voter while selecting the list can give his or her own order of preferences for the candidates. List system is followed for elections in Switzerland.

Other Minority Representation System

Apart from proportional representation, some other electoral methods have also been devised to ensure adequate representation to the minority groups in the legislature. These systems of minority representation are as follows:

1. **Cumulative Vote System:** According to this system a voter has as many votes as the number of seats in the constituency. The voters have options. He or she can cast vote for all the candidates or concentrate all his or her votes for just one candidate. For example, if 5 members are to be elected, the voter may give his or her vote to only one candidate or distribute it among a few or all candidates. This system, therefore, may provide an opportunity to a well organised minority to elect its representative by cumulating all its votes in favour of its own candidate.
2. **Limited Vote Plan:** This system is adopted in a multi-member constituency from where a minimum of 3 candidates are to be elected. Under this system every voter can vote for more than one candidate, but he or she cannot vote for all the candidates. That is why, it is



Simple Majority System

Simple majority system means that in case of a single-member constituency, the person or the candidate getting the highest number of votes is declared elected. The result is decided by the majority of votes secured by a candidate. Many a time in this system, there is a multi-cornered contest, as the number of candidates is more than two. There are cases where four or five or even more than five candidates contest. In such a situation, a candidate with even less than 50 percent of the total votes gets elected. Such cases are very often found in India, and elsewhere. The system of simple majority system is prevalent in Britain, USA, Canada and some other countries. This simple majority system is also called the first past the post system. Members of our Lok Sabha and the State Assemblies are elected by this system.

Proportional Representation System

The system of proportional representation is an electoral device to ensure representation of all sections of the people more or less in proportion to their voting strength. Under this system any group, whether it is a political party or interest group will secure representation in proportion to the popular votes it obtains. J.S. Mill was an ardent advocate of proportional representation. He said, "In any really equal democracy every or any section would be represented not disproportionately, but proportionately. A majority of the electors would always have a majority of representatives; but a minority of electors would always have a minority of representatives." This system ensures that the number of seats a political party gets in the legislature should be in proportion to the support of the popular votes. Sometimes in the simple majority system it is seen that a party gets more seats in the legislature even though it receives less percentage of votes or a candidate with even less than 50 percent of votes is declared elected. For instance, in India, in 1971 Lok Sabha elections, Congress polled only 46 percent votes yet it managed 351 seats out of 522. That is, even with less than 50 percent votes, Congress won 68 percent of the seats in the Lok Sabha. This limitation of the first-past-the-post system may be removed through proportional representation system. There are two methods by which proportional representation is secured.

- 1. The Single Transferable Vote System** It is also called the Hare system or the Andrae Scheme. According to the single transferable vote system each voter can cast only one vote which can be transferred to other candidates, if necessary, according to the preference of the voter. Therefore, this system is also called the preferential system. This system works under following conditions: (a) Every constituency should be a multi-member constituency, electing three or more members. (b) A voter has only single effective vote which may be cast in order of preference – first, second, third or as many preferences as there



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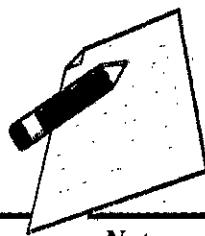
Functional Representation

Functional representation means that representatives are elected by various professional and functional groups like – industrial workers, trading functionaries, medical practitioners, lawyers, teachers, transporters, etc. According to this method separate constituencies are set up for people belonging to specific group. For example, there may be a constituency of teachers who elect their representative. The electorate is professionally or functionally categorised and each of professional categories is called upon to elect one or more representatives, irrespective of their place of residence in the country. Unlike the territorial representation the electorate is not divided on the basis of territorial constituencies but on the basis of their profession. It is a scheme of representation to various occupational groups.

Constituency A body of voters who elect a representative is known as constituency. The body of voters may belong to a particular geographical area. The constituencies for Lok Sabha and Assembly elections consist of voters of respective areas. But the constituency for the election of President of India consists of the Members of Parliament and State Assemblies. There may be single-member constituency or multi-member constituency.

Single Member Constituency When only one member is elected from a constituency, it is known as single member constituency. For Lok Sabha elections the whole of India is divided into 543 single member constituencies. Out of these 543 constituencies, every state and Union Territory has a share of certain number of constituencies. The system of single member constituency is adopted in India, Britain, US, Canada, Russia, Australia, Democracy at Work Nepal and Pakistan.

Multi-Member Constituency This system is also known as the 'General Ticket System'. When more than one candidate are elected from a constituency, it is called a multi-member constituency. Such constituencies exist in Switzerland, Denmark, Sweden and Italy. According to this system, the whole country is divided into large constituencies and from each constituency many representatives are elected. The political parties get the seats in proportion to the votes they secure in concerned constituencies. In a multi-member constituency, usually the method of proportional representation is adopted. For being elected, a candidate has to achieve a fixed quota of votes. The voters have to vote for as many representatives as are to be elected from their respective constituencies. They indicate their order of preferences against the names of candidates. We will discuss the details of their method when we study proportional representation. People, therefore, exercise their right to vote according to electoral system adopted in their respective countries. we shall discuss below the most important systems.



on property, education and other qualifications. It is interesting to note that most of the western countries, which are known for their long experience of some sort of representative system of governance, introduced adult franchise only in the wake of the First World War (1914 – 18), a war which was proclaimed to be fought by the Allied Powers (Great Britain, France and United States and the allies) to make the ‘world safe for democracy’. But while the ‘defeated’ Germany incorporated the principle of universal adult franchise in 1919, it took nine more years for Great Britain to Democracy at Work extend franchise to women in 1928. In 1918, Britain had granted franchise to limited number of women. It was decided that while all adult men, 21 years of age and above would have the right to vote, women only above the age of 30 years could possess the right to vote. This discrimination was removed only in 1928. France, the land that gave the popular slogans of Liberty, Equality and Fraternity, could introduce the right of universal adult franchise to its people only after the end of the Second World War i.e. 1945. Equally strange is the fact that Switzerland, the home of direct democracy denied the right to vote to women till 1973. India adopted the principle of universal adult franchise when the present Constitution was enacted in 1949 which as you know was implemented on January 26, 1950.

Age of voting

The voting age varies from country to country. In Denmark and Japan, a person, man or woman, is entitled to vote after attaining the age of 25 years. In Norway, the age limit is 23, in Great Britain, the United States, Russia and Turkey it is 18. In Switzerland, it is 20 years. In our country, now the minimum age for exercising franchise is 18 years. The 61st Amendment Act of 1989 lowered the voting age from 21 to 18 years. There are certain qualifications prescribed for a voter in India. As you have already read, a voter: 1 must be a citizen of India, 1 must have attained 18 years of age, 1 must not be of unsound mind, 1 must not have been declared bankrupt by a competent court.

Methods of Representation

Universal adult franchise enables all citizens to be involved in the governance of their state. They do so by electing their representatives who govern to serve and protect the interests of the people. There are two main methods of electing representatives. These are known as **Territorial and Functional representation**.

Territorial Representation This is the most popular method of electing representatives in most of the democratic countries. In this system all eligible voters living in a specified area vote to elect their representative. The total electorate of the country, irrespective of their profession or group is divided into territorial constituencies, which elect one or more representatives. The entire population is divided into constituencies with more or less equal number of voters.

1**MEANING AND SIGNIFICANCE
OF ADULT FRANCHISE****Objective of the chapter**

The main objective of the unit is to make student understand about the initial concepts of meaning and importance of Adult Franchise also the Methods of Representation is explained in this chapter.



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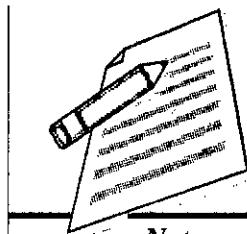
Introduction**Meaning and Significance of Adult Franchise**

The right of the people to vote and elect their representatives is called franchise. The word franchise is derived from the French word 'franc' which means 'free'. It means free exercise of the right to choose one's representatives. Adult franchise means that the right to vote should be given to all adult citizens without the discrimination of caste, class, colour, religion or sex.....

It is based on equality which is a basic principle of democracy. It demands that the right to vote should be equally available among all. To deny any class of persons from exercising this right is to violate their right to equality. In fact, the spirit of democracy can be maintained only if the people are given the right to vote without any discrimination. The exercise of right to vote adds to the individual's self-respect, dignity, sense of responsibility, and political and civic education. In other words, the system of adult franchise is the bedrock of a democratic system. People are called political sovereign because they possess the right to vote a government into power, or to vote a government out of power. That is why democracy has sometimes been described as a mode of appointing, controlling and dismissing governments by the people. As provided for, in the Constitution of the land, the citizens cast their votes at regular intervals to elect their representatives to the Parliament, to the Legislative Assemblies, and such other institutions as are essential organs of political power in a democracy. These institutions are called representative institutions precisely because they represent the will of the peoples.

Universal Adult Franchise: Its Evolution

Historically, adult franchise has been slow in making itself a universal law. In fact one of the major demands in the long-drawn struggle for democracy in the world has been the acceptance of the principle of universal adult franchise, as the basis of ascertaining the wishes of people. Till the second decade of the twentieth century, not all the countries were practising universal adult franchise. Many democratic systems had restricted to male franchise only, based



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- (d) Family

7. Who conceived the concept of Gram Swaraj?

 - (a) Jaya Prakash Narain
 - (b) Vinoba Bhave
 - (c) Mahatma Gandhi
 - (d) Swami Dayanand

Answer

1. (d) 2. (c) 3. (c) 4. (b)
5. (c) 6. (c) 7. (c)

Review Questions

1. What are the Powers invested on Local Government bodies?
 2. What are Panchayats and Municipalities?
 3. Types of Urban Local Government?
 4. What is municipal corporation?
 5. Write note on 1992 act?

Space for Work



Summary of the Chapter

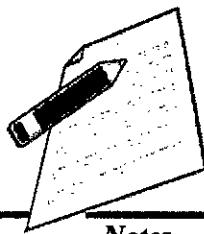
To conclude, local self-government is one of the most innovative governance change processes our country has gone through. The noble idea of taking the government of a country into the hands of the grass root level is indeed praiseworthy.

However, like any system in the world, this system is also imperfect. Problems of maladministration and misappropriation of funds are recurring. But this shall not stand in the way of efficient governance; and if these ill practices are rooted out, there would be no comparisons around the world to our system of local self-government.

EXERCISE

Multiple Choice Questions

1. Village Panchayat is accountable to the—
 - (a) Panchayat Samiti
 - (b) Zila Parishad
 - (c) Chairman of the Village Panchayat
 - (d) None of the above
2. Who among the following is known as 'the father of local self-government' in India?
 - (a) Mahatma Gandhi
 - (b) Lord Canning
 - (c) Lord Ripon
 - (d) Lord Wellesley
3. Ashok Mehta Committee recommended for the establishment of—
 - (a) Nagar Panchayat
 - (b) Panchayat Samiti
 - (c) Mandal Panchayat
 - (d) Gram Panchayat
4. The first municipal corporation in India was set-up at Madras in the year—
 - (a) 1767
 - (b) 1687
 - (c) 1667
 - (d) 1678
5. In the Constitution of India, economic and social planning is included in the—
 - (a) Union List of the VII Schedule
 - (b) State List of the VII Schedule
 - (c) Concurrent List of the VII Schedule
 - (d) None of the above
6. Which among the following is not considered as part of the Civil Society?
 - (a) Non-Government Organisations
 - (b) Caste associations
 - (c) Legislature



- The conduct of elections is vested in the hands of the State election commission.
- The chairpersons at the intermediate and district levels shall be elected indirectly from among the elected representatives at the immediately lower level.
- At the lowest level, the chairperson shall be elected in a mode defined by the state legislature.
- Seats are reserved for SC and ST proportional to their population.
- Out of these reserved seats, not less than one-third shall be further reserved for women.
- There should be a blanket reservation of one-third seats for women in all the constituencies taken together too (which can include the already reserved seats for SC and ST).
- The acts bar the interference of courts in any issue relating to the election to local bodies.

What are the Qualifications needed to be a member of the Panchayat or Municipality?

Any person who is qualified to be a member of the state legislature is eligible to be a member of the Panchayat or Municipality.

“But he shall not be disqualified on the ground that he is less than 25 years of age if he has attained the age of 21 years”

This means that unlike the state legislature, a person needs to attain only 21 years of age to be a member of panchayat/municipality.

What is the duration of the Local Government bodies?

- The local governing bodies are elected for a term of five years.
- Fresh elections should be conducted before the expiry of the five-year term.
- If the panchayat/municipality is dissolved before the expiry of its term, elections shall be conducted within six months and the new panchayat/municipality will hold office for the remainder of the term if the term has more than six months duration.
- And for another five years if the remaining term is less than six months.

What are the Powers invested on these Local Government bodies?

The powers of local bodies are not exclusively defined. They can be tailor-fitted by the state governments according to the environment of the states. In general, the State governments can assign powers to Panchayats and Municipalities that may enable them to prepare plans for economic development and social justice. They may also be authorized to levy, collect, or appropriate taxes.



Notes

- Panchayat and Municipality are the generic terms for the governing body at the local level. Both exist as three tier systems – at the lower, intermediate and upper levels.
- The 73rd Constitutional Amendment act provides for a Gram Sabha as the foundation of the Panchayati Raj system. It is essentially a village assembly consisting of all the registered voters in the area of the panchayat. The state has the power to determine what kind of powers it can exercise, and what functions it has to perform at the village level.
- The 74th Constitutional Amendment act provides for three types of Municipalities:
 1. **Nagar Panchayat** for a transitional area between a rural and urban area.
 2. **Municipal Council** for a small urban area.
 3. **Municipal Corporation** for a large urban area.
- Municipalities represent **urban local self-government**.
- Most of the provisions of the two acts are parallel, differing only in the fact that they are being applied to either a Panchayat or a Municipality respectively.
- Each Gram Sabha is the meeting of a particular constituency called ward.
- Each ward has a representative chosen from among the people themselves by direct election.
- The chairperson of the Panchayat or Municipality at the intermediate and district level are elected from among these representatives at the immediately lower level by indirect election.

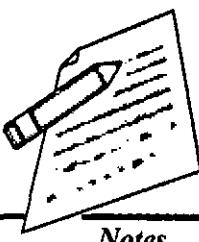
Types of Urban Local Government

There are eight types of urban local governments currently existing in India:

1. Municipal Corporations.
2. Municipality.
3. Notified area committee.
4. Town area committee.
5. Cantonment board.
6. Township.
7. Port trust.
8. Special purpose agency.

How are the elections held in the local government bodies?

- All seats of representatives of local bodies are filled by people chosen through direct elections.



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the local self-government institutions, resulting in a system comparable to 'grass without roots'.

- Zila Parishad to be given prime importance and all developmental programs at that level to be handed to it.
- Post of DDC (District Development Commissioner) to be created acting as the chief executive officer of the Zila Parishad.
- Regular elections to be held

4. L M Singhvi Committee (1986)

Constituted by the Rajiv Gandhi government on 'Revitalisation of Panchayati Raj institutions for Democracy and Development', its important recommendations are:

- Constitutional recognition for PRI institutions.
- Nyaya Panchayats to be established for clusters of villages

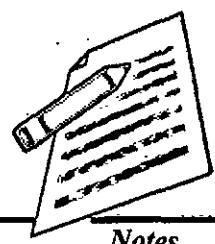
Though the 64th Constitutional Amendment bill was introduced in the Lok Sabha in 1989 itself, Rajya Sabha opposed it. It was only during the Narasimha Rao government's term that the idea finally became a reality in the form of the **73rd and 74th Constitutional Amendment acts, 1992**.

Panchayati Raj System under 73rd and 74th Constitutional Amendment acts, 1992

The acts of 1992 added two new parts IX and IX-A to the constitution. It also added two new schedules – 11 and 12 which contains the lists of functional items of **Panchayats and Municipalities**. It provides for a three-tier system of **Panchayati Raj** in every state – at the village, intermediate and district levels.

What are Panchayats and Municipalities?





Later, the conceptualisation of the system of local self-government in India took place through the formation and effort of four important committees from the year 1957 to 1986. It will be helpful if we take a look at the committee and the important recommendations put forward by them.

1. Balwant Rai Mehta Committee (1957)

Originally appointed by the Government of India to examine the working of two of its earlier programs, the committee submitted its report in November 1957, in which the term 'democratic decentralization' first appears.

The important recommendations are:

- Establishment of a three-tier Panchayati Raj system – gram panchayat at village level (direct election), panchayat Samiti at the block level and Zila Parishad at the district level (indirect election).
- District Collector to be the chairman of Zila Parishad.
- Transfer of resources and power to these bodies to be ensured.

The existent National Development Council accepted the recommendations. However, it did not insist on a single, definite pattern to be followed in the establishment of these institutions. Rather, it allowed the states to devise their own patterns, while the broad fundamentals were to be the same throughout the country.

Rajasthan (1959) adopted the system first, followed by Andhra Pradesh in the same year. Some states even went ahead to create four-tier systems and Nyaya

2. Ashok Mehta Committee (1977-1978)

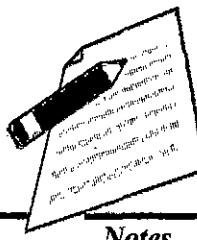
The committee was constituted by the Janata government of the time to study Panchayati Raj institutions. Out of a total of 132 recommendations made by it, the most important ones are:

- Three-tier system to be replaced by a two-tier system.
- Political parties should participate at all levels in the elections.
- Compulsory powers of taxation to be given to these institutions.
- Zila Parishad to be made responsible for planning at the state level.
- A minister for Panchayati Raj to be appointed by the state council of ministers.
- Constitutional recognition to be given to Panchayati Raj institutions.

Unfortunately, the Janata government collapsed before action could be taken on these recommendations.

3. G V K Rao Committee (1985)

Appointed by the Planning Commission, the committee concluded that the developmental procedures were gradually being taken away from



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4

LOCAL GOVERNMENT: URBAN AND RURAL

Objective of the chapter

The main objective of the unit is to make student understand about the initial concepts of local government at both levels i.e., village and urban level.

Introduction

We know there is a government in India at the Centre and State levels. But there is another important system for local governance. The foundation of the present local self-government in India was laid by the Panchayati Raj System (1992).

But the history of Panchayati Raj starts from the self-sufficient and self-governing village communities. In the time of the Rig-Veda (1700 BC), evidence suggests that self-governing village bodies called 'sabhas' existed. With the passage of time, these bodies became panchayats (council of five persons).

Panchayats were functional institutions of grassroots governance in almost every village. They endured the rise and fall of empires in the past, to the current highly structured system.

What is Local self-government?

Local self-government implies the transference of the power to rule to the lowest rungs of the political order. It is a form of democratic decentralization where the participation of even the grass root level of the society is ensured in the process of administration.

History of local administration

The village panchayat, as a system of administration, began in the British days, as their offer to satisfy the demands for local autonomy. They opened up the governance of the lowest levels to the citizens. The GoI act, 1935 also authorizes the provinces to enact legislations.

How did the concept of local self-government evolve in India?

Even though such minor forms of local governance were evident in India, the framers of the constitutions, unsatisfied with the existing provisions, included Article 40 among the Directive Principles, whereby:

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



Notes

2. The federal court of India was established in

 - (a) 1930
 - (b) 1935
 - (c) 1947
 - (d) 1950

3. Which of the following state/Union territories have a common High Court?

 - (a) Punjab and Jammu Kashmir
 - (b) Assam and Bengal
 - (c) Punjab, Haryana and Chandigarh
 - (d) Uttar Pradesh and Bihar

4. Which of the following High Courts is the second oldest in India?

 - (a) Calcutta High Court
 - (b) Bombay High Court
 - (c) Madras High Court
 - (d) Allahabad High Court

Answer

1. (d) 2. (b) 3. (c) 4. (b)

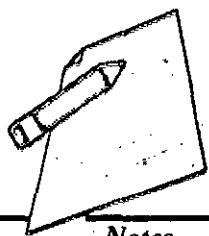
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Summary of the Chapter

- Environment is the surrounding we live in.
 - Unplanned human activities cause environmental degradation.
 - Sustainable development is a concept, which says that development should be environment oriented, i.e., it should be such that it does not harm natural order.
 - Different types of pollution such as carbon dioxide, carbon monoxide, pesticides, sewage, smoke, noise cause environmental degradation.
 - Awareness is now growing to conserve the nature. To conserve or to perish has become the slogan of the hour.
 - The United Nations, through its agencies is making all efforts to conserve the environment, so that future generations do not face consequences of what the present generation is doing.
 - The India Government has also introduced laws and has taken measures which go on to promote environmental awareness and also helps in preserving the nature.

CLASS-12

POLITICAL SCIENCE



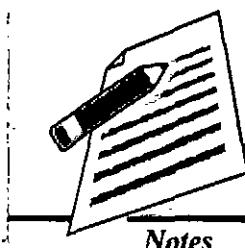
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EXERCISE

Review Questions

1. Describe the meaning of environment and environmental degradation.
 2. Discuss any two environmental problems.
 3. What is sustainable development? Explain
 4. Outline the various efforts made by the Indian Government towards creating a better natural Environment.

Space for Notes



3

GOOD GOVERNANCE

Objective of the chapter

The main objective of the unit is to make student understand about the concepts of Good Governance including its challenges and steps taken by government for its betterment.

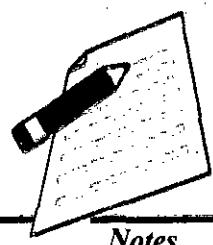
Introduction

Every one of us expects and aspires that our government should be good and effective. In fact, we also know that it was for the purpose of securing conditions for safe and happy life that the state came into existence and its continuity is justified in terms of promoting and preserving the quality of life. Kautilya considered it as the bounden duty of the government to act in a manner that realizes the material, mental, moral and cultural wellbeing of the people. It is in this context that the study of good governance has become very important in the study of political science. The lesson explains the meaning of good governance, governance and measures to overcome these hindrances as well as the role of citizens to ensure good governance.

Meaning of Good Governance

In order to understand the concept of good governance we shall first have to know the meaning of governance. What is governance? It has been defined as the use of power and authority by those in government to provide goods and services to the people to uphold the common good and fulfil the aspirations and needs of the common man. Governance, therefore, is concerned with power, strategies, policies, plans and projects that aim at improving the substance or quality of life. The people expect their government to proceed with its tasks in a way that maximum results follow with minimum cost or investment. Governance becomes good when the decisions and actions of the government are based on peoples' consent, legitimacy and accountability.

Thus, good governance is concerned with high quality in governance. All sections of the society today judge their government by their governance. Earlier, coercive state was considered to be most effective instrument of good governance. In ancient and medieval India, a king, though authoritarian, was supposed to be conscientious and responsive to the needs of the subjects. In modern times, good governance implies enlightened citizenship as well as accountable and constitutional government. Good governance is also a key



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developmental concept today. The debate only relates to the question of how to bring about development. It is a concept that is inclusive and positive in nature. It is inclusive in so far as it aims at involvement of people in the process of development. Thus development is not merely people-oriented but people-centered. It is positive to the extent of building up new levels of skills, knowledge and support for development. Let us now discuss some of the features or characteristics of good governance.

Features of Good Governance

The next important question in the discussion on good governance is: what are the basic features or elements of good governance? A number of, reports and studies have sought to identify a number of features. In the scheme of Kautilya, for instance, the following features formed part of good governance:

- Law and order
- People caring administration
- Justice and rationality as the basis of decision
- Corruption free governance

The World Bank in its reports of 1989 and 1992, the Organization for Economic Cooperation and Development (OECD) Commission on Global Governance (1995), United Nations Development Programme (UNDP) 1997 have all dealt with the attributes of good governance extensively. These concerns of good governance have been very clearly voiced in Asian Development Basic report in the shape of the following questions:

- Do people fully participate in governance?
- Are people fully informed?
- Do people make decisions or can they at least hold the decision makers accountable?
- Are the women equal partners with men in Governance?
- Are the needs of the poor and disadvantaged met?
- Are peoples' human rights guaranteed?
- Are the needs of the future generation taken into account in current policies?
- Do people own their structures of governance?

Accountability

It has been emphasized almost unanimously that governance has to be based on the principle of accountability of those who are responsible for it. Accountability, in fact, implies that the bureaucracy should be answerable for what they do or don't do? This is sought to be administered in a parliamentary system through questions, debates, discussions, budgetary approvals, committees and such

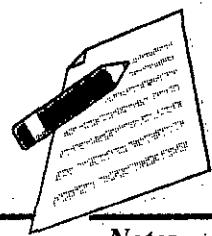


other methods by parliament. The executive is to be responsive to the people through their representatives. It is, however, also true that this mechanism has increasingly proved to be ineffective for reasons of decline in the quality and character of debates and the representatives, transformation of parliamentary system into a cabinet system of government, criminalization of politics and fragmentation of society and politics. Secondly, accountability is also ensured through judicial review of the governmental decisions or laws. The citizens are also seeking judicial intervention through Public Interest Litigation (PIL) for prompt action on certain issues affecting the common life. Such practices are in vogue, directly or indirectly in several countries like New Zealand, Canada, Australia and India. Recently, a more effective mode of public accountability is the system of citizens' charter. The idea is to change the bureaucratic culture to include people friendly attitudes instead of patriarchal, indifferent, casual and callous behaviour to citizens. The old feudal value must give place to modern democratic values in bureaucracy.

An accountable system of governance, thus, presupposes the following functional and behavioural traits of the civil servants:

- Achievement oriented behaviour,
- Judicious use of authority, I Pursuit of happiness of the people,
- Use of reason and experience as the basis of decision,
- Shirking of work to be identified and punished,
- Time bound implementation of Policies and Plans,
- Strength of character, intelligence, perseverance and extensy of civil servants,
- Uprightness, friendliness and firmness of devotion in dealing with others,
- Capacity for doing a work which should be supplemented by the skill-in-action and question for perfection.

In every country a number of institutional and legal arrangements have been made to secure the prevalence of the characteristics of an accountable administration. For example, in India setting up of institutions like Central Vigilance Commission and national commissions for Women, Schedules Tribes, Schedules Castes, Minorities and Backward Classes, National Labour Commission, National Commissions for Human Rights and Minorities, and Comptroller and Auditor General of India are some such efforts or steps to administer social, legal constitutional and systemic commitments in bureaucracy. It seeks to remove the tendencies of administrative bias, corruption, alienation and secrecy. The aim is to make administration poor-sensitive, gender-sensitive, and more sensitive to the demands and grievances of the public. The purpose is to prevent undesirable acts or behaviour and to promote efficiency and integrity of public servants. The Governments have also initiated a number of other measures to see the actual operations of accountability in administration.



Notes

A reference can be made to the following:

- Management by Objective (MBO)
- Machinery for the redress of public grievances
- Recognition of the Right to Information
- E Governance and Information Technology use
- Democratization and Decentralisation of power
- Empowerment of the marginalized groups, especially women
- Fair Competition between public and private sectors
- Review of a number of laws, rules and regulations

In order to establish accountability at the level of local Government and empowerment of the marginalized groups, Indian Parliament passed 73rd and 74th Amendment Acts in 1992 providing for among other things 33.3% reservation for women and for scheduled castes/ tribes in proportion to their population, decentralized development planning, enhancing financial abilities through increased financial powers and support to the local bodies. Decentralization and democratization thus are made benchmarks of development administration. Moreover, 79 ministries and departments of the central government are operating the structure of citizens' charter. This charter is an account of:

Time limits and standards for services

- Avenues of grievance redressal and
- Putting in place monitoring system and independent scrutiny of simple implementation of the charter.

A number of States and Union Government have created special agencies and units to deal with the grievances of the public emanating mainly from non-reachability of the officials, absence of a time frame for disposal of the cases and unsympathetic attitude of public officials. Accountability is related to the system of openness and transparency. If the decisions are not taken in a transparent and open manner, one can question the impartiality of such a decision. There shall be much less place for favouritism, nepotism and prejudice in the treatment of the citizens. Indian Parliament has enacted the Right to Information Act to facilitate openness in government. Central ministries and departments have set up facilitation counters with wide publicity for the purpose of information and making complaints.

Hindrances to Good Governance

Corruption

According to Transparency International Report, "Corruption acts to diminish the ability of law enforcement to accomplish its mission. The prevalence of corruption diminished the ability of the law enforcement, adversely affected the judiciary, administration and is delaying the fair functioning of the society.



Inefficiency of Bureaucracy

Bureaucracy of India is not so efficient in management and administration. The capacity of policy implementation of our bureaucracy is very poor compared to other developing economies. Accountability and transparency are new to the civil society.

Nepotism and Politicization in Public Administration

Nepotism is another swearword of our political affairs and administration. Privilege and unfair advantage to the family members, kith's and kin on public resources is practiced widely, so the mass people are deprived. In addition, Corrupted and inefficient policing increases human rights violation, and false cases.

Improper and non-observance of the rule of law: It is said that laws exist but are applied only in favour of privilege people or class. As a result justice suffer and denied to the common people although that is an important aspect of good governance.

Improper use of resources

Decentralisation and funding to the local government is not utilized properly and very often diverted to other purposes. So, the target group are not covered properly with the available resources.

Poor Planning Strategy

Improper planning and use of resources result in scarceness in resources like electricity, water and fuel. Besides these, Insurgency, Naxalism and discrimination against the minorities and environmental degradation around this country and problems related to land reforms and tribal welfare also acts as hindrances to good governance.

Without good governance, the benefits of public programs will not reach their target recipients, especially the poor. Emphasizing the strengthening of good governance at the national level, including the building of effective and accountable institutions for promoting growth and sustainable human development will remove the hindrances and pave way to good governance.

Measures for good governance taken by India

Since the bad governance is the root cause of all evils, within our societies, hence there is a need for good governance. Most of the features linked with good governance enunciated by World Bank are found in the reform process initiated in India for good governance. These include

- Decentralization of power among different layers of Government
- Holding periodic elections
- Improving the conduct of elections through electoral reforms



Notes

- Passing the **Right to Information Act, 2005** to bring in accountability and transparency in administration,
 - Launching programmes like **Citizen's Charter**.
 - The **Lokpal Bill** to curb corruption in administration and to investigate allegations against public men.

Summary of the Chapter

You have studied in the lesson the meaning and the concepts of good governance, the features or attributes of good governance, the extent or level of their existence at the national and other lower levels. You have also reflected on the problems in implementing the ideals or goals of good governance, mainly posed by the population explosion, violence, terrorism and corruption. The ways adopted by different governments to overcome their hindrances has also been a part of your study. The special focus again is on the people's participation, prevention of corruption and computer use as means of promoting good governance.

EXERCISE

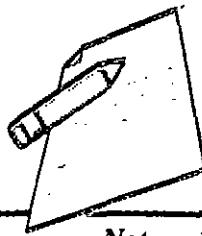
Fill in the blanks:

1. Corruption is an _____ use of authority for personal benefits (legal/ illegal).
 2. Corruption is concerned with _____ in public life (secrecy/ probity)
 3. Corruption can be reduced by _____ (simplification/ reviving of Rules and Regulations)
 4. Population has been stabilized in _____ (Uttar Pradesh/ Kerala) 5. Violence is the greatest threat to _____ (Rule of Law/ Police).

Review Questions

1. Discuss the meaning and the concept of good governance.
 2. Identify three features of good governance. Explain the importance of accountability in good governance.
 3. Discuss the main hindrances to good governance.
 4. Describe measures for good governance, the government of India has taken.

Space for Notes



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4

HUMAN RIGHT

Objective of the chapter

The main objective of the unit is to make student understand about the initial concepts of human rights, its types and provisions in Indian constitution.

Introduction

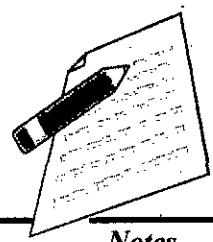
In simple words, rights are the common claims of people which every cultured society recognizes as essential claims for their development, and which are therefore enforced by the state.

1. According to Laski, "Rights are those conditions of social life without which no man can seek in general, to be himself at his best."
2. T. H. Green explained that "Rights are powers necessary for the fulfilment of man's vocation as a moral being."
3. Beni Prasad stated that "Rights are nothing more nor less than those social conditions which are necessary or favourable to the development of personality"

Other moral theorists like Isaiah Berlin defines rights in terms of positive liberties and negative freedoms. A positive right is an entitlement to; A right to free expression, for instance, entitles one to voice opinions publicly. A negative right is a freedom from; Freedom of person is a right to be free of bodily interference. Most rights are both positive and negative.

Main features of Rights:

1. Rights exist only in society. These are the products of social living.
2. Rights are claims of the individuals for their development in society.
3. Rights are recognized by the society as common claims of all the people.
4. Rights are rational and moral claims that the people make on their society.
5. Since rights are here only in society, these cannot be exercised against the society.
6. Rights are to be exercised by the people for their development which really means their development in society by the promotion of social good. Rights can never be exercised against social good.



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7. Rights are equally available to all the people.
8. The contents of rights keep on changing with the passage of time.
9. Rights are not absolute. These always bear limitations deemed essential for maintaining public health, security, order and morality.
10. Rights are inseparably related with duties. There is a close relationship between them "No Duties No Rights. No Rights No Duties." "If I have rights it is my duty to respect the rights of others in society".
11. Rights need enforcement and only then these can be really used by the people. These are protected and enforced by the laws of the state. It is the duty of a state to protect the rights of the people.

Types of Rights:

1. Natural Rights:

Many researchers have faith in natural rights. They stated that people inherit several rights from nature. Before they came to live in society and state, they used to live in a state of nature. In it, they appreciated certain natural rights, like the right to life, right to liberty and right to property. Natural rights are parts of human nature and reason. Political theory maintains that an individual enters into society with certain basic rights and that no government can deny these rights.

In classical political philosophy "natural right" denotes to the objective rightness of the right things, whether the virtue of a soul, the correctness of an action, or the excellence of a regime. Aristotle stated in Politics (1323a29-33) that no one would call a man happy who was completely lacking in courage, temperance, justice, or wisdom. A man who was easily terrified, unable to restrain any impulse toward food or drink, willing to ruin his friends for a trifle, and generally senseless could not possibly lead a good life. Even though chance may occasionally prevent good actions from having their normal consequences, so that sometimes cowards fare better than brave men, courage is still objectively better than cowardice. The virtues and actions that contribute to the good life, and the activities intrinsic to the good life, are naturally right.

The modern idea of natural rights grew out of the ancient and medieval doctrines of natural law, but for other scholars, the concept of natural rights is unreal. Rights are the products of social living. These can be used only in a society. Rights have behind them the recognition of society as common claims for development, and that is why the state protects these rights. John Locke (1632–1704), the most influential political philosophers of the modern period, argued that people have rights, such as the right to life, liberty, and property that have a foundation independent of the laws of any particular



society. Locke claimed that men are naturally free and equal as part of the justification for understanding legitimate political government as the result of a social contract where people in the state of nature conditionally transfer some of their rights to the government in order to better ensure the stable, comfortable enjoyment of their lives, liberty, and property. Since governments exist by the consent of the people in order to protect the rights of the people and promote the public good, governments that fail to do so can be resisted and replaced with new governments.

2. Moral Rights:

Moral Rights are based on human consciousness. They are supported by moral force of human mind. These are based on human sense of goodness and justice. These are not assisted by the force of law. Sense of goodness and public opinion are the sanctions behind moral rights. If any person disrupts any moral right, no legal action can be taken against him. The state does not enforce these rights. Its courts do not recognize these rights. Moral Rights include rules of good conduct, courtesy and of moral behaviour. These stand for moral perfection of the people.

Moral rights were first acknowledged in France and Germany, before they were included in the Berne Convention for the Protection of Literary and Artistic Works in 1928. Canada recognized moral rights in its Copyright Act. The United States became a signatory to the convention in 1989, and incorporated a version of moral rights under its copyright law under Title 17 of the U.S. Code. There are two major moral rights under the U.S. Copyright Act. These are the right of attribution, also called the right of paternity and the right of integrity.

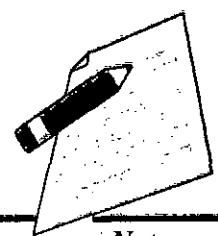
Legal Rights:

Legal rights are those rights which are accepted and enforced by the state. Any defilement of any legal right is punished by law. Law courts of the state enforce legal rights. These rights can be enforced against individuals and also against the government. In this way, legal rights are different from moral rights. Legal rights are equally available to all the citizens. All citizens follow legal rights without any discrimination. They can go to the courts for getting their legal rights enforced.

Legal Rights are of three types:

1. Civil Rights:

Civil rights are those rights which provide opportunity to each person to lead a civilized social life. These fulfil basic needs of human life in society. Right to life, liberty and equality are civil rights. Civil rights are protected by the state.



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2. Political Rights:

Political rights are those rights by virtue of which inhabitants get a share in the political process. These allow them to take an active part in the political process. These rights include right to vote, right to get elected, right to hold public office and right to criticise and oppose the government. Political rights are really available to the people in a democratic state.

3. Economic Rights:

Economic rights are those rights which provide economic security to the people. These empower all citizens to make proper use of their civil and political rights. The basic needs of every person are related to his food, clothing, shelter, and medical treatment. Without the fulfilment of these no person can really enjoy his civil and political rights. It is therefore essential, that every person must get the right to work, right to adequate wages, right to leisure and rest, and right to social security in case of illness, physical disability and old age.

Human and Legal Rights:

There is some difference between moral or human rights and legal rights. Legal rights require for their justification an existing system of law. Legal rights are, roughly, what the law says they are, at least insofar as the law is enforced. Legal rights gain their force first of all through legislation or decree by a legally authorized authority. Those who support adoption of laws establishing legal rights often appeal to a notion of human rights. Laws against theft might appeal to notions of a moral right to own property. But human or moral rights must gain their validity through some other source other than legal rights, since people can appeal to human or moral rights to criticize the law or advocate changes in the law (or legal rights), and people could not do this if moral rights were based upon the law.

Contractual Rights:

Contractual rights originated from the practice of promise-keeping. They apply to particular individuals to whom contractual promises have been made. Contractual rights ascend from specific acts of contract making. They normally come into being when the contract is made, and they reflect the contractual duty that another party has acquired at the same time. As a result of a contract, party A has a contractual duty, say, to deliver some good or service to party B, who has a contractual right to the good or service. Contractual rights may be upheld by the law, and in that sense can rest upon legal rights, but it is possible to conceive of contracts made outside of a legal framework and to rest purely upon moral principles. However, such contracts are less secure than contracts made within a legal framework, for obvious reasons. There are numerous examples of contractual rights such as:



- Rights to purchase a particular product or service
- Rights to be sell a product or service
- Rights to be the only seller or buyer
- Rights to delivery and timely payment
- Rights to refunds or repairs
- Various rights according to the specific intentions of each party

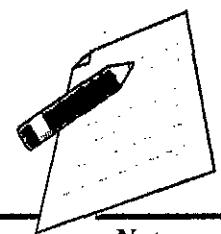
Concept of Human Rights:

Human rights are those moral rights that are morally important and basic and that are held by every human being because they are possessed in virtue of the universal moral status of human beings. Human rights are one of the significant aspects of human political reality. It is the moral rights of highest order. Human Rights are evolved out of self-respect. It is intrinsic to all humans without any discrimination of race, sex, nationality, ethnicity, language, religion and colour etc. It received new shape when human beings began to think themselves. Each and every human being are entitled to these rights without any discrimination. Human rights comprise of civil and political rights, such as the right to life, liberty and freedom of expression; and social, cultural and economic rights including the right to participate in culture, the right to food, and the right to work and receive an education.

Human rights are protected and supported by international and national laws and treaties. The UDHR was the first international document that spelled out the "basic civil, political, economic, social and cultural rights that all human beings should enjoy." The declaration was ratified without opposition by the UN General Assembly on December 10, 1948. Under human rights treaties, governments have the prime responsibility for protecting and promote human rights. However, governments are not solely responsible for ensuring human rights. The UDHR states:

"Every individual and every organ of society shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance."

In theoretical review, many theorists expressed their views about human rights. S. Kim construed that human rights are "claims and demands essential to the protection of human life and the enhancement of human dignity, and should therefore enjoy full social and political sanctions". According to Subhash C Kashyap, human rights are those "fundamental rights to which every man inhabiting any part of the world should be deemed entitled by virtue of having been born a human being". Milne opined that "human rights are simply what every human being owes to every other human being and as such represent universal moral obligation". According to Nickel, human rights are norms



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which are definite, high priority universal and existing and valid independently of recognition or implementation in the customs or legal system of particular country.

The Protection of Human Rights Act 1993 describes "Human Rights mean rights relating to life liberty, equality and dignity of the individuals guaranteed by the constitution or embodied in the International Covenants and enforceable by courts in India."

The United Nation Centre of Human Rights defines Human Rights as "those rights which are inherent in our nature and without which we cannot live as human beings"

The Universal Declaration of Human Rights which adopted on 1948, states human rights as "rights derived from the inherent dignity of human person"

Historical origin of human rights: Records indicated that Though modern historians traced "Magna Carta" of 1215 as the historical beginning of human rights, but its real origin goes back to 539 B.C. when Cyrus, the great (king of ancient Persia) conquered the city of Babylon, he freed all slaves to return home and declared people to choose their own religion and even maintained racial equality. The idea of human rights quickly spread from Babylon to many nations especially India, Greece and eventually Rome where the concept of natural law arose in observation of the fact that people tended to follow certain unwritten laws in due course of life. There the concept of "natural law" arose, in observation of the fact that people tended to follow certain unwritten laws in the course of life, and Roman law was based on rational ideas derived from the nature of things.

Documents asserting individual rights, such as the Magna Carta (1215), the Petition of Right (1628), the US Constitution (1787), the French Declaration of the Rights of Man and of the Citizen (1789), and the US Bill of Rights (1791) are the written precursors to many of today's human rights documents.

The Magna Carta, or "Great Charter," was debatably the most important early influence on the extensive historical process that led to the rule of constitutional law today in the English-speaking world. In 1215, after King John of England violated a number of ancient laws and customs by which England had been governed, his subjects forced him to sign the Magna Carta, which enumerates what later came to be thought of as human rights. Among them was the right of the church to be free from governmental interference, the rights of all free citizens to own and inherit property and to be protected from excessive taxes. It established the right of widows who owned property to choose not to remarry, and established principles of due process and equality before the law. It also contained provisions forbidding bribery and official misconduct. The Magna Carta was a crucial defining moment in the fight to establish freedom.

Another breakthrough in the development of human rights was the Petition of Right, produced in 1628 by the English Parliament and sent to Charles I



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as a statement of civil liberties. Rejection by Parliament to finance the king's unpopular foreign policy had caused his government to exact forced loans and to quarter troops in subjects' houses as an economy measure. Arbitrary arrest and imprisonment for opposing these policies had produced in Parliament a violent hostility to Charles and to George Villiers, the Duke of Buckingham. The Petition of Right, introduced by Sir Edward Coke, was based upon earlier statutes and charters and asserted four principles:

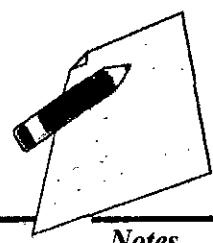
1. No taxes may be levied without consent of Parliament.
2. No subject may be imprisoned without cause shown (reaffirmation of the right of habeas corpus).
3. No soldiers may be quartered upon the citizenry.
4. Martial law may not be used in time of peace.

In 1789, the people of France brought about the abolition of the absolute kingdom and set the stage for the establishment of the first French Republic. Sometime later, the storming of the Bastille, and barely three weeks after the abolition of feudalism, the Declaration of the Rights of Man and of the Citizen (French: La Déclaration des Droits de l'Homme et du Citoyen) was espoused by the National Constituent Assembly as the first step toward writing a constitution for the Republic of France.

The Declaration decrees that all inhabitants are to be guaranteed the rights of "liberty, property, security, and resistance to oppression." It discusses that the need for law derives from the fact that "the exercise of the natural rights of each man has only those borders which assure other members of the society the enjoyment of these same rights." Therefore, the Declaration sees law as an "expression of the general will", intended to promote this equality of rights and to forbid "only actions harmful to the society."

In 1864, sixteen European countries and several American states attended a conference in Geneva, at the invitation of the Swiss Federal Council, on the initiative of the Geneva Committee. The diplomatic conference was held to adopt a convention for the treatment of wounded soldiers in combat. The main ideologies laid down in the Convention and maintained by the later Geneva Conventions provided for the obligation to extend care without discrimination to wounded and sick military personnel and respect for and marking of medical personnel transports and equipment with the distinctive sign of the red cross on a white background.

By 1948, the United Nation's new Human Rights Commission had attracted global attention. Under the dynamic headship of Eleanor Roosevelt, President Franklin Roosevelt's widow, a human rights winner in her own right and the United States delegate to the UN, the Commission set out to draft the document that became the Universal Declaration of Human Rights. Roosevelt, credited with its motivation, referred to the Declaration as the international Magna Carta



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for all mankind. It was accepted by the United Nations on December 10, 1948. In its prelude and in Article 1, the Declaration unequivocally proclaims the inherent rights of all human beings: "Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people. All human beings are born free and equal in dignity and rights."

The Member States of the United Nations promised to work together to encourage the thirty Articles of human rights that, for the first time in history, had been assembled and codified into a single document. As a result, many of these rights, in various forms, are part of the constitutional laws of democratic nations in present situation.

In nut shell, The written inventor to the modern human rights documents are the English Bill of Rights (1689), the American Declaration of Independence (1776), the French Declaration of the Rights of Man and Citizen (1789), the first Ten Amendments of the Constitution of the United States (Bill of Rights 1791) and the Universal Declaration of Human Rights of UN (1948).

Human rights is the basic rights and freedom of all human, it include the right to life, liberty, freedom of thought, expression and equality before the law. It is unified, interdependent and indivisible.

Rights agree to duties in three ways:

1. Individual duties of forbearance (non-interference)
2. Institutional duties of assistance
3. Individual duties of assistance

If we consider the right to property, conceived primarily as the right not to have one's personal property taken without one's consent. This implies that

- a. Other individuals have a duty to forbear from taking a person's possessions without his or her consent.
- b. Institutions, such as governments, should establish and enforce laws against theft and should do so in all neighbourhoods where theft is a possibility.
- c. Officials in the government have an individual duty, as officials, to support such laws and or enforce them.

The individual duties of assistance are performed in several ways: If the government were lax in this area, citizens might have a positive duty to pressure government to pass an appropriate law if one were missing or to enforce already existing laws.

Beyond that, individual citizens who are aware of persons with sticky fingers, as it were, have an obligation, where it could be done at reasonable cost to themselves, to thwart acts of theft.

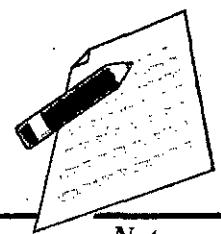


Many theories have been developed to explain human rights. According to Dr. Justice Durga Das Basu, "Human rights are those minimal rights, which every individual must have against the State, or other public authority, by virtue of his being a 'member of human family' irrespective of any consideration. The philosopher John Finnis argues that human rights are reasonable on the grounds of their instrumental value in creating the necessary conditions for human well-being.

The Universal Declaration of Human Rights (UDHR), 1948, stated that human rights as "rights derived from the inherent dignity of the human person." Human rights when they are guaranteed by a written constitution are known as "Fundamental Rights" because a written constitution is the fundamental law of the state.

Characteristics of human rights:

1. **Human Rights are Inalienable:** Human rights are deliberated on an individual due to the very nature of his existence. They are innate in all individuals irrespective of their caste, creed, religion, sex and nationality. Human rights are conferred to an individual even after his death. The different rituals in different religions bear testimony to this fact.
2. **Human Rights are essential and necessary:** Human rights are needed to maintain the moral, physical, social and spiritual welfare of an individual. Human rights are also essential as they provide suitable conditions for material and moral upliftment of the people.
3. **Human Rights are associated with human dignity:** To treat another individual with dignity regardless of the fact that the person is a male or female, rich or poor is concerned with human dignity.
4. **Human Rights are Irrevocable:** Human rights are irrevocable as they cannot be taken away by any power or authority because these rights originate with the social nature of man in the society of human beings and they belong to a person simply because he is a human being. As such human rights have similarities to moral rights.
5. **Human Rights are essential for the fulfilment of purpose of life:** Human life has a purpose. The phrase "human right" is applied to those conditions which are essential for the fulfilment of this purpose. No government has the power to curtail or take away the rights which are sacrosanct, inviolable and immutable.
6. **Human Rights are Universal:** Human rights are not a domination of any privileged class of people. Human rights are universal in nature, without consideration and without exception. The values such as divinity, dignity and equality which form the basis of these rights are inherent in human nature.



7. Human Rights are never absolute: Man is a social animal and he lives in a civic society, which always put certain limitations on the enjoyment of his rights and freedoms. Human rights as such are those limited powers or claims, which are contributory to the common good and which are recognized and guaranteed by the State, through its laws to the individuals. As such each right has certain limitations.
8. Human Rights are Dynamic: Human rights are not stationary, they are dynamic. Human rights go on expanding with socio-eco-cultural and political developments within the State. Judges have to construe laws in such ways as are in tune with the changed social values.
9. Rights as limits to state power: Human rights infer that every individual has legitimate claims upon his or her society for certain freedom and benefits. So human rights limit the state's power. These may be in the form of negative restrictions, on the powers of the State, from violating the inalienable freedoms of the individuals, or in the nature of demands on the State, i.e. positive obligations of the State.

Principles of human rights:

- Universality
- Inalienable
- Interdependent
- Universality
- Inalienable
- Interdependent
- Equality
- Inviolable
- Indivisible
- Inter-related
- Inviolable
- Indivisible
- Inter-related
- Non-discriminatory

Positive Rights:

Positive rights, initially proposed in 1979 by the Czech jurist Karel Vasak, may include other civil and political rights such as police protection of person and property and the right to counsel, as well as economic, social and cultural rights such as food, housing, public education, employment, national security, military, health care, social security, internet access, and a minimum standard of living.

Negative Rights:

Negative rights are an absolute right whose slightest violation breaks this right. Right not be tortured. Duty bearer has to refrain.

Distinctions between Negative and Positive Rights:

Many writers distinguish between negative rights and positive rights.

Negative rights would correspond to duties of forbearance: If X has a negative right to V, then others have a non-interference duty in relation to X's enjoyment of V.



Positive rights would correspond to duties of assistance: If X has a positive right to V, then others (perhaps government) have a (positive) duty to provide X with V.

It can also be used to defend securing for human beings what they need in order to function as rational beings.

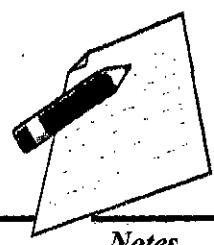
Categories of Rights:

Human rights can be grouped into following categories:

- Civil Human Rights
- Political Human Rights
- Economic Human Rights
- Social and Cultural Human Rights
- Development Oriented Human Rights

1. In the era of the seventeenth, eighteenth and nineteenth centuries, the civil and political rights, were strengthened which assured civil and political liberties. The Civil and Political Human Rights are collectively known as 'Liberty Oriented Human Rights' because they provide, protect and guarantee individual liberty to an individual against the State and its agencies. Liberty rights also referred to as Blue Rights are the First Generation of Human Rights.
2. In the twentieth century, economic, social and cultural rights and the rights of minorities as well developed. The intent of these rights to promote the economic and social security through economic and social upliftment of the weaker sections of the society. These rights are essential for dignity of personhood as well as for the full and free development of human personality in all possible directions. These rights guarantee a minimum of economic welfare of the masses and their basic material needs, recognized by the society as essential to cultured living.

The economic, social and cultural rights, including the rights of the minorities are together called the "Security Oriented Human Rights" because these rights jointly provide and guarantee the essential security in the life of an individual. In the absence of these rights, the very existence of human beings would be in danger. These are also known as the "Second Generation of Human Rights". They are also called as Red Rights or also as positive rights. These rights along with the Civil and Political Rights were declared by the Universal Declaration of Human Rights and later were recognized by the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights in December 1966.



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3. The Development Oriented Human Rights were originated in the late twentieth century. These rights empower an individual to partake in the process of overall development and include environmental rights that enable an individual to enjoy the absolutely resources of nature, such as air, water, food and natural resources, free from pollution and contamination. These are known as the Third Generation of Human Rights or Green Rights. They are also called as Solidarity Rights, because their implementation depends upon international cooperation.

Solidarity rights have immense importance in developing countries, because these countries want the creation of an international order that will guarantee to them the right to development, the right to disaster relief assistance, the right to peace and the right to good government.

Brian Orend, a Canadian philosopher, in his *Human Rights: Concept and Context*, develops this idea in the direction of human rights as follows: To respect human beings as an end is to respect their interests in being protected against grievous harm.

Orend lists five vital needs that, he claims, are common to all human beings. If these needs were not met at a basic level, we could not function as rational beings. They are security, subsistence, freedom, equality, and recognition. It would be interesting to compare this list with Martha Nussbaum's list of basic capabilities in her account of the things to which human rights entitle us.

Human rights in India:

Human rights are vital for all round development of individuals. The Constitution of India makes provisions for basic rights also known as Fundamental Rights for its citizens as well as for aliens. The Supreme Court of India is the guarantor of the rights according to the Constitution. The court takes into account fundamental duties while interpreting the constitutional right. In Indian constitution, Rights are classified mainly in three broad categories: (a) Civil (b) Political (c) Economic and Social. Fundamental Rights in India recognize certain civil rights. Certain Political and Economic and Social rights are recognized by other provisions in the Constitution. The Supreme Court of India recognizes Fundamental Right as "natural right"

In Indian constitution, the Fundamental Rights are defined as the basic human rights of all citizens. These rights are defined in Part III of the Constitution regardless of race, place of birth, religion, caste, creed or sex.

Guha quoted that "The demand for a declaration of fundamental rights arose from four factors:

- Lack of civil liberty in India during the British rule.
- Deplorable social conditions, particularly affecting the untouchables and women.



- Existence of different religious, linguistic, and ethnic groups encouraged and exploited by the Britishers.
- Exploitation of the tenants by the landlords.

Fundamental Rights includes:

Right to Equality:

The Right to Equality is one of the chief guarantees of the Constitution of India. Articles 14–18 of Constitution highlights the right to equality. It refers to the equality in the eyes of law irrespective of caste, race, and religion, place of birth or sex. When appraising Indian constitutional law, it can be stated that Article 14 guarantees equality before law as well as equal protection of the law to not only citizen of India but also to all the people within the territory of India. This includes the equal subjection of all persons to the authority of law, as well as equal treatment of persons in similar circumstances. The State cannot refuse this right. But no persons or group of persons can demand for any special treatment or any special privilege.

Article 15 forbids discrimination on the basis of religion, race, caste, sex, place of birth, or any of them. This right applies only to inhabitants of India and can be enforced against the State as well as private individuals, individuals, regarding free access to places of public entertainment or places of public resort maintained partly or wholly out of State funds. The State has the right to make special treatment for women, children and for the development of backward class, scheduled caste or scheduled tribe people.

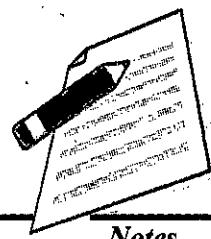
Article 16 promises equality of opportunity in matters of public employment. It prevents the State from discriminating against anyone in respect of employment on the grounds of religion, race, caste, sex, descent, and place of birth or place of residence. However, the State may provide special reservation to the people of backward classes, scheduled castes or scheduled tribes for the upliftment of the weaker sections as well as for a person professing that particular religion in case of religious institution.

Article 17 abolishes the practice of untouchability. It has been declared an offence punishable by law. The Protection of Civil Rights Act, 1955 has been enacted by the Parliament which states punishments for not allowing a person to enter the place of worship and from taking water from a well or tank.

Article 18 prohibits the State from granting any titles other than military or academic distinctions, distinctions, and even the citizens of India cannot accept titles from a foreign state. Thus, Indian aristocratic titles and titles of nobility given by the British have been abolished.

Right to Freedom:

The Right to Freedom is mentioned in Articles 19–22, with the view of guaranteeing individual rights. But some of the rights are subject to security



Notes

of the State, friendly relation with foreign countries, public order, decency or morality and for which certain restrictions may be imposed by the State on individual liberty under specified condition.

Article 19 assures the citizens of India the following six fundamental freedoms subject to certain restrictions:

- Freedom of Speech and Expression
- Freedom of Assembly
- Freedom of form Associations
- Freedom of Movement
- Freedom of Residence and Settlement
- Freedom of Profession, Occupation, Trade and Business.

Article 20 provides protection from conviction for offences in certain respects, respects, including the rights against ex post facto laws, double danger and freedom from self-incrimination.

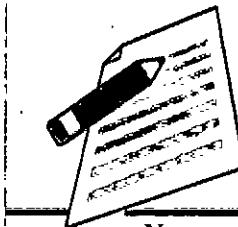
Article 21 averts the encroachment /protection of life or personal liberty by the State. No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 22 offers specific rights to arrested and detained persons, i.e., the rights to be informed of the grounds of arrest, arrest, consult a lawyer of one's own choice, be produced before a magistrate within 24 hours of the arrest, and the freedom not to be detained beyond that period without an order of the magistrate. Article 22 also provides that when a person is detained under any law of preventive detention, the State can detain such person without trial for only three months, months, and any detention for a longer period must be authorised by an Advisory Board. The person being detained, has the right to be informed about the grounds of detention, and be permitted to make a representation against it, at the earliest opportunity.

Right against Exploitation: The Right against Exploitation, contained in Articles 23–24, lays down certain provisions to prevent exploitation of the weaker sections of the society by individuals or the State. Child labour and Beggar is forbidden under the Right against Exploitation.

Article 23 prohibits human trafficking and forced labour or any act of compelling a person to work without wages where he was legally entitled not to work or to receive remuneration for it. Any contravention leads to an offence. However, it permits the State to impose compulsory service for public purposes, including conscription and community service. The Bonded Labour system (Abolition) Act, 1976, has been enacted by Parliament to give effect to this Article.

Article 24 prohibits the employment of children below the age of 14 years in factories, mines and other hazardous jobs. Parliament has enacted the



Child Labour (Prohibition (Prohibition and Regulation) Regulation) Act, 1986, providing regulations for the abolition of, and penalties for employing, child labour, as well as provisions for rehabilitation of former child labourers. The Employment of Children Act, 1938 was the first act to prevent Child Labour.

Right to Freedom of Religion:

The Right to Freedom of Religion, enclosed in **Articles 25–28**, provides religious freedom to all citizens and ensures a secular state in India. According to the Constitution, there is no official State religion, and the State is required to treat all religions impartially and neutrally.

Article 25 promises all persons the freedom of conscience and the right to preach, practice and propagate any religion of their choice. This right is, however, subject to public order, morality and health, and the power of the State to take measures for social welfare and reform. The right in this article shall not affect the operation of any existing law or prevent the State from making new law.

Article 26 guarantees all religious denominations or any sections, subject to public order, morality and health; to manage their own affairs in matters of religion, religion, set up or manage institutions of their own for charitable or religious purposes, and own, acquire and manage property in accordance with law. These provisions do not derogate/deviate from the State's power to acquire property belonging to a religious denomination.

Article 27 guarantees freedom for payment of taxes. No person can be compelled to pay taxes for the promotion or maintenance of any particular religion or religious institution.

Article 28 forbids religious instruction in a wholly State-funded educational institution, and educational institutions receiving aid from the State cannot compel any of their members to receive religious instruction or attend religious worship without their consent or their guardian's consent in case of minor.

Cultural and Educational Rights: The Cultural and Educational rights stated in Articles 29 and 30, are measures to protect the rights of cultural, cultural, linguistic and religious minorities, by enabling them to conserve their heritage and protecting them against discrimination.

Article 29 grants any section of citizens having a distinct language, script culture of its own, and the right to conserve and develop the same, and thus defences the rights or interest of minorities by preventing the State from imposing any external culture on them. It also prohibits discrimination against any citizen for admission into any educational institutions maintained or aided by the State, on the basis of religion, race, caste, language or any of them. Nonetheless, this is subject to reservation by the State for socially and educationally backward classes, as well as reservation of up to 50 percent of seats in any educational institution run by a minority community for citizens belonging to that community.

Article 30 promises the right of minorities to set up and administer educational institutions of their choice in order to preserve and develop their own culture, and prohibits the State, while granting aid, from discriminating against any institution on the basis of the fact that it is administered or managed by a religious or cultural minority.

Right to constitutional remedies:

The Right to Constitutional Remedies is covered in Article 32. It empowers inhabitants to approach the Supreme Court of India to seek enforcement, enforcement, or protection against infringement, of their Fundamental Rights. Article 32 provides a guaranteed remedy for enforcement of all the other Fundamental Rights, and the Supreme Court is designated as the protector of these rights by the Constitution. The Supreme Court has been empowered to issue writs, namely habeas corpus, mandamus, prohibition, and quo warrant, for the enforcement of the Fundamental Rights, while the High Courts have been empowered under Article 226 - which is not a Fundamental Right in itself.

India was a signatory to the Universal Declaration of Human Rights.

Table: Civil and Political Rights in the Universal Declaration of Human Rights and in the Indian Constitution:

Sl No.	Name of Rights	Universal Declaration	Indian Constitution
1	Equality before law	Article 7	Article 14
2	Prohibition of discrimination	Article 7	Article 15(1)
3	Equality of opportunity	Article 21 (2)	Article 16(1)
4	Freedom of speech and expression	Article 19	Article 19(1)a
5	Freedom of peaceful assembly	Article 20(1)	Article 19(1)b
6	Right to form associations or unions	Article 23(4)	Article 19(1)c
7	Freedom of movement within the border	Article 13(1)	Article 19(1)d
8	Protection in respect of conviction for offences	Article 11(2)	Article 20(1)
9	Protection of life and personal liberty	Article 3	Article 21
10	Protection of slavery and forced labour	Article 4	Article 23
11	Freedom of conscience and religion	Article 18	Article 25(1)
12	Remedy for enforcement of rights	Article 8	Article 32



CLASS-12
POLITICAL SCIENCE



Notes

13	Right against arbitrary arrest and detention	Article 9	Article 22
14	Right to social security	Article 22	Article 29(1)

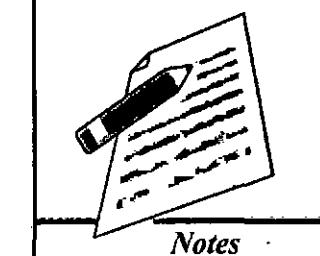
It is also revealed that most of the economic, social and cultural rights proclaimed in the universal Declaration of Human Rights have been incorporated in part IV of the Indian Constitution.

Table: Economic, Social and Cultural Rights in the Universal Declaration of Human Rights and in the Indian Constitution:

Sl No.	Universal declaration of rights	Article in the universal declaration	Article in the Indian constitution
1	Right to work, to just and favourable conditions of work	Article 23(1)	Article 41
2	Right to equal pay for equal work	Article 23(2)	Article 39(d)
3	Right to education	Article 26(1)	Article 21(A), 41, 45, & 51(A)k
4	Right to just and favourable remuneration	Article 23(3)	Article 43
5	Right to rest and leisure	Article 24	Article 43
6	Right of everyone to a standard of living adequate for him and his family	Article 25(1)	Article 39(a) & Article 47
7	Right to a proper social order	Article 28	Article 38

The Supreme Court of India recognises these fundamental rights as 'Natural Rights' or 'Human Rights'. The Judiciary in India plays a significant role in protecting human rights. In Indian constitution, human rights are implied as civil liberties and democratic rights (Asish Kumar Das, 2007).

To summarize, rights are regarded as central to civilization, being observed as established pillars of society and culture. Traditionally, Rights are moral laws specifying what a person should be free to do, and they come from God. In other way, rights are political laws specifying what a person is free to do, and they are created by governments. Third category describe that rights are moral laws specifying what a person should be free to do, and they are inherent in



Notes

man's nature. The concept of human right is described as rights are moral principles or norms, which describe certain standards of human behaviour and are regularly protected as legal rights in municipal and international law. These are moral claims which are unchallengeable and inherent in all human beings by virtue of the member of the humanity alone. Today these claims are articulated and formulated and called as human rights. It can be supposed that human rights reproduce the minimum standards essential for people to live with self-respect. Human rights give people the freedom to choose how they live, how they express themselves, and what kind of government they want to support, among many other things. Human rights also assure people the means necessary to satisfy their basic needs, such as food, housing, and education.

Summary of the Chapter

'Human rights' in practice have been defined to encompass every aspect of dignified human existence which makes every human being an equal member of the human family.

- Human dignity is the essence of human rights. It is the wide comprehension of this aspect and appreciation of the range of dignity of the individual which must define the true scope of human rights.
 - the core values of our constitutional philosophy indicated in the Preamble and in the chapter on Fundamental Rights to the Constitution of India are ‘dignity of the individual’ and ‘unity and integrity of the nation’. These represent both the social and individual aspects of human rights.
 - The National Human Rights Commission protects the basic human rights of the individuals. It examines and investigates the complaints and cases of gross violations of human rights in India.

EXERCISE

1. Tick (✓) the correct answer:

 - (a) The Universal Declaration of Human Rights was adopted in 1949. (True/False)
 - (b) Atrocities of Second World War mark the start of current era of human rights. (True/False)
 - (c) Human Rights like Fundamental Rights are enforceable. (True/False)

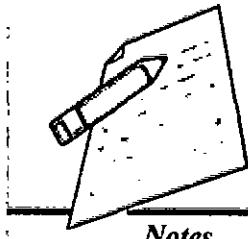
2. Fill in the blanks:

 - (a) Human Rights have now become _____ (local, national universal)
 - (b) The world leaders gathered in _____ for the World Conference on Human Rights (Vienna, Geneva, New York)
 - (c) The rights of the 18th and 19th centuries can be termed as _____ rights (individual, social, classic)

- Ans.** 1. (a) False (b) True
 (c) False

2. (a) Universal (b) Vienna
 (c) Classic

CLASS-12
POLITICAL SCIENCE



Notes

Review Questions

1. How can we classify human rights?
 2. What are the six basic features of human rights?
 3. Discuss the significance of human rights in the Constitution of India.
 4. Write short notes on:
 - (a) Universalisation of Human Rights
 - (b) Role of the National Human Rights Commission in India.

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1**INDIA'S FOREIGN POLICY****Objective of the chapter**

The main objective of the unit is to make student understand about the initial concepts of India's Foreign Policy including its present status.

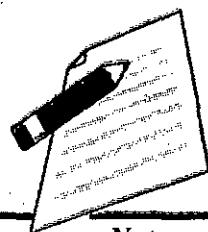
Indian foreign policy objectives and principles

While keeping in view the fundamental objectives of India's foreign policy, India has adopted and pursued certain principles to realize these objectives. Some of these principles are given in Article 51 under the Directive Principles of State Policy in the Constitution of India. These principles are the promotion of international peace and security; friendly relations with other countries; respect for international law and international organizations like the UN; and finally, the peaceful settlement of international disputes. The principles of India's foreign policy and its objectives are closely interlinked with each other. These principles have stood the test of time and are ingrained in international law and India's foreign policy practice. Some of these principles are discussed below.

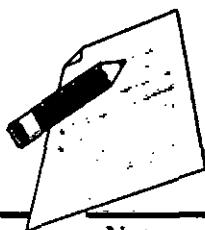
A. Panchsheel

Indian Policymakers understood the linkage between peace and development and survival of mankind. In view of the destruction caused by two world wars, they realized that for the progress of a nation a durable world peace was needed. Without global peace, social and economic development is likely to be pushed to the background. Thus, the founder of India's foreign policy, Nehru gave utmost importance to world peace in his policy planning. For him, India desired peaceful and friendly relations with all countries, particularly the big powers and the neighbouring nations. While signing a peace agreement with China; he advocated adherence to five guiding principles known as Panchsheel. Panchsheel was signed on 28 April 1954 and since then it has become a guiding principle of India's bilateral relations with other countries also. Panchsheel includes the following five principles of foreign policy:

1. Mutual respect for each other's territorial integrity and sovereignty.
2. Non-aggression against each other.
3. Non-interference in each other's internal affairs.
4. Equality and mutual benefit.
5. Peaceful co-existence.



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These principles of Panchsheel were later incorporated in the Bandung Declaration, signed in the Afro-Asian Conference held in 1955 in Indonesia. They are the core principles of the Non-Alignment Movement (NAM) and still guide the conduct of India's foreign policy.

B. Policy of Non-alignment

Non-alignment is the most important feature of India's foreign policy. Its core element is to maintain independence in foreign affairs by not joining any military alliance formed by the USA and the Soviet Union, which emerged as an important aspect of cold war politics after the Second World War. Non-alignment should not be confused with neutrality or non-involvement in international affairs or isolationism. It was a positive and dynamic concept. It postulates taking an independent stand on international issues according to the merits of each case but at the same time not committing to coming under the influence of any military bloc.

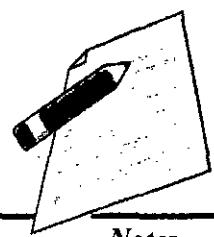
Thus, keeping away from the military alliances and superpower blocs was a necessary condition for the independence of foreign policy. India's policy of non-alignment got many supporters in the developing countries of Asia, Africa, and Latin America as it provided them an opportunity for protecting their foreign policy independence amidst the cold war pressures and tensions. India played a lead role in popularizing and consolidating the Non-Aligned Movement (NAM). India, under the leadership of Nehru, convened the Asian Relations Conference in New Delhi in 1947 to forge the idea of Asian solidarity.

Another Asian Relations Conference was convened by India in 1949 on the question of the independence of Indonesia as India stood firm against the colonial rule in other countries. A larger Conference, known as the Bandung Conference of 29 countries of Asia and Africa was convened in Bandung (Indonesia) in 1955 to forge the Afro-Asian unit. The conference laid down ten fundamental principles of international relations, which included five principles of Panchsheel. The leaders pledged to work together for colonial liberation, peace, cultural, economic, and political cooperation among developing countries.

The Bandung Conference was a precursor to the NAM, which held its first Summit in 1961 at Belgrade. Since then, the Non-Aligned Movement has not looked back. So far its 15 Summits have been held, the last one held at Sharm-El-Sheikh in 2009. It provides all its members, regardless of their size and development, an opportunity to participate in the global decision-making process. The Seventh NAM Summit was hosted by India in New Delhi in 1983. In this Summit, India took up the cause of development, disarmament, and the Palestine issue.

Continued Relevance of Non-alignment:

As NAM was a product of cold war politics and the bipolar world, many scholars have questioned the relevance of NAM after the end of the cold



Notes

war and the disintegration of the Soviet Union. Again, the globalization led to the change in the priorities of even its chief votaries like India, which tried to adopt neo-liberal market economy principles in order to integrate with the emerging global order. This new situation generated the impression as if NAM is side-lined and its relevance is declining. However, if we go deep in the basic features of NAM, it appears to be equally significant also in the changing context due to the following factors:

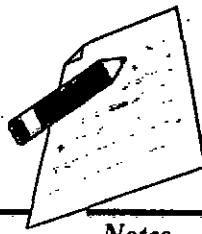
1. After the disintegration of the Soviet Union, the NAM can act as a check against undue dominance and hegemony of any country or block.
2. The developed (North) and developing (South) world have divergent views over several global and economic issues. The NAM may provide a forum for third world countries to engage the developed nations in a productive dialogue.
3. The NAM can prove to be a powerful mechanism to forge cooperation, which is essential for their collective self-reliance in the present market-driven global order.
4. NAM can provide an important forum for developing countries to discuss and deliberate upon various global problems, issues, and reforms including the reform of the UN and other international financial institutions like the World Bank and IMF in order to make them more democratic and effective.

C. The policy of Resisting Colonialism, Imperialism, Racism

India has been a victim of colonialism and racism and was as such opposed to these evils in any form. India considers colonialism and imperialism as a threat to international peace and security. India was the first to bring the issue of Apartheid in the UN in 1946. India raised her voice for the independence of Indonesia and organized the Asian Relations Conference for this purpose. Due to India's consistent efforts through NAM and other international forums, 14 African countries were liberated from the yoke of colonialism in 1964. India made sincere efforts to end the scourge of apartheid in South Africa. At India's initiative, NAM set up the Africa Fund (Action for Resisting Imperialism, Colonialism, and Apartheid) in 1986 to help the frontline states, which were victims of aggression of South Africa and for facing the brunt of Apartheid. India made a generous contribution to this fund. The end of racialism in South Africa in 1990 was a great success for Indian policy.

D. Peaceful Settlement of International Disputes

One of the core elements of India's foreign policy is its unflinching faith in the political solution and peaceful settlement of international disputes. This principle has been included in the Constitution of India, under the Directive Principles of State Policy as well as in the Charter of the UN. India has played a leading role in the resolution of the Korean conflict and supported



negotiated settlement of Palestine issue, border problems with neighbouring countries, and other such disputes and problems. At present, India is in favour of the resolution of peaceful settlement of Iranian nuclear issues, the problem of the democratic upsurge in the Middle East, and so on. India is always against foreign military intervention for resolving international problems. This principle continues to be the cornerstone of India's policy.

E. Support to UN, International Law and a Just and Equal World Order

India has deep respect for the international law and/or the principles of sovereign equality of nations and non-interference in the internal affairs of other nations as espoused by the UN. India has supported the cause of disarmament pursued by the UN. In 1988, India proposed a very ambitious programme of nuclear disarmament before the UN. Though, this proposal was not accepted by the other members of the UN, India stands committed to the cause of universal disarmament even today. India has played a key role in preserving world peace by helping in the decolonization process, and through active participation in UN peacekeeping activities. In order to make the composition of the Security Council more realistic and democratic, India has proposed and supported the reform of Security Council and other UN agencies. India is one of the claimants of permanent membership of the Security Council.

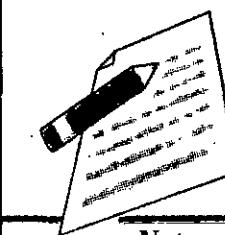
Summary of the Chapter

India has followed certain basic principles in the conduct of its foreign policy from which it has not deviated much. In fact, some of its basic features such as non-alignment still remain significant and relevant. The proof of the durability of some decades old principles lie in the efforts of India and China to revive the fifty-year-old Panchsheel as the basis of bilateral relations. India has contributed significantly to UN efforts for peace and disarmament and to UN peacekeeping operations. Even as India is poised to become an economic superpower in the coming times, it always has and in future too will take necessary steps to further its national interest in every respect i.e., political, strategic and economic terms.

EXERCISE

Multiple Choice Questions

1. The first peacekeeping nation with Indian troops was sent to
 - (a) Korea
 - (b) Sinai
 - (c) Congo
2. Which of the following statements is false?
 - (a) India is one of the second largest troop contributors to UN peacekeeping.
 - (b) Peacekeeping was confined to cold war years.
 - (c) India's role was significant in protecting the Congo from separation.



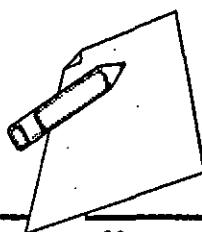
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3. India's contribution to peacekeeping included (a) only troops. (b) only non-military staff. (c) both military and civilian staff.
 4. Which of the following is not a permanent member of the Security Council?
 - (a) Russia
 - (b) Great Britain
 - (c) India (d) China
 5. Which of the following statements is false?
 - (a) Cold war is over
 - (b) Soviet Union has disintegrated
 - (c) Globalisation is a reality
 - (d) United Nations has been dissolved.

Review Questions

1. Discuss the basic tenets of India's foreign policy.
 2. Discuss the relevance of the policy of non-alignment.
 3. How far are India's claim for a permanent seat in the Security Council justified?
 4. What are the challenges that confront India after the end of cold war and disintegration of Soviet Union?
 5. Write short notes on
 - (a) Panchsheel agreement
 - (b) India's contribution to UN efforts for disarmament
 - (c) India's participation in UN peacekeeping.

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INDIA'S RELATIONS WITH USA, RUSSIA

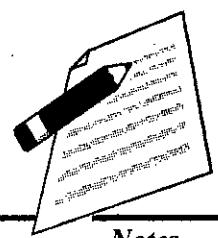
After the Second World War (1945), the United States of America (USA or US in short) emerged as one of the two super powers, the other being the Union of Soviet Socialist Republics (USSR/ Soviet Union). These countries were militarily and economically so strong as compared to other states that they could project their power to every nook and corner of the world. When India attained independence in 1947, it wanted to have good relations with both the countries. It was widely believed that a natural tie would exist between India and the US since India seemed destined to emerge as the world's largest and Asia's first, fully democratic state. And the US was considered the most powerful and celebrated democracy of the world. So far as the relationship between India and the USSR was concerned, a number of commonalities were easily noticed. But the directions of India's relationships with these two countries took different courses.

Indo-Us Relations

Diplomatic contacts between India and the US were initiated in November 1941, six years before our independence. There was a wealth of goodwill for India's independence in the US. The decision to establish diplomatic relations with India reflected the American unhappiness with the British approach to the question of independence. The United States believed that Britain should promise self-government to India after the War, in exchange for India's participation in the struggle against Hitler. The Atlantic Charter, spelt out by the US and Britain, had offered hope of a new dawn to the suppressed people of the world once the War had been successfully concluded. America got a lot of credit in Indian eyes for this. However, Britain subsequently declared that the Charter applied solely to fellow Europeans under Hitler's Nazi occupation.

Relations in the Cold War Years

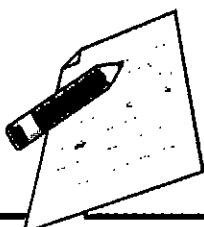
The relations between India and the US failed to achieve their full potential. Many factors were responsible in determining the actual course. This was due to the preoccupation of the United States with the 'containment of communism' which started the Cold War between the US and the Soviet Union. The newly independent India, led by our first Prime Minister Jawaharlal Nehru, refused to be drawn into the Cold War politics of competitive military alliances promoted by both the super powers. Nehru chose the policy of 'nonalignment' which

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aimed to give India the much-needed independence of action in the sphere of foreign policy and relations. America regarded India's refusal to collaborate as a sign of unfriendliness. The cause of better Indo-US relations received a blow in 1954. The US through Cold war brought rivalry to India's doorsteps by forming two military organisation SEATO and CENTO with Pakistan who joined these alliances as a key member. The US military aided Pakistan, given to check the spread of communism, was used against India contrary to initial assurances.

The October 1962 war between India and China introduced a new element in the Indo-US relations. Within India, there were for the first time many voices strongly advocating an alliance with the US against China. Many also wanted a drastic modification of the nonalignment policy. There was perhaps an expectation in the US too that India could now be prepared to head an anti-Chinese and anti-Communist alliance. When the Chinese invasion scaled up, the Government of India made an urgent appeal to Washington (US) for military supplies. In a speedy response, the US President John F. Kennedy provided India with small arms and equipment. The first batch of arms arrived even before the signing of a deal between the two countries. Further, the US agreed to payment for these arms in rupees. However, the pro-American goodwill in India evaporated with the US reluctance to openly blame Pakistan for starting the 1965 war against India. In addition to US support to Pakistan, US war on Vietnam contributed to certain coldness in Indo-US relations in 1960s. In the beginning of 1970s, the US rapprochement with China (with Pakistan help) was another turning point.

The Bangladesh episode created a new crisis in Indo-US relationship too. The US adminis- India and the World traction (government) took the position that the East Pakistan's (present-day Bangladesh) revolt was a movement to break up Pakistan and that Pakistan's brutal attempts to suppress it were justified. During the Bangladesh war (1971) the US moved a anti India resolution in the Security Council and USA froze its economic assistance to India. The only assistance that continued was food distributed free by voluntary agencies. Not only that, Washington also made military moves. A part of the US Seventh Fleet was ordered into the Bay of Bengal. The nuclear-powered aircraft carrier USS Enterprise sailed towards the Bay of Bengal in a show of solidarity with Pakistan army which could be saved from defeat in Bangladesh. It took some time (a couple of years) for the US to recognize India as the major country in the South Asian region. It was in this spirit of reconciliation, India hosted President Carter's visit in 1977. However, once again another blow struck. The Soviet invasion of Afghanistan in 1979 had thrown India and United States on opposite sides. Pakistan became the closest ally to facilitate military help to Afghan Mujahiddeen. No doubt India's initial sympathies with the Soviet action against Afghanistan harmed relations with America



American Aid to India

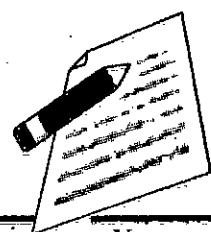
There was a slow start to the economic assistance that India received from the US. India's food production at the time of independence was insufficient to feed its millions; its industrial and service sector were also quite backward. That is why, India was dependent on other countries for bilateral assistance. The first of the many food aid shipments to India from the US started in 1951. In 1954, the US Congress passed a Public Law 480 (PL 480) allowing the sale of surplus American wheat to India. India continued to receive food grains from the US under PL 480 till the early 1970s.

The story of suspicions in political relationship uses only one side of the coin. During the cold war, despite political differences, India received significant economic and food aid from the US, right from 1950s. In addition to food assistance, the US had provided large bilateral developmental assistance to India. However, you must not forget that this assistance was not available for the development of heavy industry but in the field of agriculture, development of raw materials and minerals.

For creating a heavy industrial base, India had to turn to the Soviet Union. The development assistance given by the US reached a peak of around \$500 million in 1962. During the Bangladesh war, the US froze its economic aid to India. However, the bilateral assistance started in 1978 after a long gap. But the importance of bilateral aid decreased from the late 1970s onwards because of the substantial increase in multilateral assistance given by the International Development Authority (IDA), the soft money affiliate of the World Bank. Much of the IDA money was, of course, funded indirectly by the US. In the 1980s, the World Bank lending typically ran into \$2 billion (one billion is one hundred crores or one thousand million). So, for India, the US stance towards multilateral financial institution mattered more than the bilateral aid. US had no objection to clear India's request for a \$5.8 billion loan from the International Monetary Fund (IMF) in 1981 - the largest ever sought by a member country.

Contemporary Indo-US Relations

The end of the Cold War in 1990s left the United States as the lone super power. This new reality brought a reappraisal of the Indo-US relations. New opportunities came up to bring India and US close. Military-military contacts commenced; American investments started pouring in; and Indian skilled professionals in communication and information technology projected India to US in a positive light. President Clinton paid a hugely successful visit to India in 2000. On political front terrorism, non-proliferation have been major issues. One of the turning points of Indo-US relations in recent years was the American role in the Kargil crisis in 1999. India viewed President Bill J Clinton's role during the 1999 Kargil crisis in persuading Pakistan to withdraw its troops from the Indian side of the Line of Control (LOC) in Kashmir as



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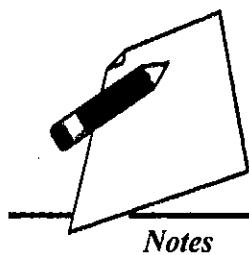
an important milestone. India tried to impress the importance of fighting the menace of terrorism, by highlighting Pakistan's role in Jammu and Kashmir. But the United States did not show much interest in acting against terrorism till the US cities (New York and Washington) were struck in a big way on 11th September 2001. India offered full cooperation to the US in counter terrorism campaign.

However, our plea to US that Pakistan's support to Taliban in Afghanistan, and Jihadists in Kashmir made it the 'epicentre' of international terrorism fell on deaf ears. The US needed Pakistan more than India to contact Al-Qaeda terrorists. So, US distinguished 'good' terrorists and bad terrorists.

They extended sympathy when terrorists attracted Kashmir Assembly and India's Parliament in October and December 2001 respectively. Anxious to enlist allies in the war against terrorism, USA reverted to Cold War partnership with Pakistan. Once highly critical of the military regime in Pakistan run by General Pervez Musharraf, Washington now welcomed Musharraf as a full-fledged partner in the international coalition against terrorism. The Bush administration lifted the sanctions against Pakistan, pledged to provide generous assistance and gave the Musharraf government a legitimacy it had never before enjoyed. India legitimately feared that Washington would tilt toward Islamabad once more.

USA was alarmed that events might go out of control. To show New Delhi that it took seriously India's accusations about Pakistan's collusion in these attacks, the administration of President George Bush placed the two Pakistan-based groups, India thought responsible for the attacks on the US list of terrorist organizations. While not publicly accepting India's claim that the Pakistani government itself was involved in terrorist activities, Washington's words and actions clearly implied that Islamabad could and must do more to crack down on terrorism. US besides countries like Canada, helped India established nuclear power stations in 1963. But the cooperation came under a cloud in 1970s, because of India's peaceful nuclear explosion at Pokhran in 1974 and India's refusal to sign nuclear non-proliferation treaty. In 1978, the US Congress passed the Nuclear Non-Proliferation Act in 1978. This law stipulated that uranium could be exported to those countries which allow all their nuclear plants to be inspected and safeguarded by the International Atomic Energy Agency (IAEA). It must not be forgotten that non-proliferation has been a steadfast goal of the US. And major differences between the two countries over nuclear issues persisted.

The US hoped that India would sign the Comprehensive Test Ban Treaty (CTBT) of 1996, but India did not. When it detonated five nuclear bombs in May 1998 again at Pokhran and declared itself a nuclear weapons state, the US imposed military and economic sanctions. Bilateral relations seemed to have reached a new low, but India stood its ground. For two years, a number of discussions between Jaswant Singh, then Foreign Minister of India and Strobe Talbott, the US deputy secretary of state were held. Not since the



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early 1960s had the two countries engaged each other in such a serious and sustained fashion. These discussions transformed the bilateral relationship to a large extent.

In 1999 US Congress lifted some of the sanctions against India. This was the first among many such subsequent instances of easing of sanctions by Congress. Recently, there is a growing awareness in the US to India and the World recognize India as a responsible country with nuclear weapons. With India opening up its economy in the 1990s, investment by American companies rather than the aid came to be looked up as more important. The role of the young Indians in the Information Technology (IT), i.e., computer hardware and software industry added a new dimension to the trade between India and the US. Further, those IT professionals who settled down in the US became the most successful single ethnic group there. They helped create a different image of India in America.

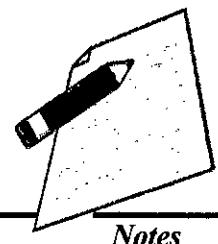
Relations with The Soviet Union

The relationship between India and the USSR was based on a number of common factors. India having won freedom from the British, the anti-imperialism ideology of the Soviet Union compared well with each other.

That is why, in India, there was scepticism and often rejection of Western-inspired fears about Soviet designs and objectives. The political relationship started dramatically improving after Soviet Communist Party's leader's visit to India in 1955. In the Security Council the Soviet Union supported India's position on Kashmir and vetoed unacceptable resolution moved by the Western countries. Highly significant was Soviet aid in developing a heavy industrial complex in India. During the late 1950s, the Soviet Union gave growing financial and technical assistance to India for the development of India's basic industries in steel, coal, machine-tool manufacturing, and other public sector areas. One of the landmark agreements that India signed with the Soviet Union was in February 1955 for the setting up of a steel plant in Bhilai.

The terms of Soviet aid were favourable to India: when the western countries were charging 6 per cent as rate of interest, the Soviet Union charged only 2.5 per cent. In December 1953, India and the Soviet Union signed a long-term trade agreement. An attractive feature of this agreement was the fact that payment for Indian imports could be made in rupees and not in hard currency like dollar. Trade with the Western countries, by contrast, was in hard currency. For this purpose, accounts of the Soviet Union were opened and maintained in several Indian banks. Military supplies to India emerged as a prominent symbol of Indo-Soviet friendship. In 1962, just before the India-China war, the MiG (the fighter aircraft) deal was signed despite Chinese protest.

The USSR replaced the British as the biggest supplier of fighter aircraft. The Soviet Union hosted a meeting of leaders of India and Pakistan in Tashkent in January 1966 after the 1965 war. In August 1971, the Soviet and the Indian



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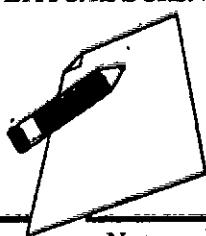
leaders signed the historic Treaty of Peace, Friendship and Cooperation, the first of its kind that India had signed. The Treaty provided for immediate mutual consultations in case either country was attacked from outside. This clearly signalled Moscow's commitment to stand by India on the Bangladesh question. India, in a way, reciprocated with support to the Soviet Union after it invaded Afghanistan in December 1979. India was restrained in its public statements. For India, the Afghanistan issue had been somewhat overshadowed by the virtual military alliance between Pakistan and the US. With the coming to power of Mikhail Gorbachev in 1985, the Soviet foreign relations went through a sea change. The emphasis shifted to the need for mutually beneficial relations with the US and the West. His efforts to build a "Common European Home" undermined the importance of the developing world like India. This along with the Soviet/ Russian rapprochement with China led to a temporary downturn in Indo-Soviet relations.

Post-Soviet Era

After the disintegration of the Soviet Union in December 1991, under the new Russian President Boris Yeltsin too continued with the policy of building close cooperation with the US and the West, there were calls for a "pragmatic renewal" of ties with India. During India and the World Yeltsin's visit to India in 1993, the Treaty of Friendship and Cooperation was signed between India and Russia. It replaced the 1971 Treaty of Peace, Friendship and Cooperation. The security clause of the earlier Treaty was abandoned while the two countries resolved to continue their peaceful and friendly relation. Another important breakthrough was the agreement on debts and Ruble-Rupee exchange rates. A Treaty on cooperation in military field was also signed and Yeltsin confirmed once again that India would receive cryogenic rocket engines despite US objections. The Indo-Russian relations attained a new high and momentum with the signing of Declaration on Strategic Partnership during the visit of Russian President Vladimir Putin.

The Indian Prime Minister Vajpayee's November 2001 visit resulted in the signing of the Declaration on International Terrorism. This declaration condemned the double standards adopted by the west on terrorism. Although Russia is not a super power any more, its significance for India cannot be underestimated. Being a permanent member of the Security Council of the UN, it has the power of veto. Further, as you already know, Russia is the only important world power that has consistently supported the Indian position on Kashmir and cross-border terrorism. It holds Pakistan responsible for the spread of religious extremism and terrorism in this part of the world.

The most recent support for Kashmir came in the form of the joint statement issued at the end of three days visit of Prime Minister Vajpayee to Moscow in November 2003. It called upon Pakistan to prevent infiltration of terrorists



across the LOC and at the other points of the border into the state of Jammu and Kashmir. It also asked Pakistan to dismantle the terrorist infrastructure in Pakistan and Pakistan-controlled territory as a condition for purposeful dialogue between the two countries. Among the permanent members of the UN Security Council, Russia is the most prominent and unequivocal supporter of India's candidature for permanent membership in an expanded Security Council. Russia remains India's most reliable supplier of high-quality military equipment. Russia supplies more than seventy per cent of India's defence need including the state-of-the-art weapon systems and the technologies. The major Russian defence export include fighter aircraft (such as MiG-21), main battle tanks (like T-72MI), helicopters, anti-tank missiles, anti-ship missiles, submarines, nuclear submarine (of Akula-2 class) and aircraft carrier (such as Gorskhov).

In a "landmark deal" in January 2004, India agreed to buy the refurbished Admiral Gorskhov along with 12 Mig-29 fighter aircraft. The aircraft carrier will be delivered to India by 2008. Defence co-operation between India and Russia is not limited to procurement but includes production of many of these weapon systems in India (e.g., Mig-27M, Sukhoi- 30MK, T-72 tanks, etc.). It also covers areas like joint research and development and service to service co-operation. One of the most striking examples is the Indo-Russian joint endeavour to develop, manufacture and market the supersonic (flying faster than the speed of sound) Anti-Ship Cruise Missile Systems, BrahMos.

India and Russia have enjoyed strong historical ties. In the present international scenario, their views of the world coincide to a large extent. This is further complemented by the mutuality of their security and economic interests. Indo-Russian trade is the weakest link in an otherwise excellent relationship. But the economic interaction between the two countries is brightened by cooperation in new areas like energy and security. There are certain areas in which the bilateral cooperation between the two countries looking up. Energy Cooperation is one of them. India is emerging as a large consumer of energy. Russia's oil and gas reserves and its expertise in thermal, hydropower and nuclear energy sector will be crucial in ensuring India's energy security in future. A number of thermal and hydropower projects have already been built with Soviet/Russian collaboration. India's ambitious goals in the field of nuclear energy need Russian help since it is the only important nuclear power which is ready to co-operate with India in the atomic energy sector.

Summary of the Chapter

India and the US are two great democracies. But for a long time, the relationship between them was far from smooth. The containment of communism was the major goal of the US policy during the Cold War. But India did not want to join the Cold War politics. So, India followed the independent policy of non-alignment. And this was not to the liking of the Americans. The relations between the two got strained when the US supplied arms to Pakistan in the

mid-1950s, despite the fact that the US was providing the bilateral economic aid including PL 480 food assistance to India.

The American support to India in the early sixties during the Chinese invasion did bring about goodwill for the Americans. But it was short-lived. The conditions attached to the food aid later in the decade created problems in Indo-US relations. The open support for Pakistan in the Bangladesh War and the sending of USS Enterprise to the Bay of Bengal brought about the lowest point in the relationship.

The post-Cold War period saw a change in the relationship, especially when America pressurized Pakistan to withdraw troops from the Indian side of the LOC during the Kargil War in 1999. Further, American acceptance of India as a responsible state with nuclear weapons did lift up the relationship. Indo-Soviet Union relationship was based on a number of common grounds from the beginning.

The support of the Soviet Union on the Kashmir issue added depth to the relationship. Further, the Soviet aid came in for the building of a self-reliant economy including infrastructure projects like the Bhilai steel plant. Indian armed forces received a lot of Soviet arms and ammunition. The Soviet Union allowed the production of fighter aircraft like the MiG in India. The high point of Indo-Soviet relationship was reached during the Bangladesh crisis in 1971 when India and the Soviet Union signed the friendship treaty. The immediate post-Cold War period did see some downturn in the relationship but recently it has been put on track.



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EXERCISE

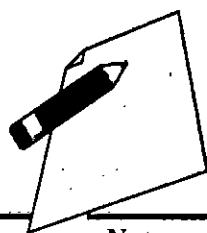
Review Questions

1. Write a note on the Indo-US political relations during the Cold War.
2. Describe the Indo-US relations with regard to the nuclear issues.
3. Analyse the Indo-US relations with regard to terrorism.
4. Write a note on Indo-US economic relations.
5. Highlight the major achievements of Indo-USSR relations during the Cold War.
6. Analyse the Indo-Russian relations in the post-Cold War phase.

Fill in the blanks:

1. Which steel plant in India was financed by the USSR _____? (Durgapur, Bhilai, Rourkela)
2. In which year Soviet leaders visited India for the first time _____? (1955) (1957) (1971) 3. When was the Tashkent Declaration signed _____? (1966) (1971) (1974)
4. In which year the Treaty of Peace, Friendship and Cooperation with USSR was signed _____? (1971) (1979)
5. The Soviet terrorism policy shifted radically under the leadership of _____? (Mikhail Gorbachev/Mr. Putin)

Answer: 1. Bhilai 2. 1955 3. 1966 4. 1971 5. Putin



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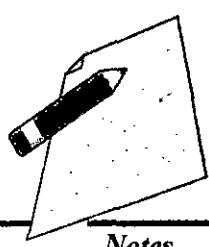
INDIA AND ITS NEIGHBOURS- CHINA, PAKISTAN AND SRILANKA

Objective of the chapter

The main objective of the unit is to make student understand about the India and relationship with its Neighbours- China, Pakistan and Sri Lanka

in the previous chapter, you have learnt that the major objective of India's policy has been the promotion of international peace and cooperation and developing friendly relations with all countries, especially the neighbouring countries. Pakistan, Bangladesh, Nepal, Sri Lanka, Bhutan, Burma and China are India's immediate neighbours with whom it has friendly relations based on bonds of common culture and heritage. In this lesson we will study about India's relations with Pakistan, China and Sri Lanka.

India and China India and China are the two great giants of Asia. Besides being the most populous countries, they are also two of the most ancient civilisations of the world. Historically, several historians have successfully traced the cultural linkages dating back to 2nd century BC. As a result of the communist revolution in 1949, China became the People's Republic of China (PRC), under the leadership of Mao Tse Tung. Nehru regarded India as China's rival for the leadership of the non-white people of the world. India, on the other hand, tried India and the World its best to come close to China. It was the first non-communist country to recognise communist China in 1949. India fully supported China's claim for membership in the United Nations. It also acknowledged China's claim over Formosa (Taiwan). It refused to be a party to peace treaty with Japan without China. In the Korean crisis too, India refused to brand China as aggressor when China intervened on behalf of North Korea. In fact, India supported China even though the Western bloc especially USA was displeased with it. Nehru's China policy received the first jolt in 1950, when China occupied Tibet in 1950. It is important to remember in this context that India had long term interests in Tibet because it was a buffer lying between India and China. India even enjoyed certain special privileges in Tibet. Therefore direct Chinese control over Tibet was likely to endanger these, and India's security. India's suggestions for a peaceful settlement of the Tibet problem were treated as interference by the communist regime. Gradually the Tibetans grew restless under China's yoke and rose in revolt in 1959. China ruthlessly suppressed the movement and declared Tibet as an integral part of China. The head of Tibet, Dalai Lama took shelter in India while Tibet lost



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whatever autonomy it still enjoyed. The granting of political shelter to Dalai Lama by India added to China's distrust. China appreciated India's neutral and mediatory role in easing the Korean problem (1950- 53). Thus, began a period of friendship between the two countries, with the signing of the Sino-Indian Treaty of friendship in 1954. This treaty put a seal of approval upon Chinese suzerainty over Tibet. The Preamble of the treaty embodies the famous 'Panchsheel Principles' about which you have studied (lesson number 26). This agreement initiated a period of relaxed relationship, marked by the slogan of Hindi Chini Bhai Bhai. It is interesting to note that at the Bandung Conference (1955), Nehru actively brought China into the fold of the Afro-Asian solidarity.

Boundary Dispute between India and China

The 1950s were marked by the boundary dispute between India and China, the flash point of which unfortunately caused a war between the two countries in 1962. China first started to claim large parts of Indian territory in North East Frontier Agency (NEFA, now Arunachal Pradesh) and Ladakh by publishing maps in which these were shown as included in China. China continued extending its borders and also constructed a 110-mile-long road across Aksai Chin area (Ladakh) of India in 1956-57. In 1959, China put claim to some 50,000 sq. miles of Indian territory and also denied the validity of McMahon Line. By this time Tibet had been fully integrated into China; it was in a strong position at the India-China border with Chinese troops posted all along. While the two countries were in dispute over the McMahon line issue, China launched a massive attack on India in October 1962, in the NEFA as well as the Ladakh sector. After overrunning large areas of Indian territory, China announced a unilateral ceasefire after occupying huge territory of India 200 sq. miles in the North Eastern sector and 15,000 sq. miles in Ladakh.

A futile attempt to work out a peaceful settlement between the two countries was made by Sri Lanka. The Colombo Proposals failed because China refused to agree on conditions contained in them. For long in the years following the war, China-India relations did not show any improvement. In fact, China went out of the way to make friends with Pakistan, just to isolate and contain India.

Normalisation of Relations

Although the two countries resumed diplomatic relations in 1976 by exchanging ambassadors. The efforts of normalisation of Sino-Indian relations received a boost when the then Prime Minister Rajiv Gandhi paid a successful five day visit to China in 1988. The two countries pledged to settle the border dispute through dialogue.

Several high-level visits followed including visit by Ex-Prime Minister Atal Bihari Vajpayee in 2003. The two countries agreed to keep the border dispute apart, and develop friendly relations in other fields. Until the border dispute



is resolved, both countries agreed to maintain peace and tranquillity on the Line of Actual Control (LAC).

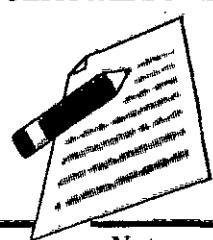
One could see a clear shift in the Chinese attitude towards India. The fact that erstwhile USSR had mended fences with China, there were no more apprehensions from the South. Moreover, China's post-1979 economic transformation demanded big markets for its massive production under economic liberalisation. President Jiang Zemin's visit to India in 1996 witnessed a major consolidation of this progress.

This was first ever visit of China's head of State to India. China's withdrawal of support to Naga and Mizo rebels; meaningful silence on the status of Sikkim (China considered Sikkim's status as that of an independent state) and a neutral stand on Kashmir issue could be seen as positive shift in Chinese attitude towards India. Nevertheless, there was suddenly a brief setback in the mutual ties of the two after the nuclear explosions by India during 1998. These were followed by sharp Chinese reaction and its leading role in getting the resolutions condemning the tests in UN and similar fora, passed.

These tests by India were seen as neutralising Chinese prominence in the region. But the Chinese posture of neutrality during the Indo-Pak military showdown in Kashmir, Kargil sector in 1999 exhibited China's inclination to toe a softer and friendly line with India. In fact, Chinese refusal to interfere in the conflict forced Pakistan for cessation of hostilities with India. However, Ex-Prime Minister Atal Bihari Vajpayee's 2003 visit to China is a renewed effort in the promotion of close and cordial ties between the two neighbours. The border agreement has recognised the Nathula Pass in Sikkim as a border pass, implying that China no more considers Sikkim as an independent state. Another positive breakthrough was the Joint Declaration that underlined the need to explore a framework of a boundary settlement at political level of bilateral relations. This is an acknowledgement that the key issue in resolving the dispute is political. This is seen as Beijing's readiness to give up its policy of delaying dialogue. India's National Security Advisor and Chinese Vice Minister have been appointed for holding the tasks. The developments at the diplomatic and political levels have been supplemented by fresh initiatives at the economic level to strengthen bilateral relations. The border trade between India and China has crossed \$ 10 billion quickly.

2 India and Pakistan

No two countries in the world have so much in common as India and Pakistan. Yet they have perpetually been in a state of undeclared war with varying degree of intensity. Pakistan's aggression in Kargil (1999) brought the two countries even on the verge of a nuclear confrontation. The legacy of suspicion and mistrust predates the partition of India in 1947. During the freedom struggle the Muslim League, under the leadership of Mohammad Ali Jinnah propounded



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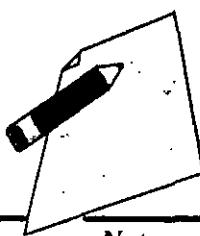
the two-nation theory, in support of a separate Muslim state. Jinnah insisted that since Hindus and Muslims were two communities, two separate states must be constituted for the two communities. The Indian National Congress (INC)'s long rejection of and reluctant acceptance of partition gave room for suspicion in Pakistan that India would try to undo the partition and divide Pakistan. Moreover, Pakistan was concerned at the possibility of India's domination in the region and its inability to match India's power all by itself. Pakistan developed a perception that it is an incomplete state without Kashmir being incorporated into it. On the other hand, India perceives Kashmir's accession and integration into India as an essential element of its secular and federal democratic structure.

The Kashmir Issue

At the time of partition Jammu and Kashmir (J&K) was one of those several princely states, the fate of which was left uncertain in 1947. Pakistan desired that Kashmir with Muslim majority population should join Muslim country, Pakistan. But the popular leader of National Congress opposed Pakistan's ideology. Maharaja Hari Singh did not take a decision until Pakistan sent armed intruders into the Kashmir valley in October 1947. Seeking Indian help to repulse the Pakistani intruders Maharaja signed the 'Instrument of Accession' making Jammu and Kashmir a part of Indian Union. On this occasion, as true democrat, Prime Minister Nehru assured that after Pakistani aggression was cleared, the future status of the state would be decided on the basis of wishes of the people of Kashmir. Since India did not want an open clash with Pakistan, it referred the matter to the United Nations. Indian forces saved Srinagar from the invaders, pushed back the Pakistanis from the Kashmir Valley. But the whole of Kashmir could not be recaptured, at it would have meant direct and difficult war between the two new nations. India sought United Nations help in 1948.

A ceasefire came to be implemented on January 1, 1949. It left a large part of Jammu and Kashmir (nearly 2/5 of the State) under Pakistan's possession, which we call Pakistan Occupied Kashmir (POK). In 1950s the UN mediators put forward several plans to resolve the dispute, but they failed to bridge the differences between the two countries.

The problem of Kashmir is still pending. Plebiscite was to be conducted only after Pakistan withdrew its forces from the occupied territory, as per the UN resolution of 1948, which Pakistan refused to comply. Hence India pleaded that the wishes of the people were ascertained in 1954 in the form the direct election to the Constituent Assembly which satisfied the accession of Jammu and Kashmir to India. The mediation come to an end. Pakistan was desperate to capture Kashmir. Thinking that India's army was weak after defeat in the war with China in 1962, Pakistan tried through a war to take Kashmir in 1965. But Indian forces defeated the Pakistani designs.



Moreover, Pakistan suffered another humiliation, when its eastern wing, 100 miles away from West Pakistan successfully waged independence struggle in 1971. India played a key role in the war to liberate Bangladesh. The birth of Bangladesh proved to be the final burial of two-nation theory on the basis of which Pakistan put a claim to Kashmir. Pakistan was reduced to one-fourth of the size of India. This altered the power equation in South Asia in India's favour. In order to normalise relations India invited Pakistan for an agreement, the result of which was the Shimla Pact of 1972.

This Shimla agreement however bears important significance as the two countries agreed to seek the settlement of all bilateral problems, including Kashmir, mutually without the intervention of any third party. Thus, under the Shimla Pact, the Kashmir issue cannot be raised in international or any other forum, although Pakistan has not hesitated to ignore the spirit of the agreement. The agreement also talked about the return of Prisoners of War (POW). Though Pakistan's territory in India's possession was returned, a new cease-fire line (in place of the old cease-fire line of 1948-49) was drawn, which is known as the LoC, Pakistan found ways other than open war to destabilise India by encouraging and assisting terrorism in Punjab, and the State-sponsored militancy in Jammu and Kashmir since the mid-1980s.

Pakistan still continues to encourage terrorist and separatist tendencies in Kashmir, operating mainly from terrorist training camps situated in POK. The sanctity of the LoC that came to be agreed upon between India and Pakistan under the Shimla Agreement of 1972, was violated by Pakistan in May 1999 as a part of a big plan. This was done when the Pakistani forces infiltrated into India, after crossing the line of control in Kargil, Drass and Batelik sectors of J & K. Indian army once again gave a befitting defeat in a war that continued for about 60 days. The purpose of Pakistani operation in Kargil was to create a crisis with a threat of nuclear war, which would in turn ensure intervention by the United States in its favour on Kashmir dispute. Neither United States nor China came to Pakistan's help. In fact, Pakistan had a diplomatic and military defeat.

Nuclear Tests and Efforts Towards Improvement of Relations

Indo-Pakistan relations acquired an entirely new dimension in the context of nuclear tests by both India and Pakistan in May 1998. The relations between the two neighbours hit an India and the World new low. India has been facing a nuclear threat arising out of China's clandestine support to build up of the nuclear weapon capability of Pakistan since the mid-seventies. No doubt, Pakistan's nuclear policy is targeted against India the extreme bitterness and tension between India and Pakistan in the aftermath of the nuclear tests of May 1998 did bring with it an increasing realisation on both sides that things could not continue in the same manner indefinitely. That, some meeting ground between the two neighbours has to be found. Thus, foreign secretary level talks

- (1) They, in fact, are the institutions of Indian administrative system. Their fundamental duty is to make the public administration of India free from corruption.
- (2) These two institutions are impartial. When they are called for performing any duty they will discharge it impartially and simultaneously independently.
- (3) The activities of the Lokpal and Lokayukta are not under any judicial review. That is—the decision or judgment of the Lokpal and Lokayukta cannot be challenged in any court of law.
- (4) It is observed that they should not look forward for any financial or any other benefit.
- (5) These two institutions are not subject to executive or administrative interference.
- (6) The Lokpal and Lokayuktas are non-political persons. In other words, political personalities cannot hold the posts.
- (7) These ranks should be of highest judiciary.
- (8) They investigate the charges of corruption secretly.
- (9) If Lokpal and Lokayukta want to have any information from any department the latter is bound to furnish such information.
- There is a process of appointment. The President will appoint the Lokpal before that he will take advice of the Prime Minister and the leader of the Opposition. In other words, after receiving suggestion from the leader of the Opposition. The PM will suggest the name to the President. This process is quite judicious. The Lokpal can resign his office by addressing a letter to the President. The Lokpal is at par with the Chief Justice of India and he will have a secretary.

Lokpal and Lokayukta:

Both Lokpal and Lokayukta are characterised by the following features:

(1) They, in fact, are the institutions of Indian administrative system. Their fundamental duty is to make the public administration of India free from corruption.

(2) These two institutions are impartial. When they are called for performing any duty they will discharge it impartially and simultaneously independently.

(3) The activities of the Lokpal and Lokayukta are not under any judicial review. That is—the decision or judgment of the Lokpal and Lokayukta cannot be challenged in any court of law.

(4) It is observed that they should not look forward for any financial or any other benefit.

(5) These two institutions are not subject to executive or administrative interference.

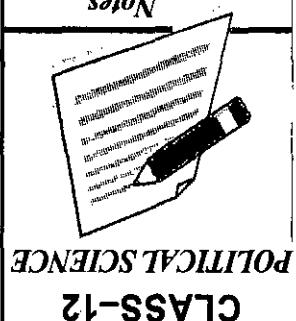
(6) The Lokpal and Lokayuktas are non-political persons. In other words, political personalities cannot hold the posts.

(7) These ranks should be of highest judiciary.

(8) They investigate the charges of corruption secretly.

(9) If Lokpal and Lokayukta want to have any information from any department the latter is bound to furnish such information.

There is a process of appointment. The President will appoint the Lokpal before that he will take advice of the Prime Minister and the leader of the Opposition. In other words, after receiving suggestion from the leader of the Opposition. The PM will suggest the name to the President. This process is quite judicious. The Lokpal can resign his office by addressing a letter to the President. The Lokpal is at par with the Chief Justice of India and he will have a secretary.



Even after the constitution of Central Vigilance Commission, India tops the list of the corrupt countries of the world. The stark reality is that nobody takes corruption as a serious evil and some powerful persons (who have the power to stop corrupt practices) are showing lackadaisical attitude towards this most serious matter. The inevitable consequence is that corruption is getting rabbay day after day. We can say that the Central Vigilance Commission is a window to our social and political system.

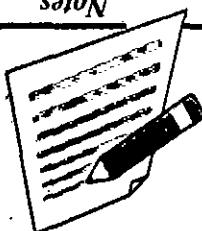
The functioning of the CVC ultimately proved that it was inadequate to deal with the proper redressal of grievances. Considering the pervasiveness of corruption, the Central Government decided to take further and bolder steps to fight corruption. The government set up an Administrative Reforms Commission in 1996. The chief purpose is to take effective steps for the redressal of grievances of citizens. It was found that the CVC could not reach the goals or objectives for which it was created.

The Adminstrative Reforms Commission in its Interim Report said, "After having carefully evaluated the pros and cons..... we are of the view that the special circumstances relating to our country can be

Moral turpitude is also treated by the commission as an offence and hence it is punishable. Mohit Bhattacharya in his assessment of the CVC says: "The Central Vigilance Commission is certainly no substitute for an ombudsman. As it is constituted, the commission is virtually an extension of the bureaucratic apparatus of the central government and its operations are very much hedged in the overpowering ministers and the political forces". The same opinion has been expressed by several other critics. Since like Election Commission it is not a constitutional authority, its findings and suggestions, in numerous cases, go unheeded. This is the most tragic aspect of the CVC.

We believe that in order to make the CVC an effective body it should be kept outside the tremendous influence of powerful bureaucrats, ministers and party leaders. In the real sense the CVC will have power to uproot all types and forms of corruption. Since its recommendations are not mandatory the leitmotif of the part of government may foil the good motive of the CVC. We feel the Central Government or the top echelon of bureaucracy must be in all sincerity determined to uproot corruption from social and political life. But this type of mentality is almost absent.

According to the CVC there are about thirty types of corruption or conflicts of interest. In order to enlighten the readers some may be mentioned, embezzlement of public fund, to give or take favours to or from the contractors, irregularities in the discharge of government responsibility, to distribute favours to relative or other persons by violating government rules and procedures, to take or give bribes.



In the Second stage the CVC investigates, and in the final stage it prepares a report. The CVC is, however, an independent and autonomous body. But it first is, it receives complaints from individuals or corporate bodies or organisations.

There are three stages of the CVC:

There is a man at the head of the CVC and he is known as Central Vigilance Commissioner. He is appointed by the President. The CVC has a separate secretariat to assist him in the discharge of his functions. The Central Vigilance Commission is not a statutory body because its advices or suggestions are not mandatory for the government which means that the government may or may not accept the suggestion.

The sources of grievance and if there is any truth in the complaint the CVC submits its report to the Ministry of Home Affairs and the Home Minister places the report before each house of parliament.

The CVC has been empowered to call for reports or information or facts from the concerned person or department. The person or organisation is legally bound to furnish information. If the CVC feels that there is sufficient truth in the complaint and it requires further investigation then the CVC may refer the matter to the Central Bureau of Investigation (CBI). The CVC investigates thoroughly various aspects of the grievance.

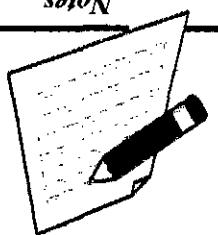
From the report of the Samthanam Committee we get the following functions:

The chief function of the CVC is to free Indian society from the deep-rooted evils of corruption. To that end it can start inquiry against any organisation raised by people or organisation. The grievance may be regarding the functions of Civil servant or any particular branch of public administration. The CVC under the jurisdiction of CVC. The CVC can be compared with the Swedish

institution of ombudsman.

Central Vigilance Commission:

In spite of all these committees and commissions the authority practically failed to uproot corrupt practices from the society and administration of India and for that purpose the Government of India set up the famous and very powerful Central Vigilance Commission. This was set up as a follow up action of the Samthanam Committee. The committee should be headed by the Central Vigilance Commissioner. It is an ombudsman of Indian type.



From 1953 to 1965 there were also a good number of commissions and committees whose chief function was to suggest measures against rampant corruption at various fields. In 1962 the Government of India constituted an important Committee to suggest measures for fighting corruption and it is known as Santhanam Committee. The members of the parliament were its members.

Many people of India were quite aware that corruption in any form was part of any society and naturally attempts must be made certain to free society from corruption or to mitigate its corrosive effects. It was known to many that for the redressal of public grievances an ombudsman was set up by the Swedish government in 1809. Subsequently many other states followed Sweden. The government of free India took steps. In 1947 The Prevention of Corruption Act was given the status of law. The purpose of this law was to give people a life free from corruption. To that end several committees and commissions were set up. Some of these are: the Tek Chand Committee (1949), the Railways Corruptioin Inquiry Committee were set up in 1953. This committee was headed by Acharya J. B. Kripalani and because of this it is known as the

Government Measures:

- (2) After British rule the scope and sphere of government's functions increased considerably and large number of men came under its orbit. The rise in responsibility increased the sphere of activities and at the same time people's grievances. Again, people began to think that since the government is their own, they have right to lodge their complaints.

(3) The personnel of the new government thought that they had responsibility to the people. In other words, they admitted their accountability. This encouraged the public to ventilate their problems. The administrators of the British Raj did not feel that they had any responsibility to the people. Even if its people lodged any grievances these were not duly noticed. Even if its people lodged any grievances these were not duly remedied by the proper authority.

(4) In free India it was felt by the authority that there is a vast field in which the government has ample scope to do something positive for the people. This has become a vital source of grievances.

(5) The national government wanted to make India a welfare state and naturally people will have grievances.



There are several causes behind the multiplication of people's grievances which have led to the creation or setting up a cell for the redressal of grievances:

Causes of Public Grievances:

At the beginning of the 1900s the Government of India formed a committee to investigate the depth and impact of corruption and other related issues on the progress of economy and smooth sailing of social life. It is known as Committee on Prevention of Corruption. In one place of the report the committee said "In its widest connotation, corruption includes impropriety or selfish exercise of power and influence attached to the public office or the special position one occupies in public life". These officers are parts of the government and misuse their power and position for personal gains. Hence the grievances regarding corruption are generally against the government.

The officers were not competent and all these heavily told upon the progress of a free India which would be free from all sorts of corruption and all the public servants were indifferent to the needs and grievances of the people. Rampant. But it was not the only enemy of free India. The bureaucrats and During the first few years of freedom, it was thought that corruption was legitimate grievances of the people must be met as soon as possible.

During the British rule there was corruption at all levels of administration. But in the steel frame administration of the British government the feeble voices of the people failed to create any impact on the mind of the British rulers. The national government of free India strongly felt that if corruption is not uprooted and grievances of the people are not removed the lofty ideals of freedom fighters would remain unfulfilled. The freedom fighters dream, is not uprooted and grievances of the people must be met as soon as possible. During the first few years of freedom, it was thought that corruption was legitimate grievances of the people must be met as soon as possible.

Ombudsman in India:

Hence ombudsman may reasonably be called a guardian of the public against the misdeeds done by the irresponsible or corrupt person holding administrative responsibilities. The post of ombudsman was created in Sweden in the second half of the last century. But many people say that the official of the ombudsman type existed in other European states even before the 1950s. But from the 1950s rose the popularity of ombudsman as a remedy to growing corruption and failure of public administration. There is another side of the picture. The increase in both size of administration and population made common people helpless. The administrators frequently resorted to unfair means for the realisation of their nefarious motives. It was strongly felt that a device should be found out that will give a weapon at the hands of the general public against the misuse of official power for personal gain. In its absence democracy and welfare of the people will be meaningless. Thus in every democratic state a cell is to be created to look after the grievances of the people.



Political executive and bureaucracy are the two pillars of the government. Whereas political executive is temporary and usually represent the party in power, bureaucracy is a permanent fixture. Theoretically they play different roles, for instance, politicians make policies and administrators implement them. But, in practice their roles often conflict and overlap because the line separating development of policy and its implementation is quite blurred and hazy. Bureaucracy is a body of permanent, paid and skilled officials. It aids and advises the government to make plans and carry them out. The role of bureaucracy has changed. It no longer performs only the regulatory functions but actively engages in development and welfare activities. Conventionality image of civil servant has been that of an anonymous servant of the minister who is committed to efficient discharge of his duties and who offers his sincere advice to his master, irrespective of his political ideology. This advice may or may not be accepted by the minister, but once the decision is made, he is duty bound to implement it effectively. This concept of anonymous and neutral bureaucracy was considered impractical and unsuited to meet the goals of social justice. Therefore, Mrs. Gandhi sought a 'Commited Bureaucracy'.

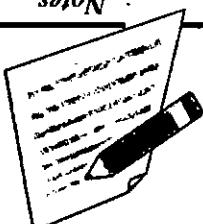
Summary of the Chapter

For more information about the study, please contact Dr. John P. Morrissey at (212) 639-7300 or via email at jmorrissey@nyp.edu.

The Conference also highlighted the necessity of adopting the code of ethics for public services which not only regulates the role of the civil servants but also specifies the relationship between the employees in public services and politicians, so that the basic commitment of the civil servants towards the welfare of the public and the principles enshrined in the Constitution is reiterated. We only hope that the implementation of the proposed Action Plan will be effective. To conclude, a developing nation cannot afford contradictory ethos between the political executive and bureaucracy because it strikes at the root of a progressive administrative culture. The roles of political and administrative elite are complimentary and in the interest of public welfare they must work in harmony with each other.

With this objective in mind, the Prime Minister inaugurated a Conference of Chief Secretaries in November 1996 on 'An Agenda for an Effective and Responsive Administration'. The Conference emphasized the need for bringing about transformation in public services so as to make them more effective, accountable and citizen friendly.

and the criminals enjoyed the patronage of politicians and the protection of government functionaries. It pointed out how the nexus was virtually running a parallel government, pushing the state apparatus into irrelevance. Here the two elites – political and administrative, join hands and become not only thick friends but also grand thieves. Such a nexus is detrimental to public interest. Therefore, it was felt that corrective steps must be taken to ensure that this



Civil Servants and Minister. The ARC took cognizance of the fact that proper relationship between the political executive and bureaucracy is a matter of highest importance to the administrative performance of government. It observed that the existing pattern of relationship was different from what was envisaged. More and more cases of deviation were coming to notice.

For instance, the extent of bureaucratic involvement in politics was exceptionally high, there was frequent use of transfers and postings to manipulate bureaucracy, there was unholy nexus between politicians and bureaucracy etc. which was taking its toll on administrative efficiency. Therefore, corrective measures were required to restore the health of the system. The ARC stressed the urgency of its professional nature.

(a) a proper understanding of the administrative functions and recognition part of the political executive there should be, in the words of the ARC, Minister and Civil Servants must appreciate rather than belittle each other's work and attempt maximum accommodation of one another's views. On the arbitrary interference of politicians in administrative affairs. It believed that both to prevent bureaucracy's aggressive role in politics and also a need to check required to restore the health of the system. The ARC stressed the urgency of its professional nature.

(b) as little interference as possible in-service matters, e.g. postings, transfers, individual cases.

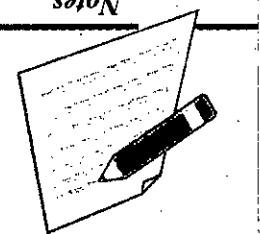
(c) no requests for departures from declared and approved policies to suit promotions etc.

Similarly, on the part of the civil service it asserts:

(a) there must be a sincere and honest attempt to find out what the political head wants and make the necessary adjustment in policies and procedures to suit his wishes.

(b) readiness to fall in line with his political chief in all matters, unless strong grounds indicate a different course

In spite of the valuable recommendations made by the ARC to streamline the relationship between the minister and the civil servants, nothing much seems to have changed because of political and administrative apathy. Making the ministers worse is the growth in recent times of a nexus between the politicians, police and the civil servants rooted in the considerations of "mutuality of benefit". An increasing use of money and muscle power by political parties provided by the mafia and the criminals, a close nexus has come to prevail in winning elections is common knowledge. Since the muscle power is mostly provided by the mafia and the criminals, a close nexus has come to prevail between the politicians and the criminals resulting in "criminalization of politics". This has been the main conclusion of the Vohra Committee Report of 1993 submitted by then Home Secretary, Mr. N.N. Vohra which was set up to look into the criminalization of politics. The report observed that the mafia

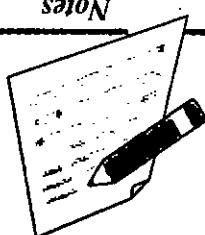


Administrative Reforms Commission's Views Expressing concern over the deteriorating administrative standards, the government appointed the Administrative Reforms Commission (ARC) in 1966 to conduct a comprehensive study of the administrative system and suggest remedies. The two most important areas touched upon by the ARC in its reports were: (a) Minister - Civil Servants relationship, wherein the ARC emphasized the need for the de-politicization of the services, and (b) the creation of a climate and culture of administration that would assert the growth of unhealthy personal relationship between

Providing the System:

There are numerous instances of use of transfer, promotion, supercession and compulsory retirement from service by elected politicians as tools to silence the voice of dissent and expression of difference of opinion. Well, politicization works the other way round also. Many administrators use political influence or forge alliance with the politician to brighten their own career prospects. They take advantage of the amateur politician, exploit his weakness particularly in times of a fluid political situation and turn out to be autonomous and irresponsible. This is an equally grim scenario. What emerges out of the analysis is that whether there is collusion or collusion between the political executive and the bureaucracy, in both cases it leads to organizational imbalance and ultimately the governance suffers.

This trend can be attributed to the ever-growing political interference in the affairs of administration. Political interference and impartial administration cannot co-exist. While the administrators do not perceive their role in policy making as subservient to the political leaders because of their knowledge and expertise, yet they have to conform to the prerequisites of representative politics. The political leaders claim to be the true representatives of the people. And now what is good for them and because of their superior position succeed in dictating the terms to the bureaucrats. The bureaucrats who are not obliging enough soon find themselves in trouble. The political masters have many means of coercion — both overt and covert. Political interference in all matters including those where the statutory power is vested in the civil servants is a



Notes

In practice however commitment has assumed the perverted form of politicization and scopophany. Commitment to social objectives is one thing and dancimg to the tune of a political party is another. Very often it is seen that bureaucracy simply acts according to the dictates of the political executive without any

Sources of Stress

County, then a committed civil service is more appropriate for a developing nation than having an insensitive neutral one.

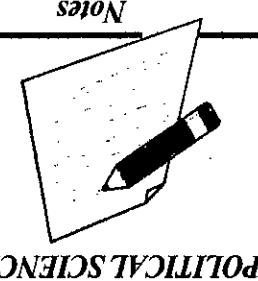
She distinguishedly referred to the administrative machinery as, 'the stumbling block in the country's progress' and reiterated the necessity of creating an administrative cadre committed to national objectives and responsive to Indian social needs. She found in, committed bureaucracy in India, the answer to the ills of neutrality that crippled the development process in India. She had an earnest belief that only a committed bureaucracy can bring about the desired change. The concept of, committed bureaucracy was much contested in the political and administrative circles. It was alleged that it would permanently damage the fabric of the services. It would create a breed of pliable civil servants who would always say, "Yes Minister" and would be ready to crawl when asked to bend by their political masters. It was also alleged that in the name of committing the ruling party was seeking bureaucracy's alignment with the party's ideology in order to perpetuate its rule. However, it was later clarified that government that commits itself to the welfare of the people did not mean attachment to the party in power, but a commitment to the development of the country by the government that attaches itself to the welfare of the people.

Webber's model of bureaucracy was found inappropriate to effect the social transformation in many developing countries. In India, it received a good amount of criticism for its failure to meet the growing demands of social legislation. After two decades of independence, Mrs. Indira Gandhi, the then Prime Minister, advocated the concept of committed bureaucracy. Not only did she express her dissatisfaction with the performance of bureaucracy, she expressed doubt about the relevance of the basic assumptions underlying the Indian bureaucracy that of neutrality, impartiality, anonymity etc. and she alleged that the bureaucrats lacked commitment.

Committed Bureaucracy

In fact, a certain commitment to the goals and objectives of the state on the part of bureaucracy is inescapable. Neutrality cannot be allowed to degenerate into disinterestedness. The successful carrying out of developmental tasks requires on the part of administrators not only qualities of initiative and leadership but also a sense of emotional integration with the policies and programmes and identification with the interests of the common man. The idea of bureaucracy as a neutral instrument in the conduct of public affairs thus stands refuted.

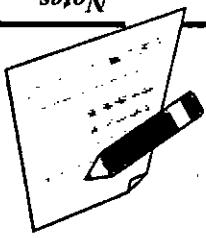
Throughout, the nature and character of bureaucracy assume special significance. The involvement of civil servants in numerous decisions be it the location of a steel plant or a school building in a village, makes them partners in mixed up with technical advice. In the context of large-scale welfare programmes therefore, neutrality is not possible.



The minister is rarely an expert in the work of his department or the techniques of public administration. He merely has general ideas in line with the ideology of his party, but he often is not sure what is the best solution to a particular problem. He is therefore, forced to rely on his permanent staff for facts and advice. In effect then, it is the administrator who has a major role in framing the policy. Secondly, the decline of neutrality can be attributed to the demands and pressures of coalition politics. In coalition government, ministers are busy in the power game and manoeuvring for their survival, and leaders of the legislature to use vague language and the administration together that a statute passed incorporates a number of a contradictory policy guidelines. The necessity of reaching a compromise solution to hold the coalition together also, at times, the legislative process is so stormy and full of diverse views that a minister is too much to expect anyone to be neutral. For a developing country like India where speedy socio-economic development has to be steadily pushed exists, but in transitional societies like India, where dissent and conflict values; but in a society where consensus exists value-free bureaucracy is possible only in a democracy. In other words, neutral agreement on principles fundamental to democracy neutrality presupposes political commentators, the classical theory of civil service neutrality serves some servants they have been politicized considerably. Thirdly, according to some made inroads in policy making and despite the regulations governing the civil service interpretation to interpret the policy. Therefore, bureaucracy has clearly its own judgment to use vague language and the administrator has to use leads the legislature to a compromise solution to hold the coalition together. The necessity of reaching a compromise solution to hold the coalition together that a statute passed incorporates a number of a contradictory policy guidelines. The necessity of reaching a compromise solution to hold the coalition together leads the legislature to use vague language and the administration together that a statute passed incorporates a number of a contradictory policy guidelines. The necessity of reaching a compromise solution to hold the coalition together leads the legislature to use vague language and the administration together that a statute passed incorporates a number of a contradictory policy guidelines.

Decline of Neutrality Concept

Contribute financially to its funds; he cannot express any opinion on political issues, and he cannot stand for election to any legislature. An impersonal, strictly rule-bound, neutral bureaucracy was expected not only to provide the necessary administrative objectivity but also enhance the democratic principle of equality and provide protection from arbitrary rule



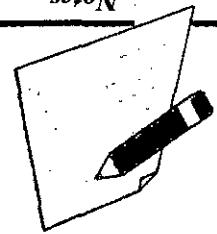
The conventional view of public administration is based upon the dichotomy of politics and administration i.e. administration and politics should be kept separate. Politics or policy making is the proper activity of the legislature bodies and administrators is the proper activity of administrators who carry out policies. It is opposed to any political role of the civil servants. It visualizes the relationship between the administrator and the politician in terms of a neat division of labour - the politician formulates the policy and the administrator executes it. The bureaucratic acts as pure adviser to his political master, presents facts of the case, suggests lines of action and implications of alternative policies. It is the prerogative of the political master to decide the policy. The bureaucrat cannot join a political party even as an inactive member or participate in any way in any political movement or activity including election except for the limited right of voting in secret, a government employee cannot prohibit the government employees from active participation in political activities.

Politics / Administration Dichotomy

Bureaucracy and Politics

Bureaucracy can immensely contribute to development by serving as an adviser, as an invoker, and a decision-maker. It can vitalize administration by building up a social environment emphasizing responsibility by creating incentives, by encouraging healthy competition and self-development, by organizing institutional autonomy to lower levels for maximizing development. Bureaucracy constitutes management under competent and progressive leadership and by delegating the apparatus and mechanism through which the state realizes its purposes. It has been rightly said that a country's life is largely shaped by the quality of administration. A plan can succeed only if its administrative implications have been worked out in detail. Hence, a high degree of bureaucratic competence is essential to push through speedy development measures. In most developing countries, the problem is not the inability of the governments to devise rational programmes for development, but their incapacity to carry them out.

i.e., providing social services such as health, education, infrastructure like roads, electricity, productive activities in agriculture, industry etc. The complex of such government's responsibility. Here, public administration becomes the key agency for formidable activities connected with the development enterprise is essentially encouraging healthy competition and self-development, by creating incentives, by creating incentives, by building up a social environment emphasizing responsibility by creating incentives, by



Bureaucracy has become a universal phenomenon. It is a pre requisite of modernization of every society. Most developing countries are engaged in the process of nation building and bringing about rapid socio-economic development,

Role of Bureaucracy in Development

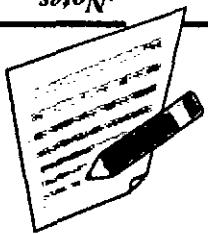
Accordingly, the government has become a huge complicated machinery which can be serviced and run only by a distinct group of officials, known as bureaucracy. Some scholars have even given bureaucracy the status of "the fourth organ of the government". Therefore, bureaucracy cannot be wished away. Bureaucracy with such formal characteristics is considered essential for running any large organisation. To quote Max Weber, "the decisive reason for the advance of bureaucratic organisation has always been its purely technical superiority over any other form of organisation...precision, speed, unanimity, reduction of friction and of material and personal costs - these are raised to the optimum level in the structurally bureaucratic administration."

The term, "Bureaucracy," lacks a definition that is universally accepted. Bureaucracy is sometimes used in a disparaging manner to mean unimaginative, rigid and inefficient government administrators. It is associated with red-tapism, delay and wastefulness. Many social scientists however, describe bureaucracy in a neutral way to mean a specific form of social organization involved in administrative efforts. It is a machine, which is needed to run the government of the day.

It is the only tool available to any modern government to administer. We no longer live in simple Greek city-states or tiny Indian republics. Society has become more complex today.

Meaning of Bureaucracy

The working of government rests on two pillars — political and permanent executive. The smooth working of this system depends on the harmonious relationship between the two. In recent years, however, the administrative environment has changed which has produced tensions in the mutual relationship of the two groups. So, let us first understand the administrative and bureaucratic and then analyse the relationship between the political executive and bureaucracy and finally identify the recommendations of Administrative Reforms Commission for streamlining the relationship between the minister and civil servants and reflect upon the present scenario in India in this respect.



Space for Notes

7. Discuss the functions of the Block Development Officer.
6. Discuss the powers and functions of the District Collector.
5. What is the main function of the Directorate?
4. What do you understand by the State Secretariat? Explain its importance.
3. What is the important role of the Prime Minister's Office and the Principal Secretary to the Prime Minister?
2. What are the main functions of the Cabinet Secretary?
1. Discuss the organization of the Central Secretariat.

Review Questions

4. At present, the Prime Minister's Office has over _____ people under its roof.
3. The _____ to the Prime Minister plays an important role, _____ as _____.
2. In 1977 Prime Minister Secretariat name was changed and now it is known as _____.
1. Prime Minister's office provides _____ and _____ advice to the Prime Minister.

Fill in the blanks:**EXERCISE**

the block level and helps in the proper implementation of these programmes. He acts as a coordinator of the different programmes of rural upliftment at secretarial level. Panchayat Samiti & performs many functions. Officer who is ultimately connected with the Panchayat Raj system. He is the officer who is greatly enlarged due to the various development projects undertaken at this level. Lastly, you have also studied the office of the Block Development function have greatly aided due to the various district collector is of vital importance. He is the kingpin of our administration. His authority, role and importance. Many developmental plans and public utility services are carried out by the district officials. Amongst them, the office of the district collector is of vital importance. Many developmental plans and public work of the government is carried out at the district level that the actual work of the government is carried out. It divisions called districts which are the cutting edge of the administration. It directly from the headquarters. Therefore, the state is divided into territorial The government at the centre and the state level cannot implement its policies formulation and fulfillment of the responsibilities and duties of the government. The government at the central and the state levels are of vital importance in the and the State Secretariat at the State Level. All these administrative organs of the government at the central and the state levels are of vital importance in the

Notes

Public Administration is the management of public affairs. A study of Indian administrative system has to be multi - level, taking into account the administrative machinery at the central, states, district and the local levels. You must have learnt the structure and functions of the Central Secretariat, the Cabinet Secretariat, the Cabinet Secretary and the Prime Minister's Office at the central level. You have also learnt the functions of the Chief Secretary at the central level.

Summary of the Chapter

at the district level.

(c) Steps should be taken to ensure that the Collector plays an effective coordination role in activities and programmes of other departments

be posted as DM only on completion of 10-12 years of service.

(b) Officers may be posted as District Magistrates early in their career, but in complex and problem-prone districts an IAS officer should

Cell in the office of the Collector.

(a) There is need to strengthen the compliance machinery at the district level to enforce provisions of the RTI Act and to reduce the element of delay and subjectivity in the functioning of the lower-level formations of the government. This should be done by creating a special RTI

(iv) Other Reforms:

District Government.

(d) The District Officer would also be fully accountable to the State Government on all regulatory/other matters not delegated to the State matters.

(c) The District Collector should have a dual role in this government and should be fully accountable to the District Council on all local structure. He should work as the Chief Officer of the District Council representatives of both rural and urban bodies.

(b) Each district should have a District Council comprising of formation of institutions of Local Government at the District Level.

(iii) Functional and Structural Reforms:

(e) Civil Society & Media Cell should be there.

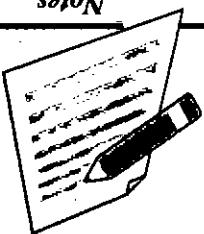
(d) Tours Inspection Notes and Institutional Memory.

(c) A Vigilance Cell should be there.

(b) Management Information Systems / IT tools / E-Governance for effective monitoring and evaluation of programme/projects which

are directly under the charge of the Collector, there needs to be computerized/MIS attached to his office.

(a) Grievance & Public Feedback Cell-Grievance redressal of citizens and implementation of citizen charters should be an integral part of the Collector's office.



- Governments at the district level and with various departments / agencies of the State and the Union
- (c) His job profile should also include the general work of coordination added in his job profile.
- (b) A well-defined set of exclusive activities both statutory as well as non-statutory as a functionary of the State Government should be management and Coordination with various agencies/departments; elections, transport, census, protocol, general administration, treasury, disaster management, public distribution and civil supplies, excise, as land and revenue Administration, maintenance of law and order, District Collector so that he concentrates on the core functions such
- (a) There is need to realign the functions of the Deputy Commissioners/

(i) Role of District Collector:

Recommendations

the DC will be distanced from his other major functions like law and order, etc. programmes. Another aspect to this debate is that with so much of responsibility, This causes a lot of problems in effective administration and implementation of supervisory as the minds of the rural people are constantly suspicious towards them. who represents the Centre and states be a part of this or he should simply However, there has been constant debate as to whether the District Collector

(iv) No incentive to the DC in development activities.

officials.

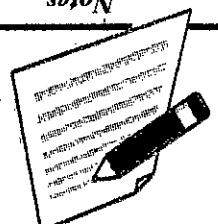
(iii) Elitist behaviour and biasness among the bureaucrats and government vested interests of higher officials and middlemen take over in between.

(ii) Bureaucratic resistance to delegation of power to PRIs.

However, the ground realities are: encouraging people's participation in planning and policy making, etc. through them, including leadership qualities among the rural masses, to them, all development schemes and its funds to be channelized by transferring the powers of decision making from higher authorities PRIs were set up to move decision making centres closer to the people Pancharayati Raj Institutions (PRIs) and Municipalities, respectively. The Acts of 1992 that set up rural and urban local government bodies, viz. decentralization here is used in reference to the 73rd and 74th Amendment

(d) District administration and democratic decentralisation: Democratic

and it is built up both on the infrastructural as well as intelligence we want a sound welfare state where development and law and order and implementation level and its grievances and issues sorted out if go hand in hand otherwise development will be stalled.



(c) **Law and order administration:** Law and order (judiciary, Police, etc.) administration is one of the most important function performed by the Government. In fact, the survival of administration depends upon the prevalence of law and order in a country. Unfortunately, in view of maintenance of law and order is called for, but the sad part is that this is being neglected in favour of development administration.

become more efficient to achieve these goals and objectives. Of administrators in service to develop these management skills and the country's education system as well as sponsored by the international organizations. Also, there should be a lot more emphasis on re-training for this many courses as well as programmes are being rolled out by the Government for implementation of International development programmes. Perspectuve and practice in order to remain in the League of Nations development administration to a more efficient development management policies and objectives. India specifically needs to shift its focus from optimum use of limited resources in manpower, finance, material, time management is used in the sense of achievement and objectives with development administration to achieve development management.

(b) **Impediment of development management:** The term development policies. However, there are issues plaguing this system implementation of these schemes and programs to achieve the welfare coordination between Centre-State is important for proper supervision of and reports to them regarding discharge of his functions. Secondly, at this level he works under the supervision of the state government career graph, he has to first prove his mettle at the state level, and but he has to eventually proceed from the states to the Centre in his implementation of welfare/development activities of both the Centre and the state in the respective districts he/she has been assigned to, without any fear, regarding his/her duties and responsibilities, and a manner so that the DC functions in a neutral and unbiased manner, Collector is a Union/Central officer and it has been systemized in such a manner so that the District Collector and note that the District

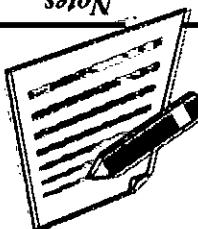
vaguely defined functions are affecting the following-

in a clear manner because the office of the collector and its widespread, that there is need to redefine the role and responsibilities of the Collector of government, the Administrative Reforms Commission (ARC) is of the view that the Collector's well-defined roles result in lack of clarity and diffusion of PRIs / ULBs as the third tier responsibilities. Also, after the establishment of PRIs / ULBs the Collector's well-defined roles result in lack of clarity and diffusion of the Collector's As stated above, the widespread functions of the District Collector without

Need of Reforms in District Administration

of the Panjabati Raj Institutions.

at periodic intervals. He is also acting as the Friend, Philosopher and Guide



The DC has three major functions namely revenue, magisterial and developmental. Apart from these major functions, a large number of miscellaneous functions are also entrusted to him by State and Central governments like conduct of elections, dealing with calamities, supervising local government institutions, etc. Collector was mainly entrusted with revenue administration, however, since independence with the considerable change in the nature of the state from police rule to development and welfare, his role have shown a shift in the direction of development as he implements all the developments programs. Since he is a Generalist, he coordinates the activities of overall departments under Specialists like Engineers, doctors, etc. by holding meetings among them.

Main functions of the Collector include:

Functions of Collector

Collector is the most recognized face of the administration; he is considered to be the principal representative of the government at the district level, who could be approached to solve virtually all problems ranging from land disputes, scarcity of essential commodities, to inadequacy of relief in times of crisis, to community disputes and even to issues of family discord. Collector is the most parts of the country, excepting metropolitan/mega cities, the activities picked up, other functions too gaimed in importance. But, even now, in most parts of the economy diversified, and the pace of industrialization and growth of tertiary of doing anything and everything. In the post-Independence era, when the economy diversified, and the pace of industrialization and growth of tertiary residues in his jurisdiction - the representative of the British Empire, capable considered as the ultimate guardian figure - responsible for the well-being of revenue, administration also enjoying wide powers under criminal laws. He was when the economy was primarily agrarian, the Collector as head of the land administration in India for the last two hundred years. Before Independence, the post of District Collector has been the most important feature of field

Role of the Collector in District Administration

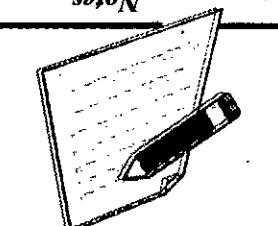
With the constitutional mandate established of Pancayati Raj Institutions and Municipal bodies, it has become necessary to re-examine and re-define the role of the district administration. It is imperative that the devolution of decision making to local levels should face no impediments. It is equally imperative that the unique administrative experience, expertise and credibility of the office of the District Collector built up over a period of two hundred years are properly utilized.

the third tier of government.

(c) Local bodies (Panchayati Raj Institutions and Municipal bodies) which, after the 73rd and 74th amendment of the Constitution, have become

Government and their agencies, such as PWD, irrigation, health, industries etc.

(b) District/Sub-district level offices of the line departments of the State



The overall administrative structure prevailing at the district and sub-district levels in the country consists of the following three components -

- (a) Administration of regulatory functions under the leadership of the Collector and District Magistrate, such as law and order, land revenue / reforms, excise, registration, treasury, civil supplies and social welfare.

Prevailing Administrative Structure

Until the 73rd and 74th Amendments to the Constitution, the government structure of India was two-tiered comprising the Union Government and the State governments. At the district level, apart from discharging the responsibilities cast by specific enactments, the Collectors performed such administrative tasks as were assigned to them by the State governments. After independence, the single greatest accretion to the responsibilities of the district administrator came through expansion of rural development programmes. As the number of activities, institutions and departments involved in rural development increased, the coordinating and synthesizing role of the Collector in the development efforts of the government assumed greater importance.

Hence this system continued and since independence, the District in India is active as the cutting edge of administration. The District administration is headed by the District Collector/District Commissioner, drawn from IAS and he is responsible among others for the general control and direction of the police.

The British Parliament was the first legislature with respect of India in modern times, they created enclaves and gave substance to the district head

in some form or the other has been the most important unit of administration in the Indian sub-continent.

District as a basic unit of field administration has been in existence through the ages. It is surprising to know that it has not changed substantially, since the times of Mauryan Era to Mughals to British era. Historically the district, the secretariat, known variously as the Collector (in respect of revenue of administration, known variously as the Collector (in respect of criminal justice) or the Deputy Commissioner (in respect of General Administration and Justice) or the District Magistrate (in respect of criminal administration), they created enclaves and gave substance to the district head in some form or the other has been the most important unit of administration in the Indian sub-continent.

DISTRICT ADMINISTRATION:

the Secretariat posts carry additional remuneration which make them more attractive to the officers; have better educational and medical facilities and other amenities. Therefore, most of the officers wish to remain in the Secretariat. By staying for a long period in the Secretariat these officers lose touch with the field and do not realise the field problems. It is, therefore, essential to have a balance between the field level and Secretariat level experience of the officers.



The general complaint against the Secretariat is that it has been concentrating most of the powers. The executive heads of departments generally complain that even for a small matter they have to approach the Secretary for getting sanction. The reason for this tendency is inherent in the Parliamentary form of Government. The Minister is responsible to the Parliament for his actions and commissions of the department under his charge. Hence, he has to keep himself informed of all the developments of his department. This leads to the concentration of functions in the Secretariat. Certain human and psychological factors are also responsible for this monopolization of power. But this type of concentration leads to inefficiency in the working of the Government. Second, the Secretariat being far away from the field are not aware of the problems in the field. Therefore, their examination of proposal put forth by field staff is not only superficial, but also leads to too many quibbles. This slow and tardy processing in the cases impairs the efficiency of the field agencies. Third, the posting in the Secretariat these days are important and attractive and the condition in the field is difficult. The field officers have to face political pressures and have greater chance of coming into conflict with the political matters. While the Secretariat officers have a very good existence. They work close to the people.

Criticism of the Secretariat

1. Approval of service rules and amendment thereto;
 2. Papers relating to senior appointments/promotions/transfers of deputy heads of department and above, plus, cases of disciplinary proceedings against their officers;
 3. Initial appointment of officers belonging to the state service and infliction of major punishments on them;
 4. Creation of posts, their extension and continuance, re-employment, resignations, special pay and allowances and positions; not within the powers of heads of departments.

Service Matters

1. Scrutiny and approval of departmental budget estimates, major appropriation of accounts, surrender of funds and supplementary grants;
 2. All proposals involving new items of expenditure;
 3. Financial sanctions not within the competence of the head of department;
 4. Sanction of expenditure from contingency fund;
 5. Write-off cases beyond the powers of heads of department and audit objections regarding the officer of the heads of department.

Financial Matters

- II. Litigation notice under section 80 CPC;
I2. Appeals, Revision, etc., within the power of the State Government.





Assistance Secretary/Section Officer is responsible for the distribution of work among the various functionaries of the section and to ensure timely submission of files to the officers. He supervises the www woo the Assistant U.D.Cs. working in his section and makes them present the case suitable docketed and referred.

The secretary is a policy-making body of the government and normally performs the following functions:

1. Assisting the minister in policy-making and modifying policies from time to time, as and when necessary;

2. Framing legislation and rules and regulations;

3. Budgeting and control of expenditure in respect of activities of the ministry;

4. Supervising and control over the execution of policies and programmes by the executive departments;

5. Coordination and interpretation of policies;

6. Assisting other branches of Government and maintaining contact with central and other state governments and outside agencies;

7. Assisting the minister in the discharge of his parliamentary responsibilities;

8. The secretary acts as the spokesman of the Government.

The Rajasthani Administrative Reforms Committee (1963) has, in its report prescribed the following functions, which are to be attended to by the secretariat.

1. All matters of general policy;

2. Inter-department coordination;

3. Matters involving the framing of new legal enactments of rules of amendment in the existing ones. Cases involving interpretation or relaxation of existing rules or government orders;

4. Correspondences with the Government of India and other State Governments;

5. All matters relating to the preparation or adoption of new plan schemes,

6. Review of the progress of the plan schemes both physical and financial and important modifications in the existing schemes;

7. Inspection reports and tour notes recorded by heads of departments;

8. All India conference and important conference at the state level;

9. Public accounts committee, Estimates committee, Assembly/Parliament

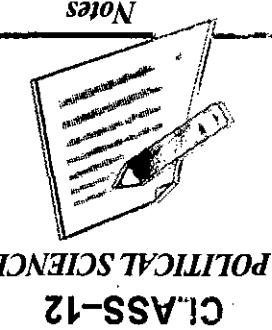
The Secretary is in overall charge of the department. He is the principal adviser to minister and responsible for carrying out the policies and decision made by the political chief and finally, represents his departments before the committees of the legislature. When the work in a particular department becomes too heavy, some posts of Special Secretaries/Additional Secretaries may be created to relieve the Secretary of some of the burden of his work. They can perform some of the functions of the secretary and may submit files directly to the minister in respect of the delegated functions performed by them. The real operating level below the Secretary is the Deputy Secretary. In some of the states the post of Joint Secretaries have also been created. However, they perform the same functions. The Deputy Secretaries/Joint Secretaries are placed in charge of a definite www wo the Department. A Deputy Secretary is also delegated some powers to dispose of certain routine cases at his level. Under Secretaries are the lower-level officers. They are placed in charge of a number of sections each headed by a section officer.

The number of Secretariat departments varies from State to State. The number of secretariat departments usually greater than the number of secretaries. The practice normally, is to entrust more than one department to the charge of one secretary like his counterpart at the union level.

Organisation

Meaning

As well know that the executive functions of the State Government are divided between different departments. Each department of a number of departments are placed in charge of a Minister. The Minister is thus the political head of a department. The Minister is thus the political head of a department. To tender advice to him there is the administrative head of a department. Who is called the each department or groups of departments has a secretary, who is called the Secretary to the Government of a state and not the secretary to a particular department or the Government of a state and not the secretary to a particular department or the individual Minister.



The Council of Ministers at the state level, being a body of political leaders cannot be expected to perform the detailed administrative functions themselves. Therefore, they need the advice of professional administrators in the performance of these functions. This advice is tendered to them by a body of officers known as the secretariat.

State Government and Administration: State Secretariat

- Other state civil service officers, in consultation with the Union Public Service Commission.
- State civil service officers whose names are included in the select list for appointment to the IAS.
- Officers of the selection grade of the central secretariat service.
- Officers serving in public industrial undertakings.
- Officers hired on tenure deputation from central services, Class I service) on tenure deputation.
- Officers transferred from the state cadres of the all-India services and from other Class I services of the states (other than the state civil service) on tenure deputation.
- Officers of the Central Administrative Pool.

In the year 1957, Government of India announced a Central Staffing Scheme according to which the senior positions from deputy secretary and onwards are filled through implementation in the following six categories in the central secretariat:

Central Staffing Scheme

Assistants work under section officers. Each assistant is allotted a certain number of headings to deal with. His duties as described in the manual are: to examine and put suitable notes and drafts on cases promptly and submit them to his section officer after properly referencing and paginating them; to maintain a file through which the senior positions from deputy secretary and onwards are filled through implementation in the following six categories in the central secretariat:

2. Assistants and Upper Division Clerks:

Section officers and upper division clerks: Their supervisory duties in the manual are numbered as: distribution of work among his staff, training, helping and advising the staff, coordination of work in the section, ensuring prompt and efficient disposal of work in the section, adopting proper methods for progressing of cases etc.

Section Officers



- the central advisers are not appointed.
- rule is imposed in the state under Article 356 of the constitution, when Chief Secretary acts as the chief advisor to the governor when president's government; and
- Chief Secretary acts as the chief public relations officer of the state and order and planning.
- Chief Secretary attends the meetings of the National Development Council.
- Chief Secretary acts as a spokesman of the state government.
- Chief Secretary is the principal channel of communication among the state government, the central government and the other state governments.
- Chief Secretary plays an important role in the administration of law and ward staff of the secretariat departments.
- Chief Secretary has administrative control over the secretariat building, staff attached to the ministers, the secretariat library, the conservancy and ward staff of the secretariat departments.
- Chief Secretary is the principal authority in which the state concerned is a member.
- Chief Secretary acts as the secretary, by rotation, of the Zonal Council secretariat.
- Chief Secretary exercises general supervision and control over the entire secretariat.
- all the matters not included within the purview of other secretaries.
- The Chief Secretary acts as the residual legatee, i.e., he looks after in the time of crisis like flood, drought, communal disputes, etc in the state.

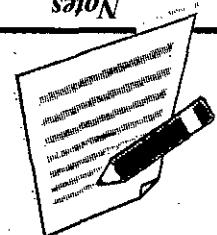
Other Functions

- As crisis administrator, Chief Secretary plays a very significant role in controls them; and
- As the head of certain departments, Chief Secretary supervises and sets up for resolving the inter-departmental disputes.
- As a chief coordinator, Chief Secretary works towards ensuring inter-departmental coordination. He is the chairman of coordination committee to appoinment, transfers and promotion of senior state civil servants.
- As the head of civil service, Chief Secretary deals with all cases related cabinet meetings and keeps all the records of its proceedings.
- As secretary to the cabinet, chief secretary prepares the agenda for administrative implications of the proposals forwarded by the state ministers.
- Chief Secretary is the adviser to the Chief Minister and explains the

Primary Functions

Secretary performs the following primary and other functions.

the secretariat departments. Chief Secretary is the senior-most civil servant in the state. Chief Secretary receives some of its powers from conventions. Chief



The Chief Secretary is the executive head of the state secretariat. Chief Secretary is the administrative head of the state administration. Chief Secretary controls all the apex of the hierarchy of state administration. Chief Secretary stands at

Chief Secretary

- Under the charge of an undersecretary who is also known as the branch officer.
- Two branches form a division that is headed by a deputy secretary.
- Department: Secretary/Additional/Special Secretary
- Wing: Joint/Additional Secretary
- Division: Director/Deputy Secretary
- Branch: Under Secretary
- Section: Section Officer
- Office: Assistant, Clerk, Subordinate
- The secretariat is a staff agency through which it has to advise the executive departments in the implementation of the public policies. The basic function of the secretariat is to assist the minister in the fulfilment of their role. Following are the functions performed by the secretariat.
- The secretariat formulates the policies and programmes of the state government.
- It coordinates the policies and programmes of the state government.
- It prepares the state budget and imposes control on public expenditure.
- It frames legislation, rules and regulations.
- It supervises the implementation of policies and programmes by the field agencies.
- It maintains contacts with the central and other state governments.
- Takes initiative measures to develop greater organisational competence through O&M.
- It assists the ministers in discharging their responsibilities to the legislature, like answering the questions asked by the members of the legislative Assembly.
- It explores the possibilities of improving the financial position of the state.
- It approves the service rules and their amendments.
- It receives the complaints, representations and appeals from the people and solve them.
- It assists the chief secretary in the proper functioning of the secretariat.
- Serves as think-tank for the state government.
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Functions of Secretariat

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Notes



The lowest unit of a ministry is the section. It consists of assistants, clerks, draftsmen, typists and peons. Two sections constitute the branch. Branch is

The Internal Hierarchy of The Ministry

The political head of a department is the minister, whereas the administrative head of the department is the secretary. Chief Secretary is the head of the entire department where as secretary is the head of one or two departments. The Secretary is a senior IAS officer, a generalist.

The central secretariat is a collection of various offices of ministers and its departments. The cabinet secretariat is a ministry that comprises of more than one department. There is no uniform terminology that describes the segments of the administrative structure of the Union government. A charge of a ministry is allotted to a minister that may include one or more departments. Many large ministries like defence, external affairs, finance and home have more than one

Cabinet Secretariat

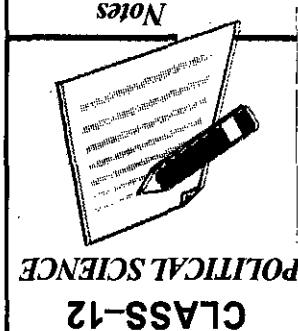
India has adopted a federal form where there is a clear demarcation of subjects and powers between the central government, i.e. government of the Union and the state governments. It is a federation but with a distinction. Though, federations have two-tier government but India has created a third structure of government. Since 1992 when the country enacted the 73rd and 74th amendments of the Constitution. Since then, local government in India – both rural and urban – has been included in the constitution. It is a bold measure of empowerment of local government. Study of Indian administration is a study among other things which determines to a great extent, the role and responsibilities of other organs. The purpose of this lesson is to describe the administrative machinery at the Central, states and district levels. There is no mention of the machinery of the government or the term like the Secretariat in the Constitution. There is simply a provision which empowers the President of India to make rules for the transaction of business.

Introduction

DISTRICT LEVELS

ADMINISTRATIVE MACHINERY AT THE CENTRE, STATE AND

Module-VII B* Administrative System in India



Commissions?

4. How does the Constitution of India ensure independence of the Public Service

Service Commission appointed and what are their qualifications?

3. Who are the chairman and the other members of the UPSC and the State Public

2. Explain the composition and functions of The Union Public Service Commission.

1. Describe the need for an independent agency to recruit civil servants.

Review Questions

(c) Prime Minister (d) Supreme Court

(a) President (b) Governor

(iii) The chairman of the Joint Public Service Commission is appointed by the:

(d) 7 years

(c) 6 years

(b) 5 years

(a) 4 years

(iii) The tenure of a member of SPSC is:

(d) 64 years

(c) 63 years

(b) 62 years

(a) 60 years

(ii) The age limit up to which a member of state PSC may hold his post is:

Tick (✓) mark the correct answer:

EXERCISE

- Keep in sync with changing times: U.P.S.C. and S.P.S.C. so far have and U.P.S.C. and S.P.S.C. need to be in sync with these changes.

- The need for Decentralization: The U.P.S.C. and S.P.S.C. are often a new world based on openness, accountability and delivery has emerged

- worked with remarkable competence, impartiality and integrity. However,

- so as to make them work at a greater pace.

- utmost necessary to decentralize the functions of these commissions,

- leads to depreciating the efficiency of the organization. Hence, it becomes

- applications that are million in numbers. Such a huge workload often

- burdened with a huge workload and they also receive and manage

- in technology and knowledge.

- with advanced institutions to conduct specially designed courses for administration and to keep the services in touch with new developments

- of U.P.S.C. and S.P.S.C.: U.P.S.C. and S.P.S.C. should associate

- Involvement of Research Institutes and Universities in the functioning

- rapidly changing society.

- Commissions should go beyond the role of recruiting candidates in answering the issues relating to civil services and their role in a

- commissions should go beyond the role of recruiting candidates in answering the issues relating to civil services and their role in a

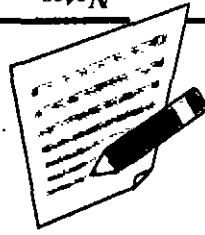
- Commission to serve as a think-tank on personnel issues: The

- more efficiently. Some reforms that can be brought about are:

- Protects the meritorious nature of the Indian civil services. However, there

- could be some changes and reforms to modify these commissions to work

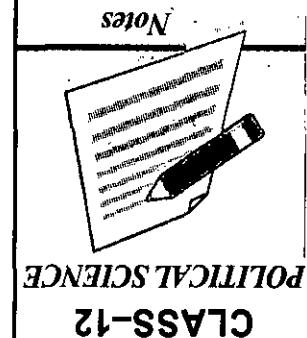
- The Public Service Commissions form a basic structure that ensures and



- The abbreviation J.S.P.S.C. stands for Joint State Public Service Commission. The Government of India Act, 1935 for the first time provided for the joint State Public Service Commission for recruitment in two or more Provinces. This type of commissions is formed when two or more States request for the assistance of Union Public Service Commission in conducting a joint exam for recruitment to services in all these states. Commission of India has made provisions regarding the establishment of the joint State Public Service Commission for two or more states. For example, Haryana had a J.S.P.S.C. for a short period at the time of bifurcation of Punjab and Haryana. While the U.P.S.C. and the S.P.S.C. are directly created by the Constitution, J.S.P.S.C. is created by the act of parliament at the request of the concerned state legislatures, and thus it is a Statutory body. The following are the features of a J.S.P.S.C.:
- Chairman and member of J.S.P.S.C. are appointed by the President.
 - They can be removed or suspended by President and they can directly attain an age of 62 years, whichever is earlier.
 - The tenure of the members of J.S.P.S.C. is of six-year or until they submit their resignation to the president.
 - The terms and conditions of their office are determined by the President.
 - The number of members in the Commission is decided by the President.
 - J.S.P.S.C. presents its annual performance report to each of the concerned state governors, who place the report further before their respective state legislatures.
 - U.P.S.C. can also serve the needs of a state on the request of the state government and with the approval of the President.

Concept of J.S.P.S.C.

Further employment of member	Chariman or member of U.P.S.C. or as chairman of the same S.P.S.C. or any other S.P.S.C.	Further employment of Members	Chariman of U.P.S.C. or as chairman of the same S.P.S.C. or any other S.P.S.C.	Conducting the All India Examination and National level State-level Recruitment	All India Examination and National level examinations.	Submission of report	Submitted to the President.	Submission of report	Submitted to the Governor.
Employment of member	Chariman or member of U.P.S.C. or Chariman of	Providing advice	Advises the President and the central government.	Providing advice	Advises the Governor and the State legislature.	Report	Submitted to the Governor.	Report	Submitted to the Governor.
Further employment	Chariman of U.P.S.C. or any other S.P.S.C.	Conducting the examination	Conducting the examination and National level examinations.	Examination	Conducting the examination and National level examinations.	Submission of report	Submitted to the President.	Submission of report	Submitted to the Governor.
Employment of member	Chariman or member of U.P.S.C. or as chairman of the same S.P.S.C. or any other S.P.S.C.	Further employment of members	Chariman of U.P.S.C. or as chairman of the same S.P.S.C. or any other S.P.S.C.	Conducting the examination	Conducting the examination and National level examinations.	Report	Submitted to the President.	Report	Submitted to the Governor.



Expenses	Charged on Consolidated Fund of India.	Charged on the Consolidated Fund of State.
Misbehavior	Suspended by the President.	Governor.
Appointment for Acting Chairman	Appointed by the President.	Appointed by the Governor.
Age of retirement	Until 65 years of age.	Until 62 years of age.
Service	President of India.	State.
Conditions of Appointment of members	Decided by the President.	Decided by the Governor.
No. of members	Decided by the President of India.	Decided by the Governor of State.
Provisions	U.P.S.C.	S.P.S.C.

Following table discusses the difference between U.P.S.C. and S.P.S.C. overlap, there are still certain differences that distinguish both of them. Though many provisions regarding powers and functions of U.P.S.C. and S.P.S.C.

Difference between U.P.S.C. and S.P.S.C.

The President can suspend the members of the Union Public Service Commission during the period when the matter is being inquire by the Supreme Court. Whereas in the case of the State Public Service Commission, this power to suspend the member is vested in the Governor of the State.

In cases of misbehavior, the matter is enquired by the Supreme Court, if the member is found guilty, the President can remove him/her from his membership of the commission. The decision of the Supreme Court is binding on the President in such matters.

- For misbehavior on the part of the member of the commission.
- The member of the commission becomes mentally or bodily infirm.

outside the official duties.

- The member of the commission engages in any paid employment.
- The member of the commission goes bankrupt (insolvent).

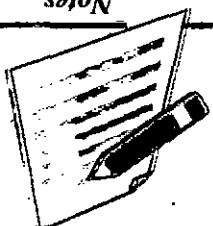
Following four circumstances exists:

Article 317 says that the members of both public service commission can be removed by the President before the expiry of their term if any of the

Removal of members

- The chairman or a member of U.P.S.C. and S.P.S.C. is not eligible for reappointment to that office for a second term.

Notes



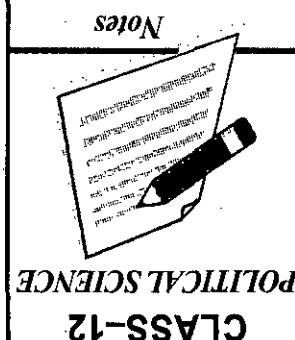
ensure the independent and impartial functioning of the Union Public Service Commission and State Public Service Commissions.

- The chairman or a member of the U.P.S.C. or S.P.S.C. can be removed from office by the President only in the manner and on the grounds mentioned in the Constitution. Thus, they enjoy the security of tenure.
- Article 318 mandates that the conditions of service of the chairman or the members of U.P.S.C. and S.P.S.C. are determined by the President and the Government respectively. But these conditions of service cannot be varied to their disadvantage after their appointment.
- The entire expenses including the salaries, allowances, and pensions of the chairman and members of the U.P.S.C. and S.P.S.C. are charged on the Consolidated Fund of India and the Consolidated Fund of State U.P.S.C. or the legislative assembly of the state in case of S.P.S.C.
- Article 319 states that the chairman of the U.P.S.C. on ceasing to hold office is not eligible for further employment in the Government of India or any state. Whereas the chairman of S.P.S.C. can be made eligible for any other employment in the Government of India or any state.
- Article 319 also states that a member of the U.P.S.C. is eligible for appointment as the Chairman of U.P.S.C. or a State Public Service Commission but not for any other employment in the Government of India or any state. Whereas a member of S.P.S.C. is eligible to be appointed as the Chairman or a member of the U.P.S.C. or as the chairman of the same S.P.S.C. or member or chairman of any other

Independence of U.P.S.C. and S.P.S.C.

- other similar authority, created under a statute or under the authority of a resolution of either Houses of the Parliament or by a resolution of the government of India for conducting an enquiry into any matter or advising the government of specified matters.

Posts concerned with the administration of North-East Frontier Agency and any service or post in respect of which the commission has agreed that it is not necessary for it to be consulted. The temporary and officiating appointments can also be made without consulting the U.P.S.C. provided the incumbency is not likely to hold the post for more than a year. But intimation has to be sent to the commission regarding such appointment as soon as the posts are filled. Similarly, there is no need to make any reference to the commission regarding the reservation of posts in favour of backward classes, Schedule Castes, Schedule Tribes.



S.P.S.C. These are:

There are other functions as well to be performed by the U.P.S.C. and the

Other Functions of U.P.S.C. and S.P.S.C.

- Union Public Service Commission and State Public Service Commission advise the President and the Government respectively, on every matter relating to methods of recruitment to civil services and for civil posts.
 - U.P.S.C. and S.P.S.C. lay down principles to be followed in making appointments to the posts of civil servants;
 - in making promotions and transfers from one service to another;
 - for checking the suitability of candidates for such appointments or transfers.

• Another function of U.P.S.C. and S.P.S.C. is to look at all disciplinary matters affecting a person serving in a civil capacity under the Government of India or the Government of a State. It may also include memorials or petitions relating to such matter.

- The first and foremost function of Union Public Service Commission and State Public Service Commission is to appoint in administrative services the merititious and potential candidates after selecting them through competitive examinations at All India and State level respectively.
- Secondly for any service for which candidates should possess special qualifications, the function of U.P.S.C. and S.P.S.C. is to assist the legislature in framing and operating schemes of joint recruitment.
- The duty of the Union Public Service Commission is to appoint in administrative services the merititious and potential candidates after selecting them and State Public Service Commission is to appoint in administrative services the merititious and potential candidates after selecting them through competitive examinations at All India and State level respectively.
- The duty of the Union Public Service Commission and State Public Service Commission is to conduct examinations for appointment to the services of the Union and the State respectively. Article 320 of the Constitution of India provides for the following functions of the Union Public Service Commission of the Union and the State respectively. Article 320 of the Constitution of India provides for the following functions of the Union Public Service Commission of the Union and the State respectively. Article 320 of the Constitution of India provides for the following functions of the Union Public Service Commission of the Union and the State respectively. Article 320 of the Constitution of India provides for the following functions of the Union Public Service Commission of the Union and the State respectively.

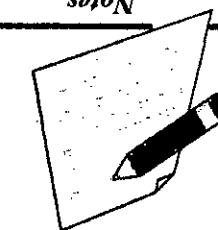
Functions of U.P.S.C. and S.P.S.C.

In brief, U.P.S.C. is the central recruitment agency in India and S.P.S.C. is the delegation to its employees or to any other organization. wherein the powers and responsibilities of the council of ministers cannot be exercised because India has adopted a responsible self-governing government. This is because India has adopted a responsible self-governing government advice is the absolute discretion of the responsible government. Thus, the Constitution of India has simply made the Union Public Service Commission and State Public Service Commission, as advisory institutions which provide advice on the subject sent to it by the President of India or by the Governors of the State respectively. But the acceptance or denial of which provides to deal with matters related to punishment measures. Central government and the State government.

- It also has powers to deal with matters related to punishment measures on the part of the government.
- Regarding promises of decision and discipline of action in government functions, of paying compensation to a government employee, if the employee has suffered any problems or financial loss due to negligence of those employees who have violated discipline or with all matters related to the interest of the government employees working under the

- It the payment or expenditure for any work of an employee of Civil Services will be charged on the consolidated fund of India or not.
- If the payment or expenditure for any work of an employee of Civil Services will be charged on the consolidated fund of India or not.
- Matters associated with the demands and benefits of employees working under the Civil Services and employees injured while on duty.
- On all matters regarding the discipline and punctuality of the employees of the civil services.
- In all matters regarding the discipline and punctuality of the employees appointment, promotion or transfer in all civil posts.
- The evaluation of the efficiency and standard of the candidates for government.
- On all matters related to the appointment of the civil services of the

Notes



Main power of Union Public Service Commission and the State Public Service Commission is the advisory power. It is empowered to give advice to the President and the Governors of any State on the following affairs:

Powers of U.P.S.C. and S.P.S.C.

the SARCs Member States.

with foreign countries concerning Public Service Commissions, including foreign delegations, hosting of international events and correspondence branch. It also compiles the Annual Report and coordinates visits of services II: Handles cases other than the ones dealt by Services I for the advice of the Commission.

- Services I: Handles disciplinary cases, as required under Article 320(3) (c), received from various Ministers/Departments and State Governments,

(interview) or through competitive examination.

Territories) or the State. These recruitments are done either by selection Group 'B', posts of the services of the Union (including some Union and permanent absorption) by selection to all Group 'A' and certain recruitment, recruitment by promotion and recruitment by transfer out Direct Recruitment (out of the 3 possible mechanisms of direct

- Recruitment: This branch of the U.P.S.C. and the S.P.S.C., carries printing Annual Report etc.

works for Commission. It deals with functions like arrangements and facilitation for conduct of Examinations by the U.P.S.C. and S.P.S.C.

- General: The general primarily deals with day-to-day housekeeping

B Services of the Government of India and the respective State.

- Examination: It carries out merit-based selection and recommendation Absorption.

Appointments: They carry out appointments to Central and State services based on promotion and by the means of Deputation and

Regulations of respective services.

State Service officers to the IAS, IPS, and IFS. It also handles policy matters relating to All India Services and amendments in the 'Promotion

from the State Service. The AIS Branch handles the promotions of

All India Services: Recruitment to All India Services is done either by

direct recruitment, through Civil Services Examination or by promotion

of a number of Joint Secretaries, Deputy Secretaries and other supporting

staff. For administrative purposes, the secretariat is further divided into several

divisions, each undertaking a specific responsibility which are as follows:

- Administration: The administration division handles the Secretariat as

well as looks after personal matters of Chairman/Members and other

Officers/Staff of the Commission.

divisions, each undertaking a specific responsibility which are as follows:

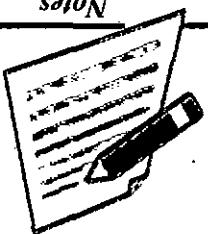
of a number of Joint Secretaries, Deputy Secretaries and other supporting

staff. For administrative purposes, the secretariat is further divided into several

divisions, each undertaking a specific responsibility which are as follows:

of a number of Joint Secretaries, Deputy Secretaries and other supporting

Notes



The functions of the Commission are performed by a Secretariat headed by a Secretary with four Additional Secretaries. These additional secretaries consist

Secretariat

The Union Public Service Commission (Members) Regulations, 1969 governs the terms and conditions of service of chairman and members of the Commission.

Structure of the Organisation

Article 323 mandates that it will be the duty of the Union Commission to submit to the President an annual report of the work done by the Commission. Whereas the State Public Service Commission will submit its annual report of its performance, to the Governor. Upon receipt of such report, the President shall present a copy, before each House of Parliament and the Governor shall present it to both the houses of the legislature (if the legislature is bicameral), together with a memorandum, explaining the reasons as to why the advice of the Commission was not accepted by him.

Reporting

According to Article 322, the expenses of the Union Public Service Commission and State Public Service Commission, including salaries, allowances, and pensions, payable to any of the members or staff of the Commission, shall be charged on the Consolidated Fund of India and the Consolidated Fund of the State respectively.

Expenses

A member of any commission can submit his resignation, at any time, to the President of India. A member of any commission can resign on various grounds.

The members of both U.P.S.C. and S.P.S.C. can be removed at any time by the President on various grounds.

Tenure of the Members and Chairman

The acting chairman will perform the functions of the chairman until the chairman returns to its office. In the case of State Public Service Commission, the term is of six-year but six years or till the time he attains the age of 65 years, whichever is earlier.

For the Union Public Service Commission, every member can hold office for six years or till the time he attains the age of 65 years, whichever is earlier.

The chairman of the commission, due to absence or for any other reason, is unable to perform the duties of his office.

- The chairman of the commission becomes vacant;

The government can also appoint one of the members of the S.P.S.C. as an acting

chairman if any of the following conditions prevail:



In case, the office of the Chairman becomes vacant, the President shall appoint another member of the Commission as the acting chairman to perform the functions of the chairman in his/her absence.

Appointment of chairman and acting chairman

- The person to be appointed as the members of the Union Public Service Commission and other members of the Union Public Service Commission should not hold any office of profit under the central or the state government.
- The President of India to determine the conditions of service of the Constitution and the State Public Service Commission respectively, at the time of their appointment.
- The President of India and The Governor of State are empowered by the Constitution of India to determine the conditions of service of the Union Public Service Commission and other members of the Union Public Service Commission and the State Public Service Commission respectively, at the time of their appointment.
- Although no specific qualification is mentioned in the Constitution, but it mandates that 50% of the members of U.P.S.C. should be the ones who have held government office for at least 10 years.
- The Constitution of India and the State respectively.
- The Chairman and other members of Union Public Service Commission are appointed by the President and State Public Service Commissions are appointed by the Governor in case of S.P.S.C.
- Article 316 of the Indian Constitution provides for provisions regarding the appointment of the chairman and the members of the U.P.S.C. and S.P.S.C.

Appointment and Eligibility of members

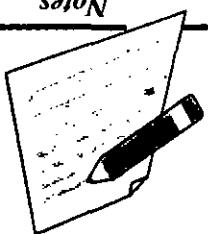
- The current sanctioned strength of the Commissions is 11 (i.e., one Chairman and ten members).
- The Commissions consist of 9 to 11 members including the chairman (though the number is not defined anywhere, and it changes from time to time and decided by the president in case of U.P.S.C. and by the Governor in case of S.P.S.C.).
- The Commissions consist of 9 to 11 members including the chairman members.
- The U.P.S.C. and S.P.S.C. both consist of a Chairman and other members.

Let us understand the above provisions and start with discussing the composition of the Union Public Service Commission and State Public Service Commissions.

Composition of U.P.S.C. and S.P.S.C.

Article 321	Provisions regarding power to extend functions of Public Service Commissions.	Article 322	Provisions regarding expenses of Public Service Commissions.
Article 320	Provisions regarding functions of Public Service Commissions.	Article 323	Provisions regarding reports of Public Service Commissions.
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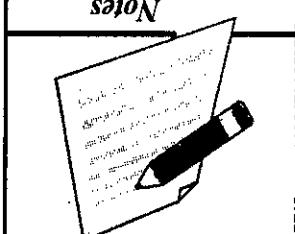
Article	Provisions	Provisions for Public Service Commissions for the Union and the States.	Provisions regarding appointment and term of office of members.	Provisions regarding removal and suspension of a member of a Public Service Commission.	Provisions regarding removal and suspension of a member of a Public Service Commission.	Provisions regarding power to make regulations as to conditions of service of members and staff of the Commission.	Provisions regarding power to make regulations as to conditions of service of members.	Provisions regarding prohibition as to the holding of offices by members of the Commission on ceasing to be such members.	Article 319
Article 318	Provisions	of a Public Service Commission.	of a Public Service Commission.	of a Public Service Commission.	of a Public Service Commission.	of service of members and staff of the Commission.	of service of members and staff of the Commission.	Provisions regarding prohibition as to the holding of offices by members of the Commission on ceasing to be such members.	Article 319

Article 313 to 323 of Part XIV of the Indian Constitution deals with provisions relating to the Union Public Service Commission as well as the State Public Service Commission. These Constitutional Provisions include guidelines regarding the appointment, composition, removal, functions, and duties, etc. of the Public Service Commissions. The following table describes the content of the various provisions of the Constitution.

Constitutional Provisions

Our constitution provides for four watchdogs (i.e., the Supreme Court, the Election Commission of India, the Comptroller and Auditor General of India, the Union Public Service Commission) that help to keep a check on different functions of the State. Supreme Court keeps a check on the judicial functions of the state. Election Commission of India ensures free and fair elections. Comptroller and Auditor General keeps in check the finances of the country. Similarly, the Union Public Service Commission is a watchdog to ensure fair recruitment on the basis of merit. U.P.S.C., along with the country's higher judiciary and the Election Commission, is amongst the few institutions which function with autonomy and freedom. The Public Service Commissions were established by the Government of India Act, 1935 at the provincial level known as the State Public Service Commission and the constitution of India gave it a constitutional status as autonomous bodies. Thus, it becomes essential on the part of citizens to know and understand these organizations better. Therefore, in this article, we will be discussing the Union Public Service Commission in detail.

Introduction



PUBLIC SERVICE COMMISSION

- Review Questions
1. Describe the structure of the United Nations for the economic and social development activities.
 2. What are the major initiatives of the United Nations for the promotion of economic development?
 3. Describe the functions of the World Bank as the main UN financial agency for development.
 4. Explain the working of the United Nations Development Programme (UNDP).
 5. Describe the role of UNICEF in promoting the welfare of children.

Answers to the following:

EXERCISE

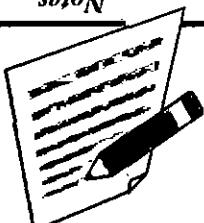
The United Nations has come up with major initiatives not only for the maintenance of international peace and security but also for the economic and social development of the developing countries. The General Assembly, the Economic and Social Council, the UN Secretariat coordinate the various development programmes and projects.

United Nations is the main instrument of multilateral aid for tackling development problems. Various UN development agencies such as UNDP, WHO, the World Bank raise and contribute funds and assist for UNICEF, UNDP, the UN Development Programme agencies such as UNDP, development programmes and projects.

Summary of the Chapter

Within their respective regions, have been major sources of development financing for hundreds of projects for between 20 and 25 percent of all World Bank lending. Other important institutions reform. During the last 20 years, adjustment loans have accounted for between 20 and 25 percent of all World Bank lending and are short-term loans to promote the market structures as well as political adjustment loans have become an important component of World Bank lending. Investment loans have accounted for 75 to 80 percent of all World Bank lending. Development, water and sanitation, rural development, basic education schools. Other projects include poverty reduction, rural construction basic education schools. World Bank loans helped developing countries to create the physical and social infrastructure necessary for poverty reduction and sustainable development. World Bank loans are long-term loans aimed at loan falls into two broad categories. Investment loans are long-term loans aimed at the amount of financial contribution or shares in these bodies. World Bank's

Notes



There is weighted voting i.e. a member country's number of votes are as per not based on the principle of one nation one vote as in the General Assembly. Their composition is not democratic. Voting in these institutions is dominated by rich countries. They are also not accountable to the United Nations. However, the World Bank and the IMF are under severe criticism. They are billion dollars' worth of aid has been given so far for development projects. of funds for development projects for infrastructure development. About 300 of payment deficits. The World Bank group is the largest multilateral source USA. IMF provides temporary funds to aid governments in correcting balance in December 1945 at the Bretton Woods Conference held in New Hampshire, also called the Bretton Woods institutions as these agencies came into being (IBRD) or World Bank and the International Monetary Fund (IMF). These are United Nation are the International Bank for Reconstruction and Development component for development. The most important financial agencies of the is devoted exclusively to aiding the development process. Capital is a primary example, an annual budget of approximately 670 million dollars for UNDP section entail substantial financial contributions to the purpose of development. Some of the programmes of the various UN agencies discussed in the previous

The World Bank Group

- Bureaucracy and complexity:** UNICEF is a largely bureaucratic organisation and suffers from the problems associated with this such as wasteful spending, red tape, etc.
- Partnership:** There has been a rapid increase in collaboration and diversification of partnerships with civil society. Despite this, UNICEF priorities and strategies for partnerships are limiting the scope for partnership.
- Self-image & criticising governments:** UNICEF has the image of an agency that keeps its distance, never directly pointing fingers at rogue governments, for fear of its operations being shuttled out of that country.

Weaknesses:

- Security standards have been introduced and security capacity and communication networks strengthened.
- It has gender sensitive programming although it has miles to go in this regard.
- UNICEF plays a significant role in emergency response and it has improved by a huge degree in emergency planning and preparedness.
- On the Convention on the Rights of the Child in PIB dated 20 Nov, 2019, the Rights-based programming at country level is still required. Read more on the Convention on the Rights of the Child, although greater clarity on the implementation of rights-based programming at country level is still required.
- UNICEF has successfully made the shift from a needs-based, vertical sector programme to a rights-based approach rooted in the Convention on the Rights of the Child, although greater clarity on the implementation of rights-based programming at country level is still required.





Notes

UNICEF's partnership with India began in 1949. Its first office was established in New Delhi in 1952.

UNICEF and India

- The five core values of UNICEF are:
 - Care
 - Respect
 - Integrity
 - Trust
 - Accountability

- UNICEF relies on government and private funding and contributions for all its activities and various programmes.

- It has become an authority on the education of girls, especially through even though the pace may be slow.
- UNICEF can impact major changes in strategy as well as practice, even though the pace may be slow.
- Its Child Protection programmes and the UNAIDS.

Strengths:

Like many global organizations around the world, UNICEF has its fair share of strengths and weaknesses. They are listed in brief below:

Strengths and Weaknesses of UNICEF

- A second area of priority is to focus on vulnerable areas like slums, backward remote areas, drought or flood-prone areas, etc.
- Another noteworthy point is that India is among the top donors to UNICEF.
- A problem encountered in the functioning of UNICEF in the country is that since it works in tandem with government schemes, the execution is sluggish in pace.
- UNICEF's priority in India is children in the age group 0 - 5 years since most deaths happen within this group. For this, UNICEF seeks to work with mothers and ensure they have access to adequate nutrition and healthcare.
- UNICEF's priority in India is children in the age group 0 - 5 years of science and technology.

- Though initially, the organisation focused on providing medicines, equipment and supplies, currently, it contributes in many broad areas such as providing low-cost, nutritionally balanced food products from locally available food sources; giving training to personnel engaged in child-care projects, sanitation, water supply, health and family planning;
- UNICEF has been very active in India in the past many decades.
- Most of their work in the country is by partnering with the government in the implementation of the various government schemes.

- Currently, UNICEF works in 17 states with more than 400 staff members.
- Through its nodal agency in India for interacting with UNICEF is the GOI's Ministry of Women and Child Development.

- UNICEF's partnership with India for interacting with UNICEF is the GOI's Ministry of Women and Child Development.

- The nodal agency in India for interacting with UNICEF is the GOI's

- The ministry of Women and Child Development.

- The ministry of Women and Child Development.

- UNICEF started as the International Children's Emergency Fund (ICEF) in 1946, formed by the UN Relief and Rehabilitation Administration in order to offer relief and healthcare for affected children and mothers in the aftermath of the Second World War. In the same year, the UN established the United Nations Children's Emergency Fund (UNICEF) to manage its post-war relief work better. Though it became a permanent part of the UN in 1953 and subsequently changed its name to United Nations Children's Fund, it continues to use the acronym UNICEF.
 - UNICEF engages in fighting for the rights of children all over the world.
 - It also works to provide safe shelter, healthcare, nutrition, education, world.
 - Other areas the UNICEF works are providing vaccines, safe water and sanitation, HIV prevention in mothers and babies, protecting children from violence and abuse, early childhood development, adolescent health, etc.
 - It also works in regions embroiled in humanitarian crises, to give relief and rehabilitation.
 - Today, UNICEF works in more than 190 nations, in collaboration with other UN partners, and as a part of the larger UN system. It is not a specialised agency of the UN.
 - UNICEF also comes up with research reports on various aspects related to children all around the globe.
 - It received the Nobel Prize for Peace in 1965.
- UNICEF functions through 150 country offices and other facilities all over the world.

UNICEF Functioning

- UNICEF's governing body is its Executive Board. It is headed by an Executive Director.
- It comprises 36 member countries each for a three-year term. They are elected by the ECOSOC.
- It has more than 30 National Committees that implements its mission via programmes that are developed in tandem with the host country's government.
- These are basically NGOs that engage in fundraising activities, selling goods and offering socially-beneficial support.

UNICEF's main aim is to protect children's welfare and development. It focuses on developing community-level services to achieve its larger goal of children's welfare and development.



- Specialized Agencies of the United Nations. Though these agencies are part of the UN system, they function independently of United Nations organs and are generally described as autonomous organizations. Each has its own headquarters, constitutions, staff and budget. Each was created in the same manner as the United Nations by an international conference. Membership of these specialized agencies and membership of the United Nations is not identical. These agencies are universal in membership. States which are not UN members can be admitted as members of the specialized agencies (see box) Each specialized Agency is an inter-governmental organization established by intergovernmental treaty or by agreement between the agency and ECOSOC subject to approval by the General Assembly. There are about 15 specialized agencies, which operate in affiliation with the United Nations, we shall identify and describe the activities of following UN development agencies, such as UNDP, UNICEF, the World Health Organization (WHO), the United Nations Educational Scientific and Cultural Organization (UNESCO) and the World Bank.
- Established in 1965, UNDP is the leading development agency of the UN system. Developing countries are more comfortable in working with UNDP. Although UNDP can offer no finance, it helps the developing countries through training programmes, bringing technical experts to developing countries etc. In all it spent more than \$ 40 billion for various projects. Some of the ongoing projects recently undertaken are as follows:

 - Promoting gender equality is a major focus area within the UNDP addressed the feminization of agriculture and women's empowerment for sustainable human development.
 - UNDP allocated \$1.5 million in emergency aid to Palestinian territories.
 - UNDP in May 2001 announced the establishment of a new UNDP four-year project in Kutch district of the state of Gujarat (a disaster-prone area) to promote productive use of renewable energy.
 - UNDP supported project on 'Community Health Financing Initiative' in India as a majority of the rural and urban slum population remains outside the health care system even after 50 years of independence.
 - On 23 January 2004 UNDP launched a new initiative to provide technology training in community education centres across the developing world.

Development Assistance Activities

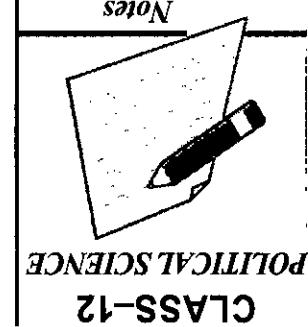


The United Nations structure for planning, coordinating, administering, implementing its economic and social programmes is vast and decentralized. At the apex of the structure are the General Assembly and the Economic and Social Council (ECOSOC). The General Assembly provides general direction and supervises the Commission for economic and social development, ECOSOC concentrates solely on this work and has operated with the assistance of functional commissions. These are the Statistical Commission, Human Rights Commission, the Commission on Narcotic Drugs. There are also regional economic commissions, which focus on the problems salient to their geographical areas. Five such commissions have been established: the Economic Commission for Europe (ECE); the Economic Commission for Asia and the Pacific (ESCAP), the Economic Commission for Latin America and the Caribbean (ECLAC), the Economic Commission for Africa (ECA) and the Economic Commission for Western Asia. A number of other bodies exist in the economic and social field which are not as directly subject to ECOSOC direction or control but which are closely related to ECOSOC activities. These agencies include: (1) the United Nations Development Programme (UNDP); (2) The United Nations International Children's Emergency Fund (UNICEF); (3) The United Nations High Commissioner for Refugees (UNHCR); (4) The United Nations Conference on Trade and Development (UNCTAD); (5) The United Nations Conference on Environment and Development (UNCED); (6) World Food Programme; (7) The United Nations Environment Programme (UNEP). There are

Network of UN Development Agencies

Besides the UN Secretaries-General also played their part in pushing the cause of economic and social development of the Third World. In 1994, the former Secretary General Boutros-Ghali, presented a grand vision in "An Agenda for Development". At a UN summit in 2000 the Millennium Development Goals (MDGs) were adopted. These goals include the elimination of extreme poverty, achieving universal primary education, improving maternal health and reducing child mortality. The development goals were adopted unanimously by all UN Member States and set out yardsticks for measuring development progress by 2015 by curing many of the world's ills such as poverty, lack of access to education and health services.

Developments convened a series of International Conferences to discuss strategies to address economic and social development concerns and plans of action were adopted. Among the most important conferences related to development are: on Environment and Development (in 1992), Conference on Human Rights (1993), International Conference on Population and Development (1994), World Conference on Women (1995), and the UN Conference on Environment and Development (1995), World Conference on Environment (1995), and the UN City Development (1997).

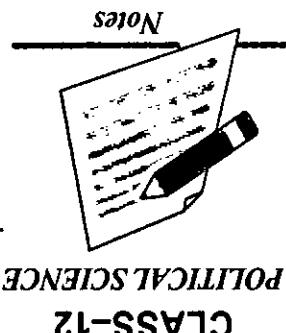


In 1960s International institutions like the UN Development Programme, UN Industrial Development Organization, International Development Association were getting up in 1960s. At the initiative of developing countries United Nations Conference on Trade and Development (UNCTAD) was formed in 1964 to promote international trade for the benefit of developing countries. It has served the developing countries in many ways. UNCTAD has provided significant support to efforts by developing countries to expand trade and economic cooperation among themselves at the regional and subregional levels. It has also promoted technical assistance. In UNCTAD a group of developing countries was formed. This group now consists of 132 countries. It has represented the developing countries in the negotiations on economic and trade problems with the developed countries. For example, it pressed the demand of developing countries for stable prices of primary commodities, like cotton and coffee exported to markets of advanced countries. Also, UNCTAD made efforts to ensure preferential treatment and tariff concessions in the developed countries for the items promised by the developing countries, financing of research and development activities; official development assistance for low-income countries and debt relief. The UNCTAD call in 1974 for establishment of a New International Economic Order (NIEO), To protect the economic interests of the developing countries, the UN gave a call in 1974 for establishment of a New International Economic Order (NIEO), which was founded on the following principles, such as, participation of all countries to solve world economic problems on the basis of equality; the right of every country to adopt the economic and social system most appropriate for its own development; full permanent sovereignty of every state over its natural resources; regulation and supervision of Multinational Corporations (MNCs) operating in developing countries; just prices of raw materials and primary commodities and goods exported by developing countries; technical and financial assistance to developing countries and preferential and non-reciprocal treatment for developing countries.

The developed countries were unwilling to make radical concessions the NIEO took advantage of diverse economic interests within the Group of 77, putting forward the collective deliberations and negotiations. The rich countries faded from the collective deliberations and negotiations. The rich countries against the middle-income countries like India and Brazil. By the end of 1970s oil importing countries against the oil rich countries, and also least developed many developing countries were facing serious balance of payments problems and were forced to turn to the International Monetary Fund (IMF) and the World Bank for loan.

These institutions are controlled by rich countries. This gave them the opportunity to exercise considerable influence over economic and trade policies in the developing world. Because of the economic crisis, the goals of the Second World Bank for loan.

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Given the size and strength of their economics, countries are generally classified as either developed or developing. The developed countries are located in the North of the equator in the whole of Europe and North America. These countries (like the United States, Canada, Great Britain, France, Germany etc.) have high per capital income, industrial growth, educational and health etc. They dominate the world economy. Two thirds of three-fourths of the world's population live in developing countries. Whereas the developing countries, located in Africa, Asia and South America (the south of the globe) suffer from deprivation such as widespread poverty, illiteracy, hunger and diseases. In the developing countries three-fourth of world population lives in these 130 countries, but individual income levels are extremely low.

They suffered for centuries in colonial domination. Colonial rulers did not show any interest in economic and industrial advancement of the people of these countries. They exploited the natural resources of developing countries for their economic benefit. Starting from 1960, many of the colonies merged as independent countries and gained membership of the United Nations. With the help of their growing majority in the United Nations they were able to create new agencies. The United Nations launched the First Development Decade.

Major UN Initiatives for Socio-Economic Development

The UN and its affiliated agencies play an important role in the promotion of international co-operation in the economic and social fields. The United Nations considered that stable peace cannot be achieved without economic and social development of all nations. Hence, much of the UN's resources are devoted to development of the newly independent, poor countries has been the main preoccupation of the United Nations. Activities in these fields are varied, aimed at tackling problems like poverty, housing, food and disease which have both economic and social characteristics and effects of the United Nations. Poor countries in the North of the equator in the whole of Europe and North America. These countries (like the United States, Canada, Great Britain, France, Germany etc.) have high per capital income, industrial growth, educational and health etc. They dominate the world economy. Two thirds of three-fourths of the world's population live in developing countries. Whereas the developing countries, located in the South of the equator in the whole of Africa, Asia and South America (the south of the globe) suffer from deprivation such as widespread poverty, illiteracy, hunger and diseases. In the developing countries three-fourth of world population lives in these 130 countries, but individual income levels are extremely low.

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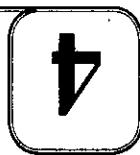
Introduction

The main objective of the unit is to make student understand about concepts related to United Nations and Economic and Social Development

Objective of the chapter

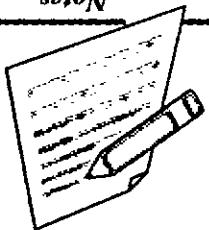
Notes

UNITED NATIONS AND ECONOMIC AND SOCIAL DEVELOPMENT



Space for Notes

1. What are the four main aspects of the United Nations activities which have made our world peaceful?
2. Discuss few of the examples of the United Nations mediation.
3. What are the different types of non-military sanctions which are imposed by the United Nations?
4. Why does the United Nations not have its own military force to carry out its military actions?
5. What is peacekeeping? What for these operations have been sent?
6. Discuss some of the aspects in regard to UN disarmament efforts.

Notes

1. United Nations is today the most important organisation dedicated to world peace. (True/False)
2. United Nations declarations and resolutions, urging the member countries to solve the dispute by peaceful means have binding effect. (True/False)
3. The UN mediator can expect to have little success unless he enjoys the confidence of all parties. (True/False)
4. In 2003 the International Court of Justice ruled against Israel's construction of a wall in occupied Palestinian territories as illegal and provocative. (True/False)
5. The non-military sanctions imposed by the Security Council are not compulsory implemented by all member countries of the United Nations. (True/False)

True or False:

EXERCISE

More than any other activity of the United Nations, peacekeeping is a truly disarmament. Several disarmament treaties resulted from UN efforts. Right from the inception, the United Nations has taken active interest in peacekeeping operations were very successful, while others faced difficulties. With this technique right from the beginning of its existence. Some of the remarkable contribution towards peace. This activity, in fact, was not anticipated when the United Nations, was founded. However, UN used to stop and reverse foreign invasions against any member country.

That the founders did not hesitate to empower this organisation to use military force to try first non-binding persuasive methods to keep peace among nations. It does not mean that United Nations cannot do, or has not done, anything in case countries ignore the advice of the United Nations and become a threat to world peace. The goal of world peace is so important for the United Nations and other times not so successfully. The United Nations has always preferred its services as a mediator in dozens of conflicts, sometimes successfully and other times not so successfully. The United Nations has continued to take up various activities to this end. The United Nations has adopted its top most aim of the United Nations. The United Nations World peace is the top most aim of the United Nations. The United Nations continues to take up various activities to this end. The United Nations has offered its services as a mediator in dozens of conflicts, sometimes successfully and prohibited its use of chemical weapons. Also, UN played its part in destruction of chemical and biological weapons of Iraq in 1990s.

UN efforts in disarmament led to banning of landmines (1997) and prohibition and destruction of existing stocks of chemical weapons under positive side, UN efforts in disarmament led to banning of landmines (1997) and refused to sign it until the five nuclear powers had disarmed. On the remote because many countries, including India, described it a defective treaty in September 1996. The chances of CBT coming into force are considered in September 1996. The chances of CBT coming into force are considered and adopted a text of resolution of the Comprehensive Test Ban Treaty (CTBT) nuclear and other weapons of mass destructions (WMDs). The General Assembly adopted a text of resolution of the Comprehensive Test Ban Treaty (CTBT) in September 1996. The chances of CBT coming into force are considered and remote because many countries, including India, described it a defective treaty and prohibited its use of chemical weapons. Also, UN played its part in destruction of chemical and biological weapons of Iraq in 1990s.

Summary of the Chapter

Notes

of military observers to ensure peace after the first Arab-Israeli war. Since then, in all there have been 60 peacekeeping operations dispatched by United Nations to restore or maintain peace in countries located in four continents - Africa, Asia, Europe and South America. Two such operations restored peace between India and Pakistan in UN peacekeeping activity there are some notable turning points. For example, in 1956, a 6,000 strong force called United Nations Emergency Force could arrange, without firing a shot, withdrawal of foreign troops from Egypt. In 1960 a much larger peacekeeping force ensured that a newly independent country remained secure from foreign intervention and internal disintegration.

In 1993, an equally big operation took over administration of Cambodia and installed democratically elected government there. The end of cold war in 1990 peace these weapons have made the world a dangerous place to live in. Nuclear destruction would ensure peace by deterring the opposition. Far from securing peace other dangerous weapons threaten the very survival of mankind. If full-scale nuclear war breaks out, it is not only the population of the warring countries that would die but also the rest of the population spread over the globe would suffer. Those who survive the nuclear war would die a slow and painful death. Thus, the preservation of life on the planet is the first and foremost consideration for disarmament. Equally important, disarmament offers the possibility of deriving huge funds from the arms production for improving living conditions of the poor and needy people of the world. Right from the inception, the United Nations has taken active interest in disarmament. Several disarmament treaties resulted from UN efforts. Some of them are no doubt controversial.

For example, Treaty on the Non-proliferation (NPT) of Nuclear Weapons of 1968. This treaty required non-nuclear states not to acquire nuclear weapons, while leaving the nuclear weapon powers free to increase their stocks. Many countries like India refused to sign the treaty to protest against the discrimination. The UN General Assembly convened three special sessions to focus world attention on the need for disarmament. Those sessions, mobilised world opinion to press reduction of nuclear and conventional weapons. But no concrete results were evident, because of cold war tensions.

The ending of the Cold War raised hopes of serious moves to control and reduce the number of nuclear weapons. Many countries left the NPT. Some of them are no doubt controversial.

However, UN tried with this technique right from its early years. The first UN peacekeeping activity started in 1948 when UN dispatched a small team

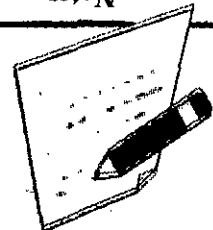
of the United Nations towards world peace. This important activity, in fact, compared to the military authorisations, peacekeeping is a remarkable contribution was not anticipated when the United Nations was founded.

Peacekeeping Activities

having the benefit of UN permission. It is different matter that United States went ahead with its war plans without to grant US request for permission to wage another war against Iraq in 2003. cautious to allow military action under its name. The United Nations refused of the United Nations has been affected. Therefore, United Nations is more come up about the wisdom of such military activities. Indeed, the fair name in East Timor and Rwanda respectively. Nevertheless, many questions have Australia and France also got UN permission to send forces to restore order in Somalia (1992), Bosnia (1993), Haiti (1994) and Liberia (2003). Besides, first Gulf war. United States was permitted to lead multinational military forces its allies to send troops. On ten occasions, UN authorised use of force after the Liberia, Somalia, Former Yugoslavia, United Nations turned to United States or cold war. In the midst of new threats to peace like civil or ethnic wars in prejudices of the US which became militarily the strongest country after the the United States. United Nations could not act ignoring the preferences and peace. Unfortunately, those activities came completely under the shadow of war was widely expected to help positively the United Nations activities for war in the new era after the cold war ended. The end of the US-Soviet cold It is important to remember that the US led Gulf war was the first major Thus, followed the first Gulf war in 1991. It ended with the defeat of Iraq.

force to push Iraqi army out of Kuwait.

give similar authorisation to the United States and its allies to use military invasion. Nearly forty years later, United Nations got another opportunity to somehow succeeded in restoring South Korea's freedom from North Korea the American intention and authorised a military action to push back North Korea from the territory of South Korea. The United States, using the UN flag, defend South Korea, for its own reasons. The United Nations simply endorsed was willing and prepared to get militarily involved, along with its allies to forces crossed over to South Korea and refused to go back. The United States Nations authorised military action happened in 1950 after North Korea armed countries to take military action on its behalf. Though less than satisfactory, this cold war. And yet the UN authorised one or groups of member was a practical option exercised on occasions such as Korea in 1950. United dispute and prevented action against their allies with the help of veto power. Thus, the Security Council remained deadlocked most of the time during the CLASS-12



Moreover, due to the cold war between the United States and the former Soviet Union, the members of the United Nations could not reach to an agreement on identifying the aggressor. Often, the two cold war rivals which are permanent members of the Security Council supported the parties to the or automatically.

This army designed to fight aggressor countries under the control of the United Nations and its Secretary General - could not become a reality. The strong countries like United States and the then Soviet Union had serious disagreements on the matter. Hence, even after more than five decades of its existence, the United Nations does not have its own military force to take military action against an aggressor country. Because of this limitation United Nations could not take military action against invading countries independently.

The goal of world peace is so important for the United Nations that the founders did not hesitate to empower this organisation to use military force to stop and reverse invasions by one country against another country. For this purpose, United Nations was to be equipped with a standing army consisting of troops, contributed by member countries.

Authorisation for military action

Similarly, United Nations launched sanctions against many terrorist organisations in spite of sanctions. It seems terrorists continue to get funds. secretly the desired results always. It seems terrorists continue to get funds. secretly to achieve their aims. It seems terrorists continue to get funds. secretly to deny them any funding. This step was taken after the terrorist attacks against the United States of America in September 11, 2001. Let us however, remember that United Nations sanctions against doers have not achieved to stop and reverse invasions by one country against another country. For this purpose, United Nations was to be equipped with a standing army consisting of troops, contributed by member countries.

In 1994, in one of the remarkable instances, United Nations imposed wide ranging sanctions against Iraq which attacked and occupied neighbouring Kuwait in 1990. Sale and purchase of oil was prohibited, food and other essential needs were denied, communication and transport links were cut and accounts in foreign banks were sealed. These actions had a major impact on Iraq and its people for a very long time.

A compulsory ban on supply of weapons was imposed in 1977 to compel South Africa to end its policy of racial discrimination. Other methods like banning international sports were also used. South Africa finally had to bow to the wishes of the world when it ended its racial discrimination - apartheid - in 1994. In one of the remarkable instances, United Nations imposed wide ranging sanctions against Iraq which attacked and occupied neighbouring Kuwait in 1990. Sale and purchase of oil was prohibited, food and other essential needs were denied, communication and transport links were cut and accounts in foreign banks were sealed. These actions had a major impact on Iraq and its people for a very long time.

Notes



The United Nations has always preferred to try first non-binding persuasive methods to keep peace among nations. It does not mean that United Nations cannot do, or has not done, anything in case countries ignore the advice of the United Nations and become a threat to world peace. As you have already learnt in lesson 30, the Security Council has the power to impose sanctions against a threatening country or government so that peace is restored without the need for armed/military action. These non-military sanctions, when decided by the Security Council are to be compulsorily implemented by all member countries of the United Nations. Sanctions are strong steps taken to isolate and punish a country that becomes a menace to peace. Sanctions do not mean cutting off of military force. Security Council's non-military sanctions could mean cutting off diplomatic relations between the targeted country and the rest of the world, curbing sale of arms and ammunition, banning imports and exports of weapons.

Binding Sanctions

There are nearly two dozen UN mediators presently helping resolution of problems in Somalia, Cyprus, Western Sahara etc. The United Nations also helped in fact finding or impartial investigations into border violations, use of banned weapons, and other complaints. With regards to Arab-Israeli conflict, United Nations suggested in 1967 an outline for a settlement that recognized the rights of both Israel and Palestine to live in secure boundaries. At times, the judicial organ, the World Court also contributed to peace through its judgments against Israel's construction of a wall in occupied Palestinian territories as illegal and provocative. The General Assembly later called upon Israel to abide to the Court's opinion.

The United Nations has played the role of mediator in dozens of conflicts, sometimes successfully and at other times not so successfully. The UN Security Council sent mediators in 1950s to solve the Kashmir problem amicably but the efforts were not fruitful. The Cuban Missile crisis of 1962 is a good example where the Secretary General's mediation helped to avoid direct military confrontation between the United States and the former Soviet Union. In 1987, United Nations successfully mediated to get an accord signed for the withdrawal of Soviet troops from Afghanistan. Similar mediation was undertaken successfully on Cambodian problem in 1991.

Meditation Activities

armed forces; (2) Peacekeeping activities to keep warring nations apart and restore peace without firing a shot; (3) Permitting some member countries to forcibly intervene in a troubled area and restore peace in an area; (4) Disarmament activities aimed at reducing or totally prohibiting tools of war like landmines, chemical weapons etc. It is important to learn more about each of these four



The United Nations role towards world peace had many sides to it. Its organs work to prevent wars from happening. This is done by advising or encouraging countries to maintain friendliest relations without interfering in each other's affairs and to settle differences without using force. For this purpose, United Nations has passed several Declarations and Resolutions. They are not of course binding on member countries, yet they have moral weight. However, regrettably, countries went to wars. On such occasions the United Nations worked hard to stop such wars as quickly as possible. For example, when India and Pakistan fought a war over Jammu and Kashmir in 1947, United Nations successfully persuaded both countries to stop that war. On the other hand, United Nations activities recognise the need to strengthen conditions of peace through control or elimination of dangerous weapons. There are four main aspects of the United Nations activities to help countries to reach an agreement, without using force.

Many Types of Activities

United Nations has not occurred. In fact, peace is its top most aim. United Nations is today the most important organisation dedicated to world peace. Many organs of the United Nations work for peace. The efforts of Security Council, the General Assembly and the Secretary General are notable. There have been more than 300 wars after the Second World War. But to the credit of the United Nations, third world

Introduction

The main objective of the unit is to make student understand about concepts related to United Nations Peace Activities.

Objective of the chapter

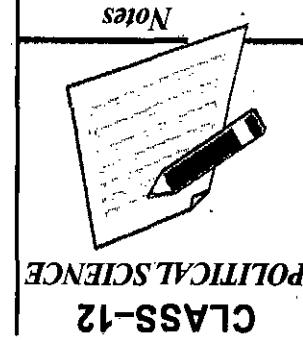
UNITED NATIONS PEACE ACTIVITIES



Space for Notes

1. Discuss the Purposes and Principles of the UN charter
 2. Compare and contrast the composition and functions of the General Assembly and the Security Council.
 3. Discuss the importance of the UN role in the decolonisation effort.
 4. Explain the need for restructuring the Security Council
 5. Write a short note on the following
 - (a) UN Secretariat General
 - (b) Universal Declaration of Human Rights
 - (c) Trusteeship Council
 - (d) Economic and Social Council

Review Questions



1. The declaration on Decolonisation was adopted in _____ (1945, 1960, 1995)
2. The UN was responsible for the administration of the trust territories. (True/False)
3. The native leader of the resistance movement against apartheid in South Africa was _____ (Mahatma Gandhi/Nelson Mandela)
4. The Universal Declaration of Human Rights is binding on all member countries of the UN. (True/False)
5. Which day every year is observed as the HR Day? (26 January/10 December/15 August)

Answer the following questions:

EXERCISE

The United Nations was formed on 24th October 1945 with the objective of maintaining world peace and security. It has six main organs, the General Assembly, the Security Council, the Economic and Social Council, the Secretariat, the Trusteeship Council and International Court of Justice to achieve its multiple aims and objectives: played a key role in maintaining world peace. The UN tried to create better conditions for peace by working for ending colonialism and racism and also its efforts to promote human rights in the world have brought about encouraging results. Over the years, the UN acquired a moral status.

The UN is engaged in promoting peace and progress through diplomatic and non-violent means; strong actions like sanctions and use of military force are rare. The UN has its advantages & limitations too. Yet it remains the unique forum available to humanity as a whole to pursue the ultimate goal of building a world of peace, prosperity, equality and justice. Six decades are too short to realize these ideals; but with the support of the people and governments it can be made more effective to meet the challenges of the twenty first century.

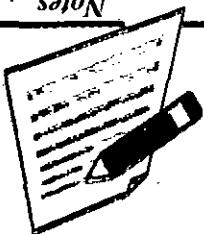
Summary of the Chapter

To correct this image, the number of permanent members has to be increased. Japan, India, Germany, Brazil and Nigeria are the claimant for it. Japan and Germany are no longer enemy states and because of their economic strength UN Peackeeping forces and its active role in peace making processes facilitates its obvious claim to be a permanent member of the Council. India has been a founder member of the United Nations. Besides India is the second largest populous country and is the largest democracy in the world.

The third World countries are of the opinion that United Nations is an agent of Western countries especially the United States.

The member of non-permanent members should also be increased so that different countries can get a feeling that the Council works for their future. There is a strong case to add a few countries like India as permanent members. This by four times, the council's composition needs to be suitably changed. Using by four times, the council's composition needs to be suitably changed.

Notes



This arrangement is six decades old, when most of Africa and Asian countries were not part of the United Nations. Now with membership of the world body members elected by the General Assembly for a term of two years.

Historical and political reasons. The remaining ten members are non-permanent (USA) are permanent. They were given permanent status in 1945 due to some limited to 15 countries only. Out of that, P-5 (China, France, Russia, UK and the General Assembly), the permanent membership of the Security Council is around require it. Let us look at the Security Council as an example. Unlike of the United Nations have not changed, though the changes in the world there are some obstacles which limit its performance. For example, a few organs The United Nation Although the United Nations has done a responsible job

Need for Re-Structuring

scrupulous respect for human rights throughout the world.

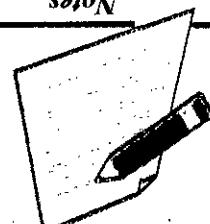
In 1994 the UN high commissioner for HR whose task is to promote more upon the recommendations of the conference, the General Assembly appointed UN organized at Vienna an international conference on Human rights. Acting convening of periodical conferences on human rights. Recently, in 1993 the like children, women and migrant workers the activities of the UN include the practice of torture and racial discrimination or protecting vulnerable section The UN has adopted other declarations and covenants with the aim of stopping their own respective governments.

The Covenant on Civil and Political Rights emphasizes freedom of movement, equality before the law, freedom of religion, freedom of participation in elections, and protection of minority rights. A specially constituted committee monitors the compliance of the signatory states to this covenant on HR. A remarkable feature is the UN is empowered under the civil and political rights covenant to receive and redress complaints from individuals against the behaviour of

states from 1976 onwards. These two covenants, together with the signatory and political rights. Both these covenants became applicable to the signatory declarations, one on economic, social and cultural rights and the other on civil covenants. However, it gave inspiration to the drafting of two legally binding governments. Admittedly, the Universal Declaration, as any declaration, is not binding on economic, social and cultural rights that all people are entitled to, without any discrimination. The Declaration contains a broad range of civil, political, economic, social and cultural rights every year as the Human Rights Day. Adoption-10 December 1948 is observed every year as the Human Rights Day. of Human Rights was the first among the UN declarations. The day of its been adopted by the UN in the past five decades. The Universal Declaration

Notes

POLITICAL SCIENCE
CLASS-12



Promotion of human rights culture through worldwide human rights standards has been another major contribution of the United Nations. Nearly 80

Promotion of Human Rights

South Africa has its rightful place in the world today. Afterwards, the UN revoked all previous punishments and restored to the new to the installation of a government under President Mandela in 1994. Soon laws were revoked. Internationally supervised free elections were held, leading Nelson Mandela was released after 27 years of imprisonment. The apartheid heart and agreed to end its policy in 1993. The widely respected black leader, Council joined the effort later by banning arms sales. South Africa felt the teams were passed to participate in international sports events. The Security Council's policy of discrimination against the Black population. South African end its policy of discrimination against the white South Africa government to the UN. Later pressure was built to force white South Africa government to South African white minority regime did not pay heed to the gentle pleas by remarkable. The organizations interest in the matter dates back to early 1946. The UN opposition to racism in South Africa known as apartheid is also to people under foreign colonial rule only.

The UN interest in the liberation for subject people extended beyond trust become independent and four chose to merge with the neighbouring countries. All trust territories became free with the help provided by the UN. Seven have freely their future status. Cameroon, Nauru, New Guinea, the Pacific Islands, the UN until the people of the territories concerned would be able to determine here were several territories administered by western colonial powers like Britain, France, etc. Trust territories were placed under the responsibility of UN's anti-colonial territories covered two categories of dependent population. People from foreign colonial rule is a historic achievement of the UN. The became essential for achieving world peace and progress. Freeing millions of 1945 when the United Nations was set up. For UN, ending colonial rule come under colonial rule. Most parts of Africa and Asia were not free in for nearly 200 years before independence in 1947 India was a British colony. Eight against Colonialism and Racism As we know India was a British colony

Notes



- The Secretary-General comprises the Secretariat and tens of thousands of international UN staff members who carry out the day-to-day work of intergovernmental organizations mandated by the General Assembly and the Organization of other principal organs.
 - The Secretary-General is chief administrative officer of the Organization, appointed by the General Assembly on the recommendation of the Security Council for a five-year, renewable term.
 - UN staff members are recruited internationally and locally, and work in duty stations and on peacekeeping missions all around the world.

6. Secretariat

- The International Court of Justice is the principal judicial organ of the United Nations. It was established in June 1945 by the Charter of the United Nations and began work in April 1946.
 - The ICIJ is the successor of the Permanent Court of International Justice (PCIJ), which was established by the League of Nations in 1920.

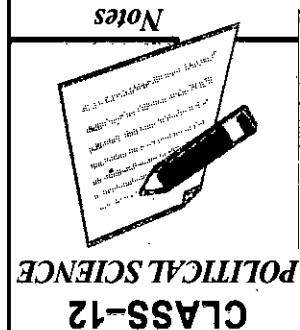
5. International Court of Justice (ICJ)

- It was established in 1945 by the UN Charter, under Chapter XIII. Trust territory is a non-self-governing territory placed under an administrative authority by the Trusteeship Council of the United Nations. A League of Nations mandate was a legal status for certain territories transferred from the control of one country to another following World War I, or the legal instruments that contained the international agreement upon terms for administering the territory on behalf of the League of Nations. United Nations trust territories were the successors of the remaining League of Nations mandates, and came into being when the League of Nations ceased to exist in 1946. It had to provide international supervision for 11 Trust Territories that had been placed under the administration of seven Member States, and ensure that adequate steps were taken to prepare the Territories for self-government and independence.

By 1994, all Trust Territories had attained self-government or independence. The Trusteeship Council suspended operation on 1 November 1994.

4. Trusteeship Council

- It coordinates the work of the 14 UN specialized agencies, ten functional commissions and five regional commissions, receives reports from nine UN funds and programmes and issues policy recommendations to the UN system and to Member States.



CLASS-12

POLITICAL SCIENCE

2. Security Council

Creditentials Committee: It is mandated to examine the creditentials of representatives of Member States and to report to the General Assembly.

Security Council serve as Vice-Presidents, as well.

of the scenarios presented and 17 associations of the assembly and the claimants of the six Main Committees. The five permanent members of the

recommendations for furthering such progress. It is composed of the President of the General Assembly and 21 Vice-Presidents of the Assembly and the

the progress of the General Assembly and its committees and to make

General Committee: It meets periodically throughout each session to review

Other Committees:

Other Committees:

- Critics also claim that veto power is the main cause for international inaction on war crimes and crimes against humanity. However, the United States refused to join the United Nations in 1945 unless it was given a veto. The absence of the United States from the League of Nations contributed to its ineffectiveness. Supporters of the veto power regard it as a promoter of international stability, a check against military interventions, and a critical safeguard against U.S. domination.
- It is the principal body for coordination, policy review, policy dialogue and recommendations on economic, social and environmental issues, as well as implementation of internationally agreed development goals.
- It has 54 Members, elected by the General Assembly for overlapping three-year terms.
- It is the United Nations' central platform for reflection, debate, and innovative thinking on sustainable development.
- Each year, ECOSOC structures its work around an annual theme of global importance to sustainable development. This ensures focused attention, among ECOSOC's array of partners, and throughout the UN development system.

3. Economic and Social Council (ECOSOC)

- The Security Council is made up of fifteen member states, consisting of five permanent members—China, France, Russia, the United Kingdom, and the United States—and ten non-permanent members elected for two-year terms by the General Assembly on a regional basis.
- “Veto Power” refers to the power of the permanent member to veto (Reject) any resolution of Security Council.
- The unconditional veto possessed by the five governments has been seen as the most undemocratic character of the UN.
- Critics also claim that veto power is the main cause for international inaction on war crimes and crimes against humanity. However, the United States refused to join the United Nations in 1945 unless it was given a veto. The absence of the United States from the League of Nations contributed to its ineffectiveness. Supporters of the veto power regard it as a promoter of international stability, a check against military interventions, and a critical safeguard against U.S. domination.

The UN Charter of 1945 is the foundational treaty of the United Nations, as an inter-governmental organization.

The main organs of the UN are

1. the General Assembly,
2. the Security Council,
3. the Economic and Social Council,
4. the Trusteeship Council,
5. the International Court of Justice,
6. and the UN Secretariat.

All the 6 were established in 1945 when the UN was founded.

Components

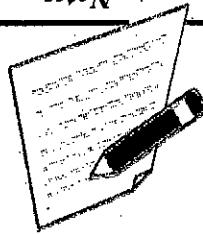
The main organs of the UN are

1. the General Assembly,
2. the Security Council,
3. the Economic and Social Council,
4. the Trusteeship Council,
5. the International Court of Justice,
6. and the UN Secretariat.

All the 6 were established in 1945 when the UN was founded.

1. General Assembly

- The General Assembly is the main deliberative, policymaking and representative organ of the UN.
- All 193 Member States of the UN are represented in the General Assembly, making it the only UN body with universal representation.
- Each year, in September, the full UN membership meets in the General Assembly Hall in New York for the annual General Assembly session.
- Decisions on important questions, such as those on peace and security, and general debate, which many heads of state attend and address.
- Admission of new members and budgetary matters, require a two-thirds majority of the General Assembly.
- Decisions on other questions are by simple majority.
- The President of the General Assembly is elected each year by assembly to serve a one-year term of office.
- 6 Main Committees: Draft resolutions can be prepared for the General Assembly by its six main committees: (1) First Committee (Disarmament and International Security), (2) Second Committee (Economic and Financial), (3) Third Committee (Social, Humanitarian, and Cultural), (4) Fourth Committee (Special Political and Decolonization), (5) Fifth Committee (Administrative and Budgetary), (6) Sixth Committee (Legal).
- Each Member State may be represented by one person on each Main Committee and on any other committee that may be established upon which all Member States have the right to be represented.
- Member States may also assign advisers, technical advisers, experts or persons of similar status to these committees.



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THE UNITED NATION

The main objective of the related to united nation.

Objective of the chapter

The main objective of the unit is to make student understand about concepts

is currently made up of 193 Member States.

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¹The United Nations (UN) is an international organization founded in 1945. It

10. The following table shows the number of hours worked by each employee.

Introduction

1

related to united nation.

The main objective of the unit is to make student understand about concepts

Notes



• • • • •

1. Outline the meaning and basic features of world order.
 2. How did United States and the Soviet Union fight the Cold War?
 3. Elaborate how the bipolar world gradually gave place to multipolarity?
 4. Describe civil wars and terrorism as features of the unipolar world.
 5. Discuss the negative effects of globalisation.

Review Questions

4. Globalisation is aided by revolution in information and communication technology. (True or False)?

5. Income gaps between and within countries increased. (Yes or No).

Short Questions

1. Globalisation is confined to economic areas alone. (True or False)?
2. Private companies in the West benefited most from globalisation. (True or False)?

EXERCISE

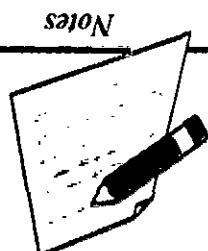
income inequalities between peoples and countries.

globalisation, which has swept the world like a hurricane, has only induced the context of political instability in different parts of the world. The economic unipolar. This shift in the world order has only added problems especially in emergence of the United States as the most powerful country made the world and tried to make the world multipolar. The end of the Cold War and the European Union and the Nonaligned Movement gained some influence for nearly half a century during 1945 – 1990. During this period, however, have been ill served by the Cold War and the emergence of the bipolar world most important goals of the world order for the past century. But these goals to guide relations among countries. Peace and development have become the constituents role in shaping the world order by setting certain rules and principles constituted the bulk of world order. The few powerful countries have played multi-ethnic states with differences in size and capabilities have traditionally

Summary of the Chapter

the credibility of contemporary world order may come under question.

human face to make globalisation just and even-handed in its effects. Otherwise, addresses the above problems have proved insufficient. There is need to provide about the spread of the diseases like AIDS. The initiatives taken so far to meanigless consumerism. Thanks to globalisation, nations live with the fear countries. Moreover, our life styles are undergoing significant shift embracing developed countries are denied preferential access to markets in the advanced wealth of all the least developed countries put together. Goods of the least billionaires in the world are said to be greater than the combined national donor countries has not grown, the debt burden of the developing countries has increased to worrying levels. On the other hand, the assets of top 3 Africa and south Asia) are in terrible poverty. While official aid from the rich Nearly one half of the world population (concentrated mostly in sub-Saharan rich and the poor both among and within countries have sharply widened. to the misery of rural and farming sections. The income gaps between the through subsidies in fertilizers, electricity and other essential needs has added millions even in the advanced countries. Withdrawal of Governmental support world. Many local companies are being shut down causing unemployment to American companies, currency, TV channels and weapons have taken over the beneficital aspects of globalisation, it is concerned over the adverse effects.



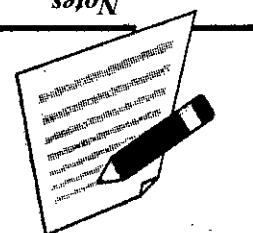
Customers are flooded with an amazing choice of goods in the market – from motor cars to food products. India's exports have gone up especially in-service sector, investments have come into the country, and our foreign exchange reserves are extremely comfortable. Overall, India during globalisation has emerged as

The bulk of the world community - the developing countries - has become states less effective to check ill effects of globalisation. The part of globalisation with great hope. Let us look at India's experience. With strengths like well-developed and highly competitive computer software industry, the availability of technical and skilled work force and its potential as a very large middle-class market, India has hopes to benefit in the era of globalisation. Since 1991, India changed the orientation of its economic policy by injecting pronounced features of privatization, liberalisation of rules for foreign investment, and distinctive statement of public sector companies.

Private firms can invest and disinvest at will, locate production centres at a profit yielding or cost reducing anywhere in the world, hire employees of foreign origin on cheaper rates, assign work to far away people with the desired skills and experience, and flood markets in the developing countries with consumer and other goods for sale at rates competitive to local products, and safely take back profits. All this is happening with the help of technology access to which is not yet universal or equal. The globalisation process as manifested in the activities of multinational corporations, media giants and non-governmental organisations has considerably undermined the sovereign prerogatives of the state structures in the Third World. Territorial borders identified with nation states have become less effective to check ill effects of globalisation.

No doubt, the twenty first century world is in the thick of globalisation which is chiefly economic in focus, although there are striking cultural and political dimensions also. The end of the Cold War and near universal adoption of privatisation and economic liberalisation as the only route to growth and development served as the right setting for significant changes in the conduct of economic or business transactions during the 1990s. There were other developments, which contributed to the deepening of globalisation. Advances in information and communication technology that are associated with use of computer and internet have heralded the "electronic age". Along with the existing financial institutions of the world like the International Monetary Fund and the World Bank whose power and reach now have become global, an equally powerful new organisation dedicated to promotion of free trade has come into being. It is the World Trade Organisation. The whole world has become a single market allowing foreign investments and free flow of goods across national boundaries. In the new climate, multinational corporations have gamed global respect and access. Globalisation is a process of integrating the world into one market to enable easy movement of capital, goods, information and even workers across borders with no barriers.

Positive and Negative Effects of Globalization

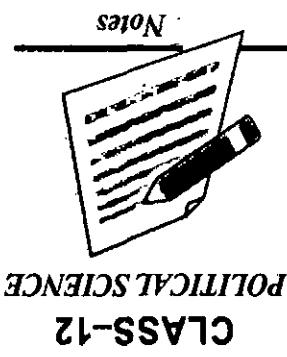


shifted from the state security during the Cold War era to human security. On the other hand, a number of countries fear that human rights could be used as a pretext for foreign military interventions. In 2003 the United States invaded and occupied Iraq after accusing the regime of Saddam Hussein of using deadly weapons against Shia and Kurdish sections of Iraqi population. A vast majority of countries criticised the US action as illegal and unjustified, and also accused the US of misusing the human rights plank for its own selfish interests.

Ironically thousands of Iraqis and Americans lost – are losing – their lives because of the continuing warfare between the American coalition and the Iraqi resistance forces. There are apprehensions that the Iraqi venture could turn out as the biggest mistake of the United States comparable to its defeat in the war against Vietnam (1963 – 73). Among other factors, religious intolerance is contributing to instability in the contemporary world. Though religion is commonly identified with Islam, it is not true that it is religious extremism is confirmed to one religion alone. Many of these groups enjoy wide network of patronage cutting across national boundaries encompassing supply of military hardware and fun. This network is said to include mafia connected with drug trafficking, arms dealing, etc. In other words, the internal disorder faced by many countries often has cross-border linkages. It is these linkages that made international terrorism the most dangerous aspect threatening security of not just one or the other state, but the world at large.

All Qaeda under the leadership of Osama bin Laden is one of the most feared terrorist organisations in the world today. We all are familiar with the derailed attacks planned and organised allegedly by Osama bin Laden's followers against the World Trade Centre in New York and other locations in the United States on 11 September 2001. Although terrorism as a menace existed much before 11 September 2001, the incident demonstrated on the television screens how Sri Lanka have been fighting terrorists for more than a decade. And now the mightiest power on earth was so easily shaken. In South Asia, India and Sri Lanka under the leadership of Osama bin Laden is one of the most feared

communities caused death to 350 young school children. In short, these aspects of instability point to the need to look at security in a new way. The scope of security has expanded; it includes not only absence of foreign aggression but also internal stability. Security does not just mean building up strong military force to protect state; it has to ensure economic, social, environmental well-being of people. Moreover, all these problems including terrorism cannot be tackled alone by a state but by all countries together.



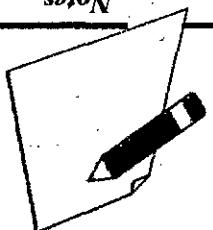
Nearly 20 million lives were lost in violent clashes in the past 15 years. According to estimates 95 out of a hundred deaths in these wars are innocent civilians. Clearing a city or town of ethnic minority groups through mass killings, forcible use of children as soldiers, gang rapes of women key and inhuman features of the civil wars. Human rights violations by the official troops or rebels have now become a central concern for those interested in security and stability as components of the post-Cold War global order. The focus clearly and

millions of unconnected and innocent men, women and children. AK-47s), hand grenades, and landmines, which have brought misery to the uncivil fashion. Reports are available aboutreckless use of small arms (like illustrates this trend. The civil wars are being fought in the most rural and from outside. The delicate situation of Georgia in Europe and Zaire in Africa some countries continued to face threats of interference and military intervention "failed states" - a source of worry to the rest of the world. At the same time the victims of this kind of instability. Some of them have been branded as Afghanistan, Angola, Burundi, Congo, Liberia, Sierra Leone, Somalia are among

even exist in these unfortunate countries. Even regimes in many countries are fighting civil war against one or more rebel groups, and as a consequence state machinery has ceased to function or over to self-determination in a violent atmosphere. No one could say that worst is to self-determination in the list of territories that successfully claimed right East Timor is the latest in the burden of a new war between the two poor nations. border have brought the burden of self-determination, although problems over struggle for exercise of right to self-determination, after prolonged was split into two Eritrea got independence from Ethiopia afterwards, Czechoslovakia further disintegration on narrow ethnic lines. Soon afterwards, formed states like Croatia, Bosnia-Herzegovina too soon faced serious threats of movement, Yugoslavia broke up into five pieces in a bitter process, and so ethnic, linguistic or religious identity. The founding member of the Nonaligned The Soviet disintegration encouraged demands for separate statehood based on territorial unity of countries was guaranteed as an essential condition for stability. prior to 1990, to their existence from internal as well as external sources. Prior to 1990, the nation state. Unlike in the bipolar times, many countries now face threats important feature of the post-Cold War times is the multiplicity of challenges to Regrettably, peace and stability in the world do not accompany unipolarity. An

Instability under Unipolarity

United States. and the Secretary-General too suffered due to the dominating attitude of the without caring for the United Nations. The functioning of the General Assembly trend. Nearly a decade later, an impatient US invaded Iraq in 2003 unilaterally invasion of Kuwait in the early 1990s stands out as the best example of the new The role of the United Nations during the first Gulf War to vacate the Iraqi



The fall of the Berlin Wall and the unification of the two Germanys set in motion a series of stunning developments in Europe. Mobs in Poland, Hungary, Bulgaria and other countries in Eastern Europe rose against socialist regimes and the regimes fell like a pack of cards in quick succession, as dictatorships and the regimes fell like a pack of cards in quick succession, as the then Soviet Union under Mikhail Gorbachev's leadership was uninterested to militarily intervention.

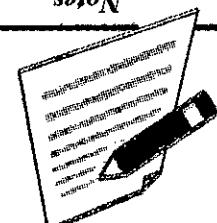
Soon the fever for freedom shook the master of the socialist camp itself. The Soviet Union broke up into Russian Federation and 14 other Republics in 1991. All these new states abandoned socialism and embraced Western ideology of democracy and free market economy. It was regarded as a grand victory for communism and is engaged in military activities in Yugoslavia and Afghanistan, the United States. While Warsaw Treaty Organization was disbanded, the NATO remained dominant, approximately two thirds of the total value of arms exports. States, it may suffice to cite just one area, arms exports. Although the US share has exports markedly shrank by nearly half after the Cold War, the US share has United States has no challenger in claiming the top slot. The erstwhile enemy, describes the world order since the time the Cold War ended 15 years ago. The Soviet Union, is now an ally, a partner of the United States in matters of arms control, international security, settlement of regional conflicts, trade and investment. Despite occasional tensions, Europe is nowhere near challenging the United States power. China has achieved impressive economic progress after abandoning the socialist model long before the end of the Cold War, but has limitations in matching the United States power.

The Nonaligned Movement has become less relevant. Many socialist-oriented countries among the nonaligned too embraced free market ideology. Economies were liberalised to attract foreign/Western investment. The role of International Monetary Fund has become a key instrument of the United States in supervising the adjustment process of these economies to market forces. The new power realities are aptly brought to bear in the functioning of the United Nations - a body designed to work for democratic and just world order.

The United Nations began playing "activist" role in restoring peace and security. The important security-related organ, the Security Council earlier known for disagreements between the two super powers, is transformed into an active agent of the US while other permanent members either collaborated or looked the other way. Transparency and democratic functioning of the UN suffered. The important agreements between the two super powers, is transformed into an active agent of the US while other permanent members either collaborated or looked the other way. Transparency and democratic functioning of the UN suffered.

Unipolar World after the Cold War





This state of affairs was widely called as the "Cold War". The Cold War was marked by a great deal of competition in forming military alliances, viz. the North Atlantic Treaty Organization (NATO) and the Warsaw Treaty Organization and the arms race through sophistication of nuclear weapons. Soon the two Cold War rivals grudgingly acknowledged that each could destroy the other in a nuclear confrontation many times over. In the face of such dangers, the bipolar relations assumed new dimensions. On the one hand, the two camps got involved in local conflicts in West Asia, South Asia, East Asia, Central America, and southern Africa.

As a result, a good deal of military "aid" flowed to the newly found or prospective allies. At the same time, attempts to stop the spread of nuclear weapons and deny their access to other countries started in 1960s. There were also some positive effects of the bipolar world order. Foremost, movements for independence from European colonial rule gained great momentum in Africa and Asia, as both Cold War blocs feverishly encouraged the trend in order to gain goodwill of the native people. Beginning in 1960 nearly 100 new countries were born. However, these countries did not want to compromise on their newly won political freedom by joining this or that military bloc.

Hence, they launched the "Non-Aligned Movement" which tirelessly advocated world peace, nuclear disarmament, and economic advancement of the less developed nations. Great many initiatives were undertaken to pressurise the super powers influence could not be missed in the working of world forums like the United Nations. (India played leadership role in this effort.) Their collective voice and influence in world affairs. Apart from the collective bargaining strength of statesmen received precedence of not two but many centres of power and significance in world politics. Scholars significantly the bipolar world yielded place to multipolarity. Side by side, the clout of the oil-rich countries (in West Asia and elsewhere) asserted their importance by manipulated production and price levels. By 1970s, for disarmament, and also calling for creating just and equitable economic order. Side by side, the clout of the oil-rich countries (in West Asia and elsewhere) asserted their importance by manipulating production and price levels. By 1970s, European countries after enjoying the economic and military protection from the United States recouped as part of regional integration process known as the European Union. These countries have become a major competitor for world markets to the United States. In East Asia too, economic rise of first Japan and then China, followed by the Asian Tigers (like South Korea, Singapore, etc.) loosened the grip of the bipolar world order. Interestingly, concerned over the challenge from these new "poles", the bipolar powers briefly tried reconciliation - known as "detente" - during 1970s but they failed to sustain it. The bipolar world order continued till the totally unexpected collapse of socialism in East Europe and the Soviet Union, which spelled formal end to it.

the Cold War era in the beginning of 1990s.

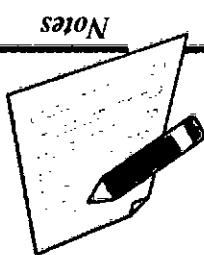
As you can imagine, Europe remained the theatre of world affairs up to the Second World War. European countries-maintained peace by forming alliances in order to ensure that no single country (like France, Great Britain, Germany) could dominate the rest. The system so prevalent was known as the balance of power. Britain mastered this policy for very long. However, the method collapsed in the beginning of the twentieth century with the First World War. In the meanwhile, the rise of countries outside of Europe — such as the United States and Japan — extended the nature and scope of world politics.

The Second World War ended with the defeat of Germany, Japan and Italy in the hands of the alliance comprising mainly Great Britain, Soviet Russia and the United States of America. In the last stages of the war, the United States produced and dropped nuclear bombs on the Japanese cities of Hiroshima and Nagasaki. The war had produced effects of long-term importance. The United States with its economic wealth and the military strength, no doubt, made a side-line; the country claimed equal say in deciding on European problems. Soon after the Second World War, the erstwhile allies, viz. the United States and Soviet Union developed differences about working together for the market enterprise as the desirable model of government. On the other hand the Soviet Union believed in and sought to spread the merits of government by single (communist) party and of state-controlled economy. These differences led to feelings of one being threatened by the other. So began the bipolar phase in the world order immediately after the war. The United States and the European politics revolved. While the countries of Western Europe joined hands with the United States and called themselves the "Free World", countries of Eastern Europe became part of the Socialist camp led by the Soviet Union. These two leading countries of rival camps were clubbed under the exclusive new category of "super powers".

Relations between East and West were never cordial. Short of going to war directly, the two camps indulged constantly in political and military competition.

Bipolar Order during Cold War

end of the Cold War necessitate change in the existing order, not change of the existing order.



The phrase 'world order' may sound strange in the light of opposite realities. Through the states are supposed equal in a formal sense, there are groups through dialogue and diplomacy. The phrase 'world order' may sound strange in the light of opposite realities. The phrase 'world order' may sound strange in the light of opposite realities. In the form of veto power conferred on five permanent members in the UN, inequalities among them. And some of these inequalities have been recognised by the Security Council. Countries often compete for resources and influence, they suspect each other's intentions and ambitions, and they quarrel about borders, government from seat of power or form their own separate state. Sri Lanka war between state military and certain groups of people wanting to remove a within those states.

Many states are fighting civil wars. Civil war is a prolonged situation of brutal social pressure groups have emerged to make heavy demands on state policies. indiscriminate violence and inhuman killing. Besides, additional commercial and the spread of terrorism, which causes fear among common people through is a good example of countries fighting a civil war. Linked to this aspect is powerful enough to dictate the economic policies of many poor states, whereas Multinational Corporations (MNCs) in America and Europe have become

is growing very fast. In the light of realities, you may wonder how the situation could be described as world order. No doubt, a lot is unsatisfactory, but it is also true that a lot more in world affairs is orderly which is, not readily noticed. For example, exchange of diplomats, rules regarding wars, postal communication, air and sea traffic, treatment of foreigners, exchange of currencies are part of international order. These and other aspects of international affairs are regulated through customs and traditions, and also by rules laid down in various international agreements and treaties. It is also common that states having differences seek the help of another country or an international agency for reaching a compromise. The talks currently in progress between India and Pakistan mirror these features of the existing world order. That a world war has not taken place after 1945 speaks about the positive side of the world order. Let us recognise that world order cannot be idealistic ignoring the realities completely. Political and other conditions continually influence the nature of the world order at any time. The world order in turn evolves gradually in response to these developments by making necessary adjustments. The order does not completely break up to give place to a new order, it only makes changes as per the actual trends in the world. These changes may be good or bad, minor or major. In other words, major developments like the

of valuable property. Moreover, problems arise not just between states but also countries of Asia, Africa and Europe causing death to millions and destruction trade and several other issues. In fact, right now a dozen wars are going on in suspect each other's intentions and ambitions, and they quarrel about borders, war between state military and certain groups of people wanting to remove a within those states.

Many states are fighting civil wars. Civil war is a prolonged situation of brutal social pressure groups have emerged to make heavy demands on state policies. indiscriminate violence and inhuman killing. Besides, additional commercial and the spread of terrorism, which causes fear among common people through is a good example of countries fighting a civil war. Linked to this aspect is powerful enough to dictate the economic policies of many poor states, whereas Multinational Corporations (MNCs) in America and Europe have become

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refugees should

a bone of contention between India and Pakistan which has brought
countries into open clash in 1947, 1965, 1971, 1999. Cross border

issues, and now stirring border talks

in 1962 in which India lost territory to China, still remains. After
ment between India and China. But the border dispute that escalated
ia recognis ed Chinese suzerainty over Tibet which is stated in the
issues between India and China pertain to Tibet and the border

Summary of the Chapter

the region
no desire to come in the way of any Indian initiative to end the
ay recognised India's legitimate interests in Sri Lanka and stated
the dialogue between the two. From India's long-term point of
base-line agreement of 2002 between LTTE and Sri Lanka and the
s for unity of Sri Lanka. The greatest milestone of this process
ned Norway to work out a peaceful solution to the ethnic problem.
peace process between the Tamils and the Sinhalese. In 1998 Sri
the trade, which has gone up greatly. India encouraged Sri Lanka to
changes in various fields. They have agreed on a free trade area
countries set up an Indo Sri Lankan Foundation for Interacting
system, the 1990s, especially after the withdrawal of Indian troops. In
reas of a strengthened economic ties have been taken by India and

Cooperation

liberation Tr
Lanka Accord (Tamil Eelam) lead. Velupillai Prabhakaran.
fighting broke between the two. Rajiv Gandhi, the architect of India-
involved. The Tamil Tigers turned against IPKF and
1200 soldiers at cost Rs. 2 crore a day on IPKF in the height of
a triumph of Indian Army, it proved to be costly for India. India lost
Delhi would not rea a mute spectator. Though the accord of 1987
involved not inside region were to have an anti-Indian orientation,
ion of India's policy reminding Sri Lanka and outside powers that
the restore normalcy in the country. The deployment of IPKF was sent to Sri Lanka
the Accord. Indian Peace Keeping Force (IPKF) was sent to Sri Lanka
Lanka signed an agreement in 1987. India offered military assistance
"Sri Lanka" on behalf of Tamils. When the situation became grim, India
to help resolve the crisis but it was interpreted as "Indian intervention
of the country made thousands of Tamils refugees in India. India
error was unleashed against the agitating Tamils in 1983. During 1983

LASS-12
ICAL SCIENCE

CLAS-12
POLITICAL SCIENCE



Notes



Notes

201

199

The ethnic problem between Tamils and Sinhalese had a long history. It assumed serious proportions in 1983. As the full battle between the communities developed, militancy, separatist organisations became active. Tamil United Liberation Front (TULF) demanded separate homelands for Tamils in 1988 - Tamil Eelam. A

Tamil Separatism

Countries, India accepted Sri Lankan ownership of the island, as Kachchaitivu, in 1968. In 1974 under the agreement signed between the two one mile India and the World long and only 300-yard-wide small island known as Lakshadweep arose between India and Sri Lanka over the ownership of A territorial dispute arose between India and Sri Lanka over the two countries. Issue of stateless persons was sorted out peacefully between the two countries. Thus, the citizenship of Sri Lanka and rest would become Indian nationals. It was agreed between the two countries that half of them were to be given in 1974, the fate of the rest 1 lakh 50 thousand stateless persons was decided. These people were given 15 years' time to shift to India in instalments. Later about 5 lakh 25 thousand persons were to be given citizenship of India. Lanka. About 3 lakhs of these people were to be granted Sri Lankan citizenship 1964 sought to solve the problem of stateless persons (Indian Tamils) in Sri against the discriminatory policy of the Ceylon government. The agreement of 1964 shadow on Indo-Sri Lanka relations. India from time to time complained dark shadow on Indo-Sri Lanka relations, and the policy pursued by government cast a Eelam. The issue of Tamilians, and the policy pursued by government cast a Liberation Tigers. The aim of these 'Tigers' is a sovereign Tamil State of

The Tamil youth who had lost faith in non-violence organised themselves into

lakh Indian Tamils of political tigress.

large numbers. The citizenship law of 1948 and 1949 had deprived about 10 Tamils were encouraged to settle down in Tamil dominated areas in service in 1948 was 30 percent, but by 1975 it had fallen to mere 5 percent. Government of Sri Lanka to pass series of steps to reducing the importance of Tamils. Indian and the Ceylonese. The representation of Tamilians in public gradually took control of the trade and profession. Scarce economic resources and opportunities plus the majority pressure from its own people forced the Tamils were allowed to enter the administration structure and thus exploited by British rulers in order to check the growing Sinhalese nationalism. Behind the ethnic conflict. The difference between the two communities was came later. The Sinhalese fear Tamil domination, which is the principal reason status dominated early India-Sri Lanka relations. The conflict with Ceylon Tamils another one million, many of them without citizenship. The problem of their taken by the British as plantation workers in the 19th century. They are one million. The second category is of Indian Tamils whose forefathers were forefathers had migrated to Sri Lanka centuries ago. They are estimated to be essentially two categories of Tamils in Sri Lanka: The Ceylon Tamils who

or "Eelam" in northern Sri Lanka is important to understand that there are

CLASS-12

POLITICAL SCIENCE

Notes



Jaffna province of Sri Lanka has large concentration of Tamil population. The problem became serious when Tamilians began demanding a national homeland

Problem of Indian Tamils

Tsunami devastated the coastal areas of that country.

An important area of common interest between the two neighbours is the foreign policy of non-alignment. Sri Lanka has generally stood neutral in Sino-Indian disputes. In fact, it made efforts to mediate between India and China after the war of 1962. Sri Lanka also showed understanding when India became nuclear. Recently in 2005, India extended valuable help to Sri Lanka after

The history of cultural relations between India and Sri Lanka dates back to ancient times. Out of the total population of Sri Lanka, about 64 percent believe in Buddhism and about 15 percent believe in Hinduism. Sri Lanka became a British colony in early 19th century. It was granted independence on February 4, 1948. India-Sri Lanka relations have generally been cordial, though there have been occasions of tense relations due to the ethnic conflict between Tamils and the Sinhalese. Despite ethnic problems, India has never sought to impose its will on Sri Lanka and has always based its foreign policy towards this southern neighbour on mutual understanding and friendship.

St. Lanka, earlier known as Ceylon (until 1972), is a small island country situated in the Indian Ocean to the south of India. Its total area is 25,332 sq. miles. Of all countries, it has geographic proximity to India. Only 18 miles wide shallow water in the Palk Strait separates Sri Lanka in northern from the Southernmost tip of the Indian state of Tamil Nadu. Its geographic location in the Indian Ocean (at the centre of commercial and strategic sea routes) and its closeness to US naval base in Diego Garcia indicates

Sri Lanka and India

Islamabad issues, including that of Kashmir, through peaceful means. While India agreed to bring Kashmir onto the agreed agenda along with other areas mutual benefits, Pakistan conceded to bilateralism. The reference to the composite and integrated, despite the purple caused by the Kargil war and hostage to any single issue. Despite the purple caused by the Kargil war and terrorist attack against our Parliament (December 2001) the unconditional dialogue has been resumed. The emphasis in these talks is to promote people contacts across LoC, and also improve economic ties between India and Pakistan. Change of government in India has not meant any deviation from our commitment to peaceful and progressive co-existence with Pakistan.

The diplomatic year 1991 marked a tremendous goodwill effort to resolve the last remaining disputes between the two countries.

POLITICAL SCIENCE
CLASS-12



Notes

Jurisdiction:

It is the primary duty of the Lokpal to free Indian society from corruption: And through this it will ensure justice. The government has power to order any act. But if the act of the government goes against the basic interests or rights of the individual, he will move to the Lokpal for investigation and finally to take action. If the act of the government shows favouritism then the concerned persons can lodge a complaint against the authority.

Hence, we find that the main area of action or jurisdiction is to free Indian society from corruption and along with it the nepotism and favouritism. But certain matters are excluded from the jurisdiction of Lokpal. For example, if a minister of Central Government has already taken any action or has recommended an action that matter will remain outside the purview of the Lokpal. If the Central Government decides that the issue should not be referred to the judiciary, in that case the Lokpal cannot take up the matter. If the union government already has taken action on an issue, that cannot be investigated by the Lokpal.

There are some acts or processes which fall under terms and conditions of a contract and if the administration takes any action in accordance with the contract the Lokpal will have no jurisdiction over that matter. Finally, the Lokpal will have no jurisdiction over matters such as appointment, removal from office, disciplinary action taken against any employee or person or superannuation etc. The jurisdiction clearly indicates that the scope of the Lokpal is limited.

Summary of the Chapter

The grievances of citizens against government machinery needs to be heard and redressed. Otherwise, citizens will withdraw their loyalty to the government. Hence, every democracy sets up appropriate machinery for the redressal of citizens' grievances. In India, a citizen can move the court to seek remedy for any wrong done against him by a public servant or a public agency in the course of discharge of public duty. This is called judicial remedy. Secondly, there are Parliamentary procedures to raise questions in Parliament, also there is a Parliamentary Committee called the Committee on Petitions. Thirdly, departmental as well as public enquiries can be instituted against public servants for their misconduct. Again, complaint forums have been set up at different levels to deal with public complaints. The Administrative Reforms Commission (1966) recommended the setting up of Lokpal and Lokayukta for dealing with complaints against the administrative acts of ministers or secretaries to government, both at the Centre and in the States. Although, no institution of Lokpal and Lokayukta has yet been established at the Centre, some States have appointed Lokayukta. There is a Central Vigilance Commission for several government departments and public sector undertakings to deal with increasing corruption. Thus, there are varied institutional devices to deal with redressal of public grievances.



EXERCISE

Fill in the blanks:

- (a) The Administrative Reforms Commission recommended the setting up _____ and _____ to deal with complaints against administrative acts of ministers or secretaries to government. (Lokpal/ Ombudsman, Lokayukta, Parliamentary Committees)

(b) In _____ a Lokayukta has been appointed. (Maharashtra/Tamil Nadu)

(c) The _____ Committee recommended setting up of Central Vigilance Commission. (Santhanam/Radhakrishnan)

(d) The role of CVC is _____. (extensive/limited)

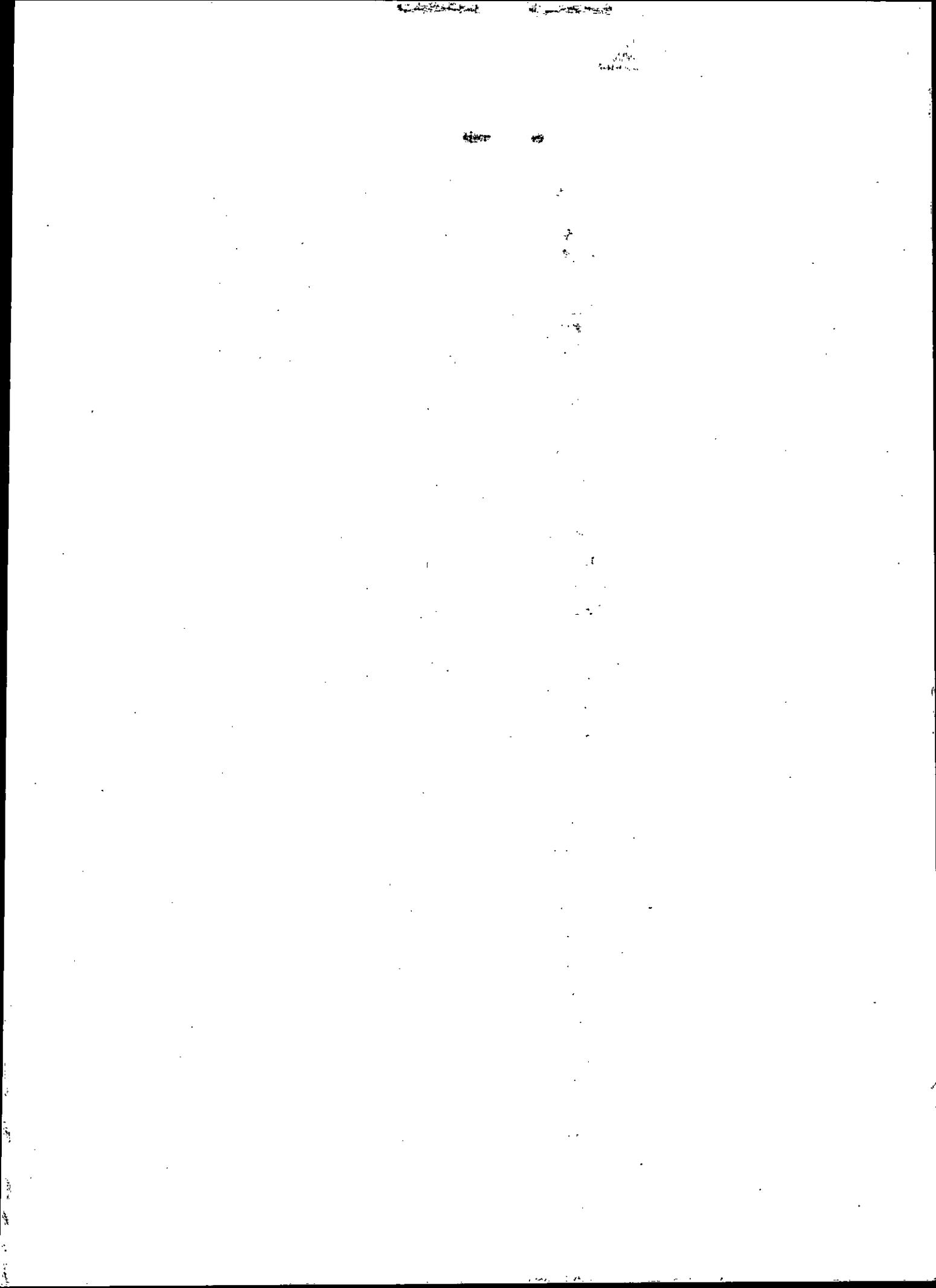
Answer

- (a) Lokpal, Lokayukta.
 - (b) Maharashtra.
 - (c) Santhanam,
 - (d) limited.

Review Questions

1. Why is redressal of public grievances very important for a democracy?
 2. What are the various instruments of redressal of public grievances?
 3. What is the role of Lokpal and Lokayukta?
 4. What is the role of Central Vigilance Commission?

Space for Notes





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