



Preface

This study material has been prepared and developed as part of the vision and under the mentorship of worthy Director, School Education, Kashmir, Mr. Mohammad Younis Malik. It is he who wanted to provide a quality study material to the students so that the fashion of attending the coaching centres by the students of higher secondary level is curbed to a large extent. Besides, keeping in view the situation for the last few years wherein the Education sector has been badly hit, the initiative will prove to be of great significance.

Accordingly, the worthy DSEK entrusted the said job to State Institute of Education, Kashmir. A two-day workshop was immediately conducted in this regard on 9th & 10th of March 2020 wherein the best subject experts from the School Education Department were involved so that a proper strategy and plan of action would be adopted to accomplish the said task.

It is expected that this study material shall be beneficial for students not only to gain a thorough knowledge and understanding of the concepts but also develop their skills to be able to relate their understanding of the subject to real life applications based on these concepts. It is also expected that this study material enhances the process of knowledge acquisition and learning with Higher Order Thinking Skills (HOTS). It shall be a supporting material not only for the annual examinations but will also help them in cracking various competitive examinations like Civil Services, NEET, JEE and other competitive examinations.

In case there is any omission, typing/printing mistakes, or any other error which might have crept in inadvertently, the same is requested to be communicated at principalsiekashmir@gmail.com.

We are thankful to the faculty members of SIE, DIETs and the Field subject experts especially the ones who were practically involved in getting this document set and wish all the best to all the stakeholders, especially the students of the valley.

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Comprehensive Study Notes for **Political Science** **Class 11th**

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Chapter: 01

MAKING OF THE CONSTITUTION

Learning Objectives

In this chapter you will be able to understand:

- Meaning and definition of Constitution.
- Need and Functions of a Constitution
- Types of Constitutions
- Advantages and disadvantages of different types of Constitutions
- Who made our Constitution _ Constituent Assembly and Objective Resolution
- Sources of Constitution of India

Introduction

Every State must have a Constitution of its own. The Constitutions existed even for the States in which despotism of the worst type existed. It is evident that Aristotle could study about 158 Constitutions. Even during middle ages Constitutions existed. In contemporary era, the Constitution is considered as 'cornerstone of a nation-State', therefore, it very important to understand the meaning of a Constitution.

Meaning of Constitution

The Constitution is a set of rules or procedures, written or unwritten, which determine form and structure of the government, the functions and powers of the organs of the government, their relationship, rights and duties of the citizens and relationship between citizens and State.

Definitions:

1. **According to Bryce**, "The Constitution of a State consists of those of its rules or laws, which determine form of its government and respective rights and duties of it towards its citizens and of the citizens and the citizens towards the government."
2. **According to Garner**, "It (Constitution) embodies the more essential parts of the organic public law of the State."
3. **According to Gilchrist**, "The Constitution of State is that body of rules and laws, written or unwritten, which determines the organization of government, the distribution of powers to various organs of government, and the general principles on which these powers are to be exercised."



Need of a Constitution

We need a Constitution because:

- I. It provides us a framework under which a government has to work.
- II. The Constitution of a State prevents the government from misuse of power.
- III. The Constitution of a State minimizes the chances of disputes among various organs of government.
- IV. The Constitution of a State is necessary to protect the rights of people.

Functions of a Constitution

A Constitution performs following functions:

- A Constitution provides a set of laws for coordination among different sections of people.
- A Constitution makes it clear that who in a society has power to take decisions.
- It lays down a set of limits on the government.
- A Constitution sets a code before the government for fulfilling the aspirations of the people.

Types of Constitutions

- I **Written Constitution:** - A written is one in which most of provisions are embodied in a formally enacted document or a number of documents. Written Constitutions mostly framed by a special body called Constituent Assembly. The Constitutions of the USA and India are the written Constitutions.
- II **Unwritten Constitution:** - An unwritten Constitution is one in which most of fundamental principles of governmental organization are not reduced to writing by any authorized body of persons. It is mostly based on customs, usages, judicial decisions and a number of statutory enactments. The Constitution of Britain is an unwritten Constitution.
- III **Flexible Constitution:** - A flexible Constitution is one which can be changed easily as the Constitutional laws and ordinary laws are placed on the same level .in Great Britain e.g the Constitution is flexible as no distinction is made between the procedure for Constitutional law-making and for ordinary law-making .



- IV **Rigid Constitution** :- A rigid Constitution is that which cannot be easily amended. There is a special procedure followed in amending the fundamental structure of Constitution. The process of amending the Constitution is rather difficult and different from that of repealing or modifying ordinary laws of the land. According to Garner Rigid, "Constitutions are those which enumerate from a different source which legally stands over the above ordinary laws and which may be amended by different process."

Advantages and Disadvantages of a Rigid Constitution

Advantages

A Rigid Constitution is praised because of following advantages:

1. A rigid Constitution offers a guarantee of permanence and provides safeguards against hasty changes.
2. A rigid Constitution cannot be changed as per the whims of crafty politicians.
3. A rigid Constitution protects the rights and liberties of the people in a better way.

Disadvantages

A rigid Constitution is being criticized because of following disadvantages:

- 1 A rigid Constitution fails to keep pace with the changing conditions of the country.
- 2 A rigid Constitution may lead frequent revolts.
- 3 A rigid Constitution may lead judicial supremacy.

Merits and Demerits of a flexible Constitution

Merits:-

1. A flexible Constitution may easily be changed as per the requirements of time, particularly, during the times of national and international crisis.
2. It enables the people to seek a change in the rules of the State without a revolt.
3. It is the representative of the needs thoughts of the people.

Demerits

1. A flexible Constitution can be changed according to the whims of crafty politicians.
2. It is not suitable to the people who are politically backward.
3. It can become a plaything in the hands of judicial tribunals.



Who made our Constitution?

The Constitution of India was made by the constituent Assembly .The constituent Assembly was constituted for the undivided India in 1946.

A **constituent assembly** or Constitutional assembly is a body or assembly of popularly elected representatives which is assembled for the purpose of drafting or adopting a Constitution or similar document.

Constituent Assembly

The constituent assembly framed the Constitution of India .Regarding the organization and powers of the constituent Assembly, the Cabinet Mission Plan laid dawn that it will consist of 389 members in which 292 will from the British India, 93 from Indian States and 4 from Chief Commissioner Provinces .The election for it were held in July 1946 and its first meeting was held on 9th Dec 1946 and on 11th Dec. 1946 DrRajendra Prasad was elected as its permanent president. For conducting its work in a systematic manner, the Constituent Assembly constituted several committees in which the Drafting Committee played a great role. Dr B R Ambedkar was chairman of the Drafting Committee. Finally on 26th November, 1949, the Constitution was adopted and enacted.It took, the Constituent assembly 2 years, 11 months and 18 days to complete the making of Indian Constitution. In all it held 11 plenary sessions and discussions were held for 114 days. However, only 284 members signed the final draft of the Constitution due to partition. The Constitution as a whole was inaugurated on 26th January, 1950 due to the importance of the “Purna Swaraj Day”.

Important committees of Constituent assembly

- | | |
|---|-----------------------------|
| 1. <u>Drafting Committee</u> | headed by B R Ambedkar |
| 2. <u>Union Power Committee</u> | headed by Jawaharlal Nehru |
| 3. <u>Union Constitution Committee</u> | headed by Jawaharlal Nehru |
| 4. <u>Provincial Constitution Committee</u> | headed by VallabhBhai Patel |
| 5. <u>Steering Committee</u> | headed by DrRajendra Prasad |



Objective Resolution' of 1946

The Objective Resolution embodied the broad objectives according to which the Constitution of India was to be framed by the Constituent Assembly. It was moved on 13th of Dec. 1946 before the Constituent Assembly. This Resolution was unanimously adopted by the Constituent Assembly on 22 January 1947. The main provisions of the Objective Resolution are as under:

1. This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution.
2. Wherein all power and authority of the Sovereign Independent India, its constituent parts and organs of government, are derived from the people.
3. Wherein shall be guaranteed and secured to all the people of India justice, social economic and political : equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality.
4. Wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes; and
5. Whereby shall be maintained the integrity of the territory of the Republic and its sovereign rights on land, sea, and air according to justice and the law of civilized nations.

Important facts about Constituent Assembly

- 9th December 1946: First Meeting of constituent Assembly held
 - Temporary president Appointed – Sachchidananda Sinha
 - 1st person to address - J. B. Kripalani
- 11th December 1946: President Appointed - Rajendra Prasad
- 13th December 1946: Objective Resolution' was presented: By J L Nehru
- 22nd January 1947: Objective Resolution' was adopted unanimously
- 22 July 1947: National flag adopted.
- 29 August 1947: Drafting Committee appointed with Dr. B. R. Ambedkar as the Chairman
- 15 August 1947: Achieved independence
 - India Split into Dominion of India and Dominion of Pakistan



- 26 November 1949 Constitution of India' passed and adopted by the assembly.
- 26 January 1950: 'Constitution of India' came in to force

How did India's partition affect the making of Constitution of India.

The Constitution was made in a situation when India got divided into two countries under the partition Plan of 3rd June 1947. The making of the Constitution was very much influenced by the partition of India. The major effects of the partition over the making of the Constitution are briefly given as under:

1. Those members who were elected from territories which fell under Pakistan ceased to be the members of the Constituent Assembly. The numbers of the Assembly were reduced to 299 and only 284 members signed the draft of the Constitution on 26th November, 1949.
2. The partition of India gave a good experience to the framers of the Constitution and they evaluated every section of the Constitution and borrowed only those sections of the Constitutions of world which were suitable to the Indian society.
3. It was taken in consideration that religious minorities, scheduled castes, scheduled tribes and other backward classes of Indian society must be protected in the Constitution.

Major sources of the Constitution of India

The major sources of the Indian Constitution are given as under:

- I. The government of India Act 1935: The Constitution of India is much influenced by the government of India Act 1935 in laying down the division of powers between the Union Government and the States, introduction of the three lists in favour of the central government, Constitutional emergency, bicameral legislatures in big States and unicameral legislatures in small States etc.
- II. British Constitution: from British Constitution we have borrowed the First Past the Post system, parliamentary form of government, the idea of the rule of law, the institution of the speaker and his role, bicameral legislature for central government, law making procedure etc.



- III. The USA Constitution: - From the Constitution of the USA, we have borrowed the bill of rights, the vice- president, functioning of the Supreme Court, judicial review, the preamble of Constitution etc.
- IV. The Irish Constitution:- From the Constitution of Ireland, we have borrowed the Directive Principles of State Policy , the nomination of the 12 members to the Rajya Sabah and the presidential electoral college.
- V. Other Constitutions:-from Australian Constitution, we have borrowed the con-current list, method dealing with Centre- State disputes. President's emergency powers from the German Constitution. From Canadian Constitution centralized federation, the union of States, and the provision of the residuary powers.
- VI. The Constituent Assembly:- The main sources of Indian Constitution is the debates, discussions, resolutions etc passed in the Constituent Assembly also played a greater role in the framing of Indian Constitution.

Learning outcomes

After learning the chapter you should be able to answer the following questions:

1. Who made our Constitution?
2. Who was chairman of Drafting Committee?
3. Who was President of Constituent Assembly?
4. Who was temporary President of Constituent Assembly?
5. When was the first meeting of constituent assembly held?
6. When was Constitution adopted and enacted?
7. When the Constitution of India came into force?
8. Who presented objective resolution in constituent assembly and when?
9. What do you mean by Constitution?
10. Give some definitions of Constitution?
11. Enumerate three function of a Constitution?
12. Why do we need a Constitution?
13. Describe the merits and demerits of a rigid Constitution?
14. Describe the merits and demerits of a flexible Constitution?
15. Distinguish between rigid and flexible Constitution?
16. Discuss the main provisions of 'Objective Resolution' of 1946?
17. How did India's partition affect the making of Constitution of India?
18. Elaborate the major sources of Constitution of India?



UNIT: 02

FUNDAMENTAL RIGHTS

Learning Objectives

In this chapter you will be able to understand:

- ❖ **Need of rights in the Constitution**
- ❖ **Fundamental Rights as granted and guaranteed by Constitution of India**
- ❖ **Different writs for protection of fundamental rights**
- ❖ **Deletion of Right to Property**
- ❖ **Relationship between fundamental Rights and interpretation of Courts**
- ❖ **Fundamental Rights as base of civil liberties movement in India**
- ❖ **Difference between Fundamental Rights and DPSP**
- ❖ **Fundamental Duties**

Need a bill of rights in the Constitution

Rights are those conditions, which are necessary for the development of the individual personality. The rights need to be granted and guaranteed by the Constitution of the State because:

1. The rights are essential for the all-round development of individual personality of an individual.
2. The bill of rights must be included in the Constitution as such they cannot be eroded by the government.
3. The bill of rights in a Constitution puts certain limitations on the governmental activities.

Fundamental Rights: are those rights which are granted and guaranteed by the “fundamental law of land” i.e. Constitution. Fundamental Rights are also those rights which are fundamental and essential in the overall development of individual personality and which are enforced by the courts of State. The Fundamental Rights in Indian Constitution have been incorporated under the influence of the Constitution of USA.



Fundamental Rights as enshrined in Indian Constitution

The Constitution of India grants and guarantees a set of rights in its Part III from articles 12 to 35. In original Constitution there were seven Fundamental Rights but with the deletion of the Right to Property by the 44th Amendment Act from this part the number of the rights came down to six. These rights are Justiciable and can be enforced by the courts of India. These six fundamental Rights are:

- | | | |
|------|--|------------------|
| I. | Right to Equality | (Art. 14 to 18) |
| II. | Right to Freedom | (Art. 19 to 22) |
| III. | Right Against Exploitation | (Art. 23 to 24) |
| IV. | Right to Freedom of Religion | (Art. 25 to 28) |
| V. | Cultural and Educational Rights
(Minority Rights) | (Art. 29 to 30) |
| VI. | Right to Constitutional Remedies | (Art. 32) |

Let us have a brief understanding of these Fundamental Rights

Right to Equality

The Right to Equality is discussed from articles 14 to 18 of the Constitution of India in its Part III. This right includes;

- a) **Equality before law (art. 14)**, which provides guarantees all persons equality before law and equal protection of law within the territory of India. This ensures the Rule of Law.
- b) **Prohibition of discrimination (art. 15)**, which provides that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex place of birth or any of them.
- c) **Equality of opportunity in public employment (art.16)**, which guarantees equality of opportunities for all citizens in matters relating to employment or appointment to any office under State irrespective of their religion, race caste, sex, descent, place of birth, residence or any of them.
- d) **Abolition of untouchability**; Article 17 abolishes untouchability and its practice in any form is forbidden. All the citizens of India irrespective of their caste and creed have an equal access to public places.
- e) **Abolition of system of titles**; Art. 18 provide that no title, not being a military or academic distinction, shall be conferred by the State and any citizen cannot accept any title from any foreign country without the consent of the President of India.



Right to Freedom

The Right to Freedom has been discussed from article 19 to 22 of the Indian Constitution, which includes:

I **Six freedoms (Art. 19), which are;**

1. Freedom of speech and Expression,
2. Freedom to assemble peacefully and without arms,
3. Freedom to form associations and unions,
4. Freedom to move freely throughout India,
5. Freedom to reside or settle in any part of India,
6. Freedom to practice any profession, occupation or business

II. **Protection against arbitrary conviction (art. 20)**, which provides that no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as offence.

III. **Protection of Life and personal Liberty (art. 21)**, which provides that no person shall be deprived of his life or personal liberty except according to procedure established by law.

IV **Right to Education (art.21A)**; the 86th Constitutional Amendment Act, 2002, inserted Art 21-A which States, "The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such a manner as the State may, by law, determine.

V **Protection against arrest and detention (art. 22)**, which provides that whenever a person has been detained he must be informed of the grounds of his arrest, allowed to consult a lawyer and must be produced before the nearest magistrate within a period of 24 hours of such arrest.

Right against Exploitation

Article 23 to 24 of Part III of the Indian Constitution provides protection against exploitation. This right includes:

- i. **Prohibition of traffic in human beings and forced labor:** Article 23 provides that traffic in human beings and beggar (forced labor) and similar other forms of forced labor are prohibited.
- ii. **Prohibition of employment of children:** Art.24 prohibits the employment of children below the age of 14 in any factory, mine or other hazardous employment.



Right to Freedom of Religion

The Right to Freedom of Religion is guaranteed from Art 25 to 28 of Indian Constitution to all persons residing in India. This right includes:

- i. Freedom of conscience and the freedom to profess, practice, and propagate any religion (Art 25)
- ii. Freedom to manage religious affairs (Art 26)
- iii. Freedom from paying taxes for promotion of any particular religion (Art 27)
- iv. Freedom to attend religious functions (Art 28).

Cultural and Educational Rights

The Constitution of India in its articles 29 to 30 provides special protection to minorities in shape of cultural and educational rights. This right includes:

1. Article 29 provides that any section having a distinct language, script or culture of its own shall the right to maintain and conserve the same.
2. Article 30 provides that all minorities, lingual or religious, shall have the right to establish and administer educational institutions of their choice.

Right to Constitutional Remedies

Article 32 provides protection and enforcement of Fundamental Rights. It empowers the Supreme Court to issue directions or orders or writs for this purpose. High Courts also can issue these writs under article 226. The writs are briefly discussed as under:

- I. **The Writ of Habeas Corpus:** literally the Habeas Corpus means 'Let us have the body.' By this writ the court directs a detaining authority to produce the detained person in the court and justify the cause of his detention.
- II. **The Writ of Mandamus:** Literally Mandamus means "We Command". By this writ, the court can order an inferior court or authority to do an act which falls within its jurisdiction.
- III. **The Writ of Prohibition:** This writ means to forbid or to stop and it is popularly known as "Stay Orders". By this writ the court can prohibit an inferior authority or court from doing an act which does not fall in its jurisdiction.
- IV. **The Writ of Quo-Warranto:** Literally it means "By What Warrants". By this writ the court may stop any person from exercising function to which he is not lawfully entitled.
- V. **The Writ of Certiorari:** Literally it means "to be certified". By this writ the court can ask a lower court to transfer the records and proceedings in



some case so that the superior court may be able to deal with case more effectively.

Deletion of Right to Property from the category of Fundamental Rights

In Indian Constitution there is an important part known as the Directive Principles of State Policy (DPSP), which aim to establish socio-economic democracy in India. The DPSP emphasis on the equal distribution of national wealth. For the establishment of well-being of whole society and abolition of *Zamindari system*, it was necessary to remove the right to property from the chapter of Fundamental Rights. The Right to Property was a Fundamental Right granted in Part III in articles 19 (1) and 31. Keeping in mind, the social needs are more important than the individual rights, the right to property was deleted. Ultimately, after a long legal battle, the right to property was deleted to give effect to the DPSP. In 1978, by 44th Amendment Act to the Constitution, the right to property was removed and converted into a simple legal right under article 300 (A).

Interpretations by the courts and Fundamental Rights

The Constitution of India grants and guarantees the Fundamental Rights. These are not simple writings in the book of Constitution; . The judiciary has been vested with the responsibility to act as the protector of these rights. The Supreme Court and High Courts are given the responsibility to protect these rights. The Supreme Court and the High Courts are empowered to issue the Writs for the enforcement of these rights. Moreover the Supreme Court is the final interpreter of the Constitution. The interpretations of the provisions of the Constitution by the Courts have influenced the Fundamental Rights. Several times there existed a rift between the judiciary and executive and judiciary and the legislature regarding the nature of Fundamental rights and the interpretation of the Constitution, which gave birth to various amendments to the Constitution of India. The issue of the primacy of the Fundamental Rights and the Directive Principle of State Policy came several times before the Supreme Court. While giving reasons the Supreme Court ruled that the Fundamental Rights enjoy primacy over the Directive Principles of State Policy. Thus while interpreting the Constitution the proceedings of the Courts have influenced the nature of the Fundamental Rights.

Fundamental Rights and Civil liberties Movements in India

The movement for civil rights is originated in west. In India the civil rights movement started right from the formation of different associations under British rule over India. However, civil liberties movements got momentum with incorporation of fundamental



rights in Indian Constitution. The civil rights movements geared up against the emergency (1975) imposed in India. In post emergency period two groups of civil liberties movement emerged for defense of civil rights. One was People's Union for Civil Liberties and democratic Rights (PUCLDR), which was formed in 1976. Since 1980 it came to be known as Peoples Union For Civil liberties (PUCL). The major objectives of these movements are to defend civil liberties and human rights from different backgrounds on a common platform. PUCL fights for the issues of common people by filling Public Interest Litigations. Another important organization which works in close contact with civil liberties movement is National Human Right Commission and State Human Rights Commissions which works for transparent administration and promotion Human Rights.

Fundamental Rights and Directive Principles of State Policy(DPSP)at glance

The fundamental rights are discussed in Part III from Articles 12 to 35. These are barrowed from the Constitution of USA. These are negative obligations on the State and prohibit the State not to infringe over these rights. These are Justiciable and are enforced by the Supreme Court of India and the High Courts, by issuing different writs. These are limited and are not absolute in nature. There are certain limitations. These can be suspended during emergency.

The DPSP have been discussed in Part IV from Article 36 to 51 of Constitution of India. These are certain governing principles barrowed from Irish Constitution. These are positive recommendations to the State to do certain constructive things. These are non Justiciable and recommendatory in nature and cannot be enforced by the courts. There is no limitation over them. As such are simply the guiding principles for government. The DPSP are in a suspended animation.

Fundamental Duties of Indian citizens

The Chapter on Fundamental Duties was added to Indian Constitution by 42nd Amendment Act. By this Amendment Part IV (A) Article 51 (A) was added to Indian Constitution which contains Fundamental Duties of Indian Citizens. Thus, it is the duty of every citizens of India:

1. To abide by the Constitution and respect its ideals and institutions, the National Flag and National Anthem.
2. To cherish and follow the noble ideals which inspired our national struggle for freedom.
3. To uphold and protect the sovereignty, unity and integrity of India.



4. To defend the country and render the national service when called upon to do so.
5. To promote harmony and spirit of common brotherhood, amongst all the people of India transcending religious, linguist and regional or sectional diversities, to renounce practices derogatory to the dignity of woman.
6. To value and preserve the rich heritage of our composite culture.
7. To protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures.
8. To develop scientific temper, humanism and spirit of inquiry and reform.
9. To safeguard public property and to abjure violence.
10. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.
11. According to the 86th Amendment to Indian Constitution, it is the duty of parents and guardians to provide education to the children of the age of 6 to 14 years.

Learning outcomes

After learning the chapter you should be able to **answer the following questions:**

- ❖ In which part of Constitution the fundamental Rights have been discussed?
- ❖ Is Right to Equality a fundamental right?
- ❖ In which Articles Right to Equality have been discussed?
- ❖ In which Articles Right to Freedom have been discussed?
- ❖ In which Articles Right against exploitation have been discussed?
- ❖ In which Articles Right to Freedom of religion have been discussed?
- ❖ In which Articles Cultural and Educational rights have been discussed?
- ❖ Which article empowers Supreme Court to issue writs for protection of Fundamental rights?
- ❖ What do you mean by writ of Habeas corpus?
- ❖ What do you mean by writ of Mandamus?
- ❖ What do you mean by writ of Prohibition?
- ❖ What do you mean by writ of quo-Warranto?
- ❖ What do you mean by writ of Certiorari?
- ❖ By which amendment Right to Property have been deleted from the fundamental rights?
- ❖ By which amendment Right to Education was added to fundamental rights?
- ❖ Which article deals with Right to Education?



- ❖ Which article prohibits “Untouchability”?
- ❖ What do you mean by Fundamental Rights?
- ❖ Discuss Right to Equality as enshrined in Constitution of India?
- ❖ Discuss Right to Freedom as enshrined in Constitution of India?
- ❖ Discuss Right against Exploitation as enshrined in Constitution of India?
- ❖ Discuss Right to freedom of Religion as enshrined in Constitution of India?
- ❖ Discuss Cultural and Educational Rights as enshrined in Constitution of India?
- ❖ Distinguish between Fundamental Rights and Directive Principles Of State Policy?
- ❖ Why was Right to Property deleted from fundamental Rights?
- ❖ Describe the Fundamental Duties of citizens of India?



UNIT: 02

ELECTION AND REPRESENTATION

In this chapter the students are expected to learn;

1. Election and its different dimensions.
2. Different systems of representations in a democracy
3. Electoral system in India
- 4 Electoral reforms

Importance of Elections in Democracy:-

Modern democracy is representative democracy & the people elect their representatives who make laws and run the govt. according to the wishes of people. Elections have become the backbone of democracy and we cannot think of democracy without elections.

Nowadays periodic elections are held in every democratic country. These elections work as safety measure for the people & keep the representatives responsible for the people.

The election also gives a chance to the voter to support or to reject the policies of the govt. If the voters are not satisfied with the policies of the winning party, then the voters can change the govt. in the next general elections.

Elections can also minimize the public revolt against the govt. & it also provides stability & consistency to the policies of the govt. Elections also provide political education to the people since the political parties & candidates are active to attract the voters during election. Thus, elections are very important for the democratic set-up & they are the soul of democracy.

Methods of Elections:

1. Territorial or Geographical Representation:

When a territory is divided into number of constituencies for elections, such representation is called territorial or geographical representation. Territorial constituency is of two types-single member and multiple members.

- a. Single member constituency is that constituency where from only one member is elected from a single constituency.
- b. When more than two members are elected from a constituency that is called multimember constituency

**2. Functional or Vocational Representation:**

A system of representation where members are elected on the basis of vocation or function. G.D.H Cole one of the advocates of functional representation considers the territorial representation as undemocratic. He says that the parliament claims to represent all the interests or all the citizens. In fact, it represents none.

3. Direct and Indirect Elections:

In democracy the people elect their representatives & nowadays almost all the countries have the system of Adult Franchise. There are two ways of electing representatives

Direct Election:-

In the system of direct election the voters directly participates in election & elect their representatives. In the process of the direct election, every voter goes to the polling station & records his vote either in favor or against particular candidates. A candidate securing the maximum number of votes is declared elected.

Indirect Election:-

Indirect election means that the voters do not directly participate in the election of their representatives but choose only an intermediate body which elects the representatives.

4. Simple Majority Representation System:

Simple majority representation system means that system in which a candidate, securing votes more than those of others, is declared elected. In India, Britain, U.S.A, Canada, Australia and Japan this system is used.

5. Proportional Representation System:

The exponent of this system was Thomas Hare, an English man of the 19th century. He planned this system as follows:

- i. There should be large constituencies.
- ii. At least three candidates should be elected from each constituency.
- iii. Each voter will cast as many votes as the number of representatives to be elected.
- iv. To be elected each candidate should secure at least as many votes as fixed by quota, In modern days, the proportional representation systems which are in use are as follows:



a) ***Single Transferable Vote System: Hare system :***

This system was propounded by Thomas Hare. Hence it is also known as Hare System. According to this system multi-member constituency is formed, from which as many representatives as are desirable may be elected. Each voter casts only one vote. He can write in the ballot paper his first, second, third, fourth and fifth preference. There are two methods of determining the quota.

- i. Total Number of votes polled
- ii. Number of Representatives to be elected
- iii. Total Number of votes polled
- iv. Number of Representatives to be elected

b) ***List system:*** It is a system in which each political party submits a list of candidates as are to be elected from a particular constituency and each voter votes not to individuals as candidates but to the list of the candidates.

Election System in India:-

There are various methods for conducting elections. So far as the method of election system in India is concerned, it has adopted “First past the post system” also known as the Territorial system. In this system the total electorate of the country is divided into territorial units called constituencies which elect one representative to the legislature. At present Lok Sabha consists of 543 elected members. Hence, the entire country is divided into 543 constituencies. Each constituency elects one representative. Every citizen of India of not less than 18 years of age has the right to vote. The candidate who secures the highest number of votes in that constituency is declared elected. The winning candidate needs not secure a majority of the votes. This method is called the ‘First past the post system’. In the electoral race, the candidate who is ahead of others, who crosses the winning post first of all, is the winners this method is called the plurality system . This is the method of election prescribed in India by the Constitution.

Adoption of First Past the Post System in India:-

In India, the first past the post system is adopted & the reason for the popularity & success of the first past the post system is its simplicity. The entire election system is simple to understand even for ordinary persons who may not have knowledge of politics & elections. There is a clear choice to the voters at the time of elections & voters have to simply endorse a candidate or a party while voting in this system , there is a close relationship between the representatives and the voters and & they can hold him or her accountable .This system is helpful to make



parliamentary govt. Finally the first past the post system encourages voters from different social groups to come together to win an election in a locality. Moreover, the system of proportional representation may not be suitable for giving a stable Govt. In a parliamentary system. An ordinary person cannot understand this system & it is not practicable for a big country like India. Moreover, this system is harmful for National Unity.

Thus, the first past the post system has worked very well in India & it has made Indian democratic system successful.

Why do we need elections

The election system is a political device through which the citizens participate in public affairs. The main functions of elections are as under:-

- i. Elections give chance to voters to take part in the political affairs of the country.
- ii. Elections are the instruments for choosing the leaders & also determining the will of the people.
- iii. Another imp. Function of the elections is to bring the individuals to have closer contact with the political system.
- iv. Elections are important agencies of political communications between the people & the govt.
- v. In a democratic State, elections are the means through which the will of people is expressed.

Election Commission of India:-

Election Commission of India is an important body in the World's Largest Democracy

- A permanent Constitutional Body.
- Article 324 of the Constitution establishes the Election Commission of India.
- Established on 25th January 1950.
- Supervises the conduct of elections to Parliament and Legislature of every State and elections to the offices of President and Vice-President of India.
- Consists of Chief Election Commissioner and two Election Commissioners. Previously, there were no Election Commissioners.



Appointment of Election Commissioners

- The President appoints Chief Election Commissioner and Election Commissioners.
- Tenure of six years, or up to the age of 65 years, whichever is earlier? Status, salary and perks of election commissioners are equivalent to Judges of the Supreme Court of India.
- The Chief Election Commissioner can be removed from office only through impeachment by Parliament.
- Other members can be removed by the President in consultation with the Chief Election Commissioner
- The President may appoint Regional Election Commissioners in consultation with the CEC before elections to the Parliament or Assemblies. The regional election commissioners resign after the elections
- The Chief Election Commissioner cannot hold any office of profit after retirement.
- The Chief Election Commissioner cannot be reappointed to the post

Functions of Election Commission:-

- The election commission delimits the constituencies for the purpose of the elections. It divides the country into equal constituencies on the basis of population.
- The election commission Supervises, directs & control all elections in India.
- The election commission also prepares the electoral rolls & sees that no eligible voter should be debarred from the right to vote.
- The election commission gives recognition to various political parties and the candidates.
- The election commission exercises full control over the election machinery in India.
- The election commission allots symbols to various political parties & the candidates.



- The election commission prepares a code of the conduct for all political parties & independent candidates who are contesting elections.

Electoral Reforms:-

Some of the provisions made time to time for electoral reform are as under:

1. Lowering of Voting Age The 61st Constitutional Amendment Act of 1988 reduced the voting age from 21 years to 18 years for the Lok Sabha as well as
2. The assembly elections.
3. Increase in Number of Proposers In 1988, the number of electors who are required to sign as proposers in nomination papers for elections to the Rajya Sabha and State legislative council has been increased to 10 per cent of the electors of the constituency or ten such electors, whichever is less.
4. Electronic Voting Machines In 1989, a provision was made to facilitate the use of Electronic Voting Machines (EVMs) in elections. The EVMs were used for the first time in 1998 on experimental basis in selected constituencies in the elections to the Assemblies of Rajasthan, Madhya Pradesh and Delhi. The EVMs were used for the first time in the general elections (entire State) to the Assembly of Goa in 1999.
5. Elector's Photo Identity Card (EPIC) The use of electors' photo identity cards by the Election Commission is surely making the electoral process simple, smoother and quicker. A decision was taken by the Election Commission in 1993 to issue photo identity cards to electors throughout the country to check bogus voting and impersonation of electors at elections.
6. Prohibition on the Sale of Liquor No liquor or other intoxicants are to be sold or given or distributed at any shop, eating place, hotel or any other place whether public or private within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll
7. Holiday to Employees on the Polling Day The registered voters employed in any trade, business, industry or any other establishment are entitled to a paid holiday on the polling day.
8. Contestants Restricted to Two Constituencies A candidate would not be eligible to contest from more than two Parliamentary or assembly constituencies at a general election or at the by-elections which are held simultaneously.



9. Restrictions Imposed on Exit Polls According to a 2009 provision, conducting exit polls and publishing results of exit polls would be prohibited during the election to Lok Sabha and State Legislative Assemblies.
10. Voting Rights to Citizens of India Living Abroad In 2010, a provision was made to confer voting rights to the citizens of India residing outside India due to various reasons.
11. Introduction of VVPAT The Voter Verifiable Paper Audit Trail is an independent system attached with the EVMs that allows the voters to verify that their votes are cast as intended.

Points to remember

- i. The term Franchise means Right to Vote.
- ii. The minimum age for exercising Right to vote in India is 18 Years.
- iii. The first country to incorporate the provision of universal Adult Franchises in the world was New Zealand.
- iv. The systems which is used in the Election of president of India is the proportional Representation by means of single transferable vote system.
- v. Election Process means the process by which elections are held.
- vi. The single transferable vote system was first devised by Thomas Hare.
- vii. The chief Election Commissioner is appointed by the president.
- viii. At present, the chief Election Commissioner India is S.Y. Qureshi.
- ix. The system that is adopted in India for conducting elections is First Past the Post system.
- x. Direct election means when the representatives are elected by the people.



Revision Notes

1. The modern period is considered as the age of democracy where participation of people is ensured at every level of government. In the words of Abraham Lincoln. "Democracy is the government of the people, for the people and by the people".
2. Elections have today become the most visible symbol of the democratic process.
3. The method followed to choose these representatives is referred to as an election. Thus, the Citizens have a limited role in taking major decisions and in running the administration.
4. Democracy can be classified into 2 types, i.e. Direct Democracy and Indirect Democracy.
5. In ancient times, the direct democracy was prominent due to small sizes of kingdoms but now the States are vast along with higher population.
6. In an indirect democracy, the people do not participate directly but they participate indirectly through their elected representatives who act in accordance with the wishes of the people.
7. In a democratic election, people vote and their preference decides who will win the contest/election.
8. Indian Electoral System experiences some unique features as Universal Adult Franchise, Joint Electorate, Combination of direct and indirect elections, secret Ballot system, Election petition, etc.
9. In the lok sabha elections of 1984, the congress party came to power winning 415 of the 543 Lok Sabha seats more than 80% of the seats.
10. By Universal Adult Franchise, we mean every person above the age of maturity (18 years and above) is entitled to enjoy the right to vote in elections irrespective of caste, creed, colour, race, language, religion, etc.

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10. By Universal Adult Franchise, we mean every person above the age of maturity (18 years and above) is entitled to enjoy the right to vote in elections irrespective of caste, creed, colour, race, language, religion, etc.
11. The age of attaining maturity is fixed by the State. In India, England and Russia, it is 18 years, in Switzerland 20 years and in America 21 years and in Norway it is 23 years.
12. In India, we have adopted PR system on a limited scale for indirect elections. The Constitution prescribes a third and complex variation of the PR system for the election of President, Vice President, and for the election to the Rajya Sabha and Vidhan Parishads.
13. Adult franchise has many merits. It provides



Assessment

1. What is the meaning of the term 'election'?
2. Why are elections important?
3. Define the terms- a) Direct Democracy b) Indirect Democracy
4. Define 'First Past the Post' system. How does this system work in India?
5. Explain Proportional Representation system as followed in Israel and Argentina.
6. Compare FPTP and PR system of election.
7. Why did India adopt the FPTP system?
8. What is the meaning of separate electorate?
9. What is the difference in separate electorate and reserved constituency?
10. For which legislative bodies does our Constitution provide for reservation?
11. How many seats are reserved for Scheduled Castes and Scheduled Tribes?
12. Who decides which constituency is to be reserved? On what basis is this decision taken?
13. What is the present status of reservation for women?
14. Which article of the Indian Constitution provide for an independent Election Commission?
15. What are the functions of Election Commission?
16. What kind of electoral reforms are needed in India?

**UNIT: 04****EXECUTIVE****In this chapter students are expected to learn;**

1. What is executive and its different dimensions.
2. Executive in parliamentary democracy
3. Executive in India in detail.

Executive is the branch of government responsible for the implementation of laws and policies adopted by the legislature. The executive is often involved in framing policy. The official designations of the executive vary from country to country. Some countries have presidents, while others have chancellors or cabinets. The executive branch is not just about presidents, prime ministers and ministers. It also extends to the administrative machinery (civil servants). While the heads of government and the ministers, saddled with the overall responsibility of government policy, are together known as the political executive, those responsible for day to day administration are called the permanent executive.

DIFFERENT TYPES OF EXECUTIVE

Every country may not have the same type of executive. You may have heard about the President of the USA and the Queen of England. But the powers and functions of the President of the USA are very different from the powers of the President of India. Similarly, the powers of the Queen of England are different from the powers of the King of Nepal. Both India and France have prime ministers, but their roles are different from each other.

EXECUTIVE IN PARLIAMENTARY SYSTEM

- Articles 74 and 75 deal with the parliamentary system at the Centre and Articles 163 and 164 in the States
- The parliamentary system of government is the one in which the executive is responsible to the legislature for its policies and acts.
- The presidential system of government, on the other hand, is one in which the executive is not responsible to the legislature for its policies and acts, and is Constitutionally independent of the legislature in respect of its term of office.
- The parliamentary government is also known as cabinet government or Westminster model of government and is prevalent in Britain, Japan, Canada, India among others.



- The presidential government, on the other hand, is also known as non-responsible or non-parliamentary or fixed executive system of government and is prevalent in USA, Brazil, Russia, Sri Lanka among others

Features/Essentials of Parliamentary Government:

- Nominal and Real Executives: The President is the nominal executive (de jure executive or titular executive) while the Prime Minister is the real executive (de facto executive). The President is head of the State, while the Prime Minister is head of the government.
- Majority Party Rule
- Collective Responsibility: This is the bedrock principle of parliamentary government. The ministers are collectively responsible to the Parliament in general and to the Lok Sabha in particular (Article 75).
- Political Homogeneity:- In case of coalition government, the ministers are bound by consensus.
- Double Membership
- Leadership of the Prime Minister
- Dissolution of the Lower House:- The lower house of the Parliament (Lok Sabha) can be dissolved by the President on recommendation of the Prime Minister. In other words, the prime minister can advise the President to dissolve the Lok Sabha before the expiry of its term and hold fresh elections. This means that the executive enjoys the right to get the legislature dissolved in a parliamentary system.
- Secrecy

Executive In Indian Parliamentary System :-

India has adopted the federal system of the govt. along with the parliamentary system of the govt. & therefore it has two types of executives :-

- i. The executive at the Centre is composed of the president, Prime Minister & the Council of Ministers.
- ii. The executive at the State is composed of the Governor, Chief Minister & the council of Ministers.

**President of India:-**

According to Article 52, 'There shall be president of India' and Article 53(1) provides the executive powers of the president shall be vested in president and shall be exercised by him directly or through the officers subordinate to him in accordance with the Constitution.

Election Of President :-

The President is elected not directly by the people but by members of Electoral college consisting of:

1. The elected members of both the Houses of Parliament;
2. The elected members of the legislative assemblies of the States; and
3. The elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry

The Constitution provides that there shall be uniformity in the scale of representation of different States as well as parity between the States as a whole and the Union at the election of the President. To achieve this, the number of votes which each elected member of the legislative assembly of each State and the Parliament is entitled to cast at such election shall be determined in the following manner:

1. Every elected member of the legislative assembly of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of the elected Members of the assembly.

$$\text{Value of the Vote of MLA} = \frac{\text{Total population of the State}}{\text{Total member of elected representatives in that assembly}} \times 1000$$

2. Every elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to members of the legislative assemblies of the States by the total number of the elected members of both the Houses of Parliament. This can be expressed as:

$$\text{Value of Vote of M.P.} = \frac{\text{Total value of all MLA of all states}}{\text{Total No. of elected members of both houses of parliament}}$$



The President's election is held in accordance with the system of proportional representation by means of the single transferable vote and the voting is by secret ballot. This system ensures that the successful candidate is returned by the absolute majority of votes. A candidate, in order to be declared elected to the office of President, must secure a fixed quota of votes. The quota of votes is determined by dividing the total number of valid votes polled by the number of candidates to be elected (here only one candidate is to be elected as President) plus one and adding one to the quotient. The formula can be expressed as:

$$\text{Electoral Quota} = \text{Total no. of valid votes polled} \div \text{Number of candidates} + 1$$

$$1 \div 1 = (2)$$

Each member of the electoral college is given only one ballot paper. The voter, while casting his vote, is required to indicate his preferences by marking 1, 2, 3, 4, etc. against the names of candidates. This means that the voter can indicate as many preferences as there are candidates in the fray. In the first phase, the first preference votes are counted. In case a candidate secures the required quota in this phase, he is declared elected. Otherwise, the process of transfer of votes is set in motion. The ballots of the candidate securing the least number of first preference votes are cancelled and his second preference votes are transferred to the first preference votes of other candidates. This process continues till a candidate secures the required quota.

Qualifications:-

A person to be eligible for election as President should fulfil the following Qualifications:

1. He should be a citizen of India.
2. He should have completed 35 years of age.
3. He should be qualified for election as a member of the Lok Sabha.
4. He should not hold any office of profit under the Union government or any State government or any local authority or any other public authority.

Term Of The President :-

The president holds office for a period of five years from the day in which he enters upon his office. He is eligible for re-election .

Removal Of The President :-



The President can be removed from the office for violating the Constitution through the process of impeachment. If the post of the President falls, vacant, then the vice President takes over the charge as the president of India.

Powers Of The President :-

1- Executive Powers :-

The President appoints the Prime Minister & on the recommendations of the Prime Minister, he appoints other Ministers. He also appoints the Auditor & comptroller, General Chief Justice of Supreme Court & High Courts Judges, Governor of States , chairman of Union Public Services Commission, the Ambassadors or High Commissioners & other officials.

The President of India is the Supreme Commander of the defense forces i.e , the Army, Navy & Air force.

2-Legislative Powers:-

- i. The President can summon & prorogue either house of parliament.
- ii. He can dissolve the Lok Sabha before its term.
- iii. The bills passed by the parliament become laws when the President signs them.
- iv. The money bills can be presented to the parliament, only with the permission of the President.
- v. If there is no session of the parliament in operation, the president can issue an ordinance. This ordinance is as good as the law.

3-Judicial Powers:-

- i. The president appoints the chief justice and other judges of the Supreme Courts & High Courts.
- ii. The president of India can pardon, reprieve or commute the punishment of any criminal about whom he thinks that he deserves pardon.

4-Emergency Powers:-

Besides ,these powers ,the president of India has some special emergency powers which are as under:-

- i. National Emergency under Article 352 .
- ii. Failure of Constitutional Machinery in a State under Article 356.



iii. Financial Emergency under Article 360.

VICE-PRESIDENT OF INDIA:-

- The Vice-President of India is the second highest Constitutional office in the country. He serves for a five-year term, but can continue to be in office, irrespective of the expiry of the term until the successor assumes office. Art. 63 declares: — “There shall be a Vice-President of India That is the office cannot remain vacant.

Election:

- The Vice-President, like the president, is elected not directly by the people but by the method of indirect election. He is elected by the members of an electoral college consisting of the members of both Houses of Parliament.¹ Thus, this electoral college is different from the electoral college for the election of the President in the following two respects:
- It consists of both elected and nominated members of the Parliament (in the case of president, only elected members).
- It does not include the members of the State legislative assemblies (in the case of President, the elected members of the State legislative assemblies are included)

Qualifications:

- A person cannot be elected as Vice-President unless he
- is a citizen of India
- has completed the age of 35 years, and
- is qualified for election as a member of the Council of States (Rajya Sabha).

Superintendence of the Election of the Vice-President

- The Election Commission of India conducts the election to the office of the Vice- President.

Important Provisions relating to the Election of the Vice-President are:

- The election of the next Vice-President is to be held within 60 days of the expiry of the term of office of the outgoing Vice-President.
- The Returning Officer appointed to conduct the Vice-Presidential sections is the Secretary-General of either House of the Parliament by rotation.
- Any person qualified to be elected and intending to stand for election as Vice-President is required to be nominated by at least 20 MPs as proposers and at least 20 MPs as seconders.



- A candidate seeking election as Vice-President is required to make a security deposit of Rs. 15,000/-. He loses the security deposit if he does not secure 1/6th of the valid votes.

Oath of the Vice President:

Oath of Affirmation by the Vice-President:

- bear true faith and allegiance to solemnly affirm the Constitution of India as by law established and
- To faithfully discharge the duties of his office

Conditions of Office:

The Constitution lays down the following two conditions of the Vice-President's office:

1. He should not be a member of either House of Parliament or a House of the State legislature. If any such person is elected Vice-President, he is deemed to have vacated his seat in that House on the date on which he enters upon his office as Vice-President.
2. He should not hold any other office of profit.

Term of office:

- It is five years from the date of assumption of office. Even after the expiration of the term, the vice-President shall continue in office until his successor assumes office.
- Art. 67(c). The Vice-President may resign his office by writing to the President. The resignation becomes effective from the day it is accepted.

Removal:

- The Vice-President can be removed from office by a resolution of the Council of States (Rajya Sabha), passed by a majority of its members at that time and agreed to by the House of the People (Lok Sabha).
- A resolution for this purpose may be moved only after a notice of at least a minimum of 14 days has been given of such an intention.
- It may be noted that for Impeachment of the President, the cause or reason is violation of the Constitution. But for the removal of Vice-President, no cause or reason has been mentioned in the Constitution.

**Vacancy:**

- An election to fill a vacancy caused by the expiry of the term of office of Vice-President is completed before the expiry of the term. In case a vacancy arises by reasons of death, resignation or removal or otherwise, the election to fill that vacancy is held as soon as possible after the occurrence.
- In contrast, the Constitution provides an outer limit of six months (Article 62) for election to the office of the President of India under these circumstances.
- The person so elected is entitled to hold office for a full term of 5 years from the date he enters office. The Constitution is silent on who performs the duties of the Vice-President, when a vacancy occurs in the office of the Vice-President of India, before the expiry of his term, or when the Vice-President acts as the President of India.
- The only provision in the Constitution is with regard to the Vice-Presidents function as the Chairperson of the Council of States (Rajya Sabha), which is performed, during the period of such vacancy, by the Deputy Chairperson of the Rajya Sabha, or any other member of the Rajya Sabha authorised by the President of India (Pro tem Chairman).

Powers and Functions:

The functions of Vice-President are two-fold:

1. He acts as the ex-officio Chairman of Rajya Sabha. In this capacity, his powers and functions are similar to those of the Speaker of Lok Sabha. In this respect, he resembles the American vice president who also acts as the Chairman of the Senate—the Upper House of the American legislature.
2. He acts as President when a vacancy occurs in the office of the President due to his resignation, removal, death or otherwise.⁷ He can act as President only for a maximum period of six months within which a new President has to be elected. Further, when the sitting President is unable to discharge his functions due to absence, illness or any other cause, the Vice-President discharges his functions until the President resumes his office.

Prime Minister :-

In the Parliamentary form Govt. the Prime minister is most powerful & is the real head of the State. Article 74 of the Indian Constitution clearly mentions that there



shall be a council of Ministers with the Prime Minister at the head to aid & advice the president.

Appointment:-

The Prime Minister is appointed by the president but this does not mean that the President is free to appoint any one as the Prime Minister. Only that person can be appointed as Prime Minister who is the leader of the majority party in Lok Sabha. However, if no single party possesses a majority in the Parliament, then the president may appoint the Prime Minister but under these circumstances only that person will become prime minister who can seek cooperation of the majority of members in the Lok Sabha.

Term of office:-

The prime minister does not have a fixed tenure of office. He remains in office as far as he enjoys the support of the majority of the members of Lok Sabha. Therefore, the term of prime minister is generally equal to the term of the Lok Sabha viz, 5 yrs.

Powers & Functions Of the Prime Minister :-

- i. Formation of the council of ministers.
- ii. Allocation of portfolios among the ministers.
- iii. Removal of the ministers.
- iv. To preside over the meetings of the cabinet as being the leader of the cabinet.
- v. Appointment of High Officials.
- vi. Link between the president & the council of ministers.
- vii. Leaders of the ruling party & thus maintaining control over the ruling party.

State Executive:**Governor:****Composition and Powers:**

The Governor is the head of State. Art. 153 of the Constitution says, that there shall be a Governor for each State. The same person may be sometimes appointed as Governor of two or more States. As per Art. 154 the executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with the Constitution. Art 155 says that the Governor of a State shall be appointed by the president by the warrant under his hand and seal.



Qualifications:-

1. He is a citizen of India.
2. Should not be less than 35 years of age.
3. He should not hold any office of profit.
4. He cannot be a member of parliament or any State legislature.

Salary:-The Governor's emoluments allowances and privileges fixes the Governor's salary at 36 thousand per month.

1. Executive powers:- The executive power of the State is vested in the Governor who exercises his powers directly or through officers subordinate to him. All appointments in the State are also made in his name etc.
2. Legislative Powers:-The Governor is part and parcel of the State legislature .The Bills by the legislature became laws only after his signature .The Governor nominates one-sixth of members to legislative council.
3. Financial Powers:-It is the duty of Governor to lay before legislature every year an annual financial Statement showing the estimated expenditure and revenue of State for the year.
4. Power to grand Pardon:-The Governor has the power to grant pardon, reprieve or remission of punishment or to suspend remit or commute the sentence of any person convicted of any offence against any law relating to a matter of the State.
5. Miscellaneous Powers:-The Governor can recommend to the president to impose presidents rule in the State if he is satisfied that Govt. cannot be carried on in accordance with the provisions of Constitution.

Chief Minister and Council of Ministers:

Composition and Powers:-

The C.M. is the head of the State council of ministers Art 163 (1) of the Constitution provides that ' there shall be a council of ministers with the chief minister at the head to aid and advice the Governor in the exercise of his functions. Art 164(1) says that "C.M. shall be appointed by the Governor and other ministers shall be appointed by Governor on the advice of C.M. Generally the Governor has no discretion in the appointment of a C.M. , because he is supposed to invite the leader of the majority party in the State legislature to form the ministry. However if at polls no single party



has received an absolute majority in the Legislative Assembly in this case the Governor may exercise his discretion. But here again the Governor will have to invite such a person from the ministry who can from the ministry who can form a stable Govt. But the person so selected has to prove his majority on the floor of Assembly.

Powers and Functions:-

1. The C.M. recommends to the Governor the names of persons to be appointed as members of the council of ministers.
2. C.M. allocates portfolios among ministers and reshuffles them.
3. C.M. co-ordinates the working of various ministries and ensures that the council works as a team.
4. The C.M. is the chief channel of communication between Governor and council of ministers.
5. C.M. can recommend dissolution of the Legislative Assembly to the Governor even before the expiry of his term. Thus C.M. of a State occupies a prominent position in the State machinery. However the position of C.M depends on his personality and the position of his party in the legislature and at the Centre.

Points to remember

- i. The president of India is a nominal head and is the Head of the State.
 - ii. The minimum age needed for the President is 35 years.
 - III. The president of India is indirectly elected by the Electoral College.
 - IV. The President can be removed by Impeachment by two thirds majority of the total membership of Parliament.
 - V. The electoral college to elect the President of India comprises of elected members of Parliament and State Amendment.
 - VI. vi. The President can declare national emergency under Article 352 and Financial Emergency under Article 360.
 - VII. The Governor is appointed by the President.
 - VIII. The Prime minister presides over the meetings of the Council of Minister.
 - IX. The Governor remains in office during the pleasure of President.
 - X. The cabinet is responsible to the Parliament.
-



Revision Notes

1. The legislature and the executive are interdependent in a parliamentary system.
2. In a democracy, the Government is divided into three organs:(a) The Legislative(b) The Executive(c) The Judiciary
3. The word executive means a body of persons that looks after the implementation of rules and regulations in actual practice. In the case of Indian government, one body may take policy decisions and decide about rules and regulations, while the other one would be in charge of implementing those rules. The organ of government that primarily looks after the function of implementation and administration is called the Executive.
4. The legislature frames the laws and the executive enforces them to run the administration.
5. In a presidential system, the president is the Head of State as well as head of government. In this system the office of president is very powerful, both in theory and practice. Countries with such a system include the United States, Brazil and most nations in Latin America.
6. In such a manner, the legislature controls the executive and in turn it is controlled by the executive.
7. Different types of executives are Parliamentary, Semi-Presidential, Presidential, Monarchical or Ceremonial, etc.
8. A distinction can be made between the parliamentary and the presidential executives. In a parliamentary system, the real head of executive is the Prime Minister and the President is the nominal head.
9. The Prime Minister is assisted by the Council of Ministers and advises the President.
10. Parliamentary form has many mechanism that ensure that the executive will be answerable to and controlled by the legislature or people's representatives. So the Constitution adopted the parliamentary system of executive for the government both at the national and State level.
11. The President enjoys the right to be informed of all important matters and functioning of Material downloaded from myCBSEguide.com. 2 / 2 the council of ministers.
12. The President has veto power by which he can withhold or refuse to give assent to Bills Passed by the Parliament. Every bill passed by the Parliament goes to the President for his assent before it becomes a law.



13. The Vice President is the ex-officio Chairman of Rajya Sabha and acts for the President When the office of the President falls vacant.
14. The council of minister is responsible collectively to the house of the people and it shall not exceed 15% of total number of members of the house of the people.
15. The Council of Ministers is collectively responsible to the Lok Sabha. This provision means that a Ministry which loses confidence of the Lok Sabha is obliged to resign.
16. The President appoints the Prime Minister who is the leader of the majority party in the Lok Sabha. The Prime Minister acts as a link between the Council of Ministers on the one hand and the President as well as the Parliament on the other.
17. The executive, thus, includes the Prime Minister, the ministers and large administrative machinery.
18. The bureaucrats implement the decisions of ministers.
19. These bureaucrats are skilled and trained officers who work as a permanent employees of the government and assist the government in formulating and implementing the policies.



Assessment

1. What is an 'executive'?
2. What is the difference in Parliamentary and Presidential forms of government?
3. Name the following: a) An executive headed by a monarch b) An executive headed by the president. What are the key features of a semi presidential system?
5. How did parliamentary system of government function in India?
6. Explain the discretionary powers of the President.
7. Which article of the Indian Constitution indicates the position of the President?
8. What are the discretionary powers of the President?
9. Explain the position of the Indian President.
10. Why is the Prime Minister considered very powerful?



Chapter No. 05

Legislature

Legislature at the Central and State Level

Syllabus: Why does the Parliament of India have two houses ? How are the parliament and State assemblies constituted ? What are the three powers of the Rajya Sabha and Lok Sabha .How are the laws passed? How is the executive made accountable? What are the Constitutional means to prevent defection .

Ans: The Government has three organs the legislature, the executive and the judiciary. Legislature is supreme law making body of State. It not only makes laws, but also controls the purse of the country. It is the protector of the general interests of the people. Legislature deliberates ,makes law, controls purse, amends the Constitution and elects the president and Vice President.

Q1. Why do we need Parliament ?What are the main functions performed by the parliament ?

Ans: In India the legislature is called as parliament and in States it is called as State legislature .No democracy in this world can function without a parliament and India is no exception to this .We need parliament because of the following reasons :

1. The parliament is the forum of deliberations and discussions on issues of national and public importance .
2. The parliamentary functions of legislature is to legislate, it also amends Constitution and abrogates old laws .
3. The parliament controls national purse ,that in technical terms is known as Budget. public money cannot be spend without prior approval of the parliament .
4. In parliamentary form of govt. ,the survival of govt. depends on majority support in the lower house in India it is called as Lok Sabha .
5. The parliament throughout the world exercises control over the government. The council of ministers headed by Prime Minister is collectively responsible to the parliament. The other ways to control the executive is Question Hour, Zero Hour ,Walk out Dharnas etc.

Why do we need two houses of parliament :

The term parliament means the union legislature, when legislature has two houses it is known as Bicameral Legislature ,like in India ,USA ,British. When there is one



house of parliament, it is known as Unicameral legislature, like Netherland and Israel. India has bicameral legislature consisting of two houses of parliament.

Lok Sabha or House of the people ,which is the lower house and is directly elected by the people through their votes .

Rajya Sabha or Council of the States ,is the upper house and is indirectly elected by the members of the State legislative Assemblies.

India adopted a Bicameral legislature due to following reasons:

1. India is a country with continental size and huge diversity and Bicameral legislature gives opportunity to give adequate representation to all sections of society.
2. It makes it possible to have every decisions reconsidered .
3. It ensures a cross check an every important policy or bill as after passing from one house ,it goes to another house for revision.
4. One house may take a decisions in haste but other house may not allowed that to happen .

Institutions of Parliamentary Democracy, Indian Parliament :

Legislature of the Indian union is called the Parliament, it consists of president and the two houses 1) council of States (Rajya Sabha).Which in the upper house and 2) House of the people (Lok Sabha) which is the lower house of the Parliament.

- a) Rajya Sabha :** According to Article 80 of the Indian Constitution ,Rajya Sabha consists of 250 members out of which ,238 are elected from legislative assemblies of the State and union territories .While 12 are nominated by the Indian president from amongst distinguished personalities .Rajya Sabha is permanent house, $\frac{1}{3}^{\text{rd}}$ of its members retires after every two years .The term of office of each member is 06 years.

Qualification for becoming a member of Rajya Sabha :

1. He/ She should be citizen of India
2. He /she should be 30 years and above of age .
3. He /she should not be a lunatic or a bankrupt.

Powers of Rajya Sabha : Following are the powers of Rajya Sabha :-

- I. **Legislative :** The council of States enjoys equal and coordinate powers within the house in the ordinary legislation .No bill can became an act without the consent of the both the houses. In case of disagreement a joint meeting of



both the houses takes place and decision is taken by a majority vote of the members and voting .

- II. **Financial:** The council has negligible authority in respect of financial legislation .A Money bill can originate only in the lower house and not in Rajya Sabha as soon as it is passed by the lower house it is submitted to the council of States. The council of States can delay the bill for 14 days. Concurrence of the council of States is not essential for the passing of the money bill and the controlling of purse is entirely in the hands of the house of the people .
- III. **Judicial:** It enjoys like the house of people the power of investigating and deciding the impeachment charges against the people holding Constitutional positions like President ,Vice-President ,judges of supreme court and high court etc.
- IV. **Constitutional:** The council of States enjoys the equal powers in the matters of Constitutional amendment with the Lok Sabha.
- V. **Control Over Executive:** The council of ministers is responsible only to the Lok Sabha ,the Rajya Sabha exercises control over executive by means of questions ,discussions and debates and adjournments and censure motions.
- VI. **Electoral Functions:** Both Rajya Sabha and Lok Sabha participates in the election of the president and Vice President.

Special Powers of Rajya Sabha: On such powers under the article 249 that in the national interest ,Rajya Sabha may pass a resolution empowering the parliament to make laws on subjects mentioned in the State list in case there is State emergency under article 356.The Rajya Sabha under article 312 may declare the creation of new all India services in the national interest.

Describe the composition, Powers and Functions of Lok Sabha :

The Lok Sabha or House of people is the lower house of the Indian parliament, its normal life is 05 years ,but it can be dissolved even before it completes its term. The Lok Sabha consists of the members directly elected by the people on the basis of universal adult franchise .The maximum present strength of Lok Sabha is 545 out of this 543 directly elected by the people from States and union territories.

Qualification to become member of Lok Sabha :

1. He should be citizen of India
2. He should be 25 years of age.
3. He should not lunatic or a bankrupt .

The sessions of the Lok Sabha is convened twice in a year .However there should not a gap of more than six months between two sessions of the parliament.



- a) **Quorum**: Quorum means, number of parliament members needed to continue the sessions of the parliament. In India the 10% of the members forms the quorum
- b) **Legislative Powers**: All money /non money bills can be introduced in the Lok Sabha if there is deadlock on ordinary bill both houses sit for joint meeting where Lok Sabha enjoys a numerical advantage.
- c) **Financial powers**: Money bills can originate only in the Lok Sabha. The Lok Sabha can remove a government if money bill is rejected in the floor of the house
- d) **Constitutional amendment Function**: Both houses have equal powers on the issues of amending the Constitution of India.
- e)
- f) **Control over Executive** : The council of ministers is responsible to the Lok Sabha. The Lok Sabha can pass a non confidence motion against the council of ministers headed by the PM. The Lok Sabha controls the executive through adjournment motion censure motion by asking question and supplementary question debates and discussions .
- g) **Elective functions** : Lok Sabha and Rajya Sabha participants in the elections of president and Vice President .
- h) **Judicial functions**: The Lok Sabha and Rajya Sabha investigate cases of impeachment related to those holding consultant positions. President, Vice president, Judges of supreme court /High court etc.

Special powers of Lok Sabha (Lower Court):

- a) Special powers in financial matters– A money bills can originate only in the Lok Sabha and Rajya Sabha enjoys delaying power of 14 days and it can suggest amendments also.
- b) The most important power of Lok Sabha is its control over council of ministers, only a party which enjoys majority in the Lok Sabha can form a government in council of ministers headed by P M are collectively accountable to the Lok Sabha .

Procedure for Ordinary or Non money Bills :

Legislation is a continuous process. Legislations are being made by the legislatures whenever need arises in any political systems, an ordinary or non money bills passes through the following stages :

1. **First Reading** : At this stage, the mover introduces the bill stating its main features, this is called first reading .



2. **Second Reading** : On a fixed date ,there is a general discussion on the bill, the bill is then referred to select committee.
3. **Committee Stage**: The committee examines the bill thoroughly ,clause by clause, after that it drafts its report.
4. **Report Stage** : After the committee stage a clause by clause consideration of the bill ,each clause amends is put to vote.
5. **Third Reading** : At this stage a restricted debate takes place on the bill after which the bill is sent to the other house.
6. **Passage by other house and presidents absent**: After being passed by one house the bill goes to the other house ,where it goes through all the above mentioned stage once again ,after both houses pass the bill .It goes to the president for his consideration .The president can send the bill back for reconsideration .If the bill is passed again the president has to give his assent after which bill became an act.
7. **Special stage** : Joint Sitting of both the houses in case of deadlock on particular bill .The President summons a joint setting of both the houses presided over by the speaker ,if 2/3rd majority of members voting, it deemed to be passed in both the houses.

Procedure For Money bills :

As per article 110 money bills deals with imposition ,abolition or alteration of any tax regulations, borrowing of money and funds related to consolidated or contingency fund of India ,the procedure of money bills is as follows.

Money bill can be initiated only in Lok Sabha after the passage of bill in the Lok Sabha, a money bill goes to Rajya Sabha which has to return it in 14 days along with its recommendations even if the Lok Sabha does not accept the recommendations of the Rajya Sabha, the bill is deemed to have been passed by both the houses ,the president has to grant his assent to the Money Bill.

Presiding officer of the Lok Sabha – Speaker :- The presiding officer of the Lok Sabha is known as the speaker .The speaker is elected from amongst the members themselves by the majority vote. The Constitution even provides for a deputy speaker to assist the speaker in case of his absence.

Functions of a speaker :

1. The speaker presides over the meetings of the house .He /She decides who shall have the floor .All the speeches are addressed to the chair.
2. He /She decides an admissibility of a motion of adjournment.



3. All bills passed by the Lok Sabha are authentic called by his signature before going to Rajya Sabha
4. He/ She Interprets either a Money bill is money bill or an ordinary bill .
5. He /She Passes order in the house ,he can use marshals to maintain decorum in the house.
6. He presides over joint sitting of both the houses of parliament .
7. He casts his vote in case of tie in Lok Sabha of same committee.
8. He is the Ex officio Chairman of some of the important committees of parliament the like rules committee etc.

Q9. Parliamentary control over Executive :

In parliamentary democracy ,the Government remains in power as long as it enjoys majority support in the parliament .There are various ways through which parliament controls the executive ,these include.

1. **Deliberation and Discussion** : The members of the legislature get an opportunity to deliberate ,discuss and debate, During the process of law policy making and such other issues related discussion ,question hour zero hour are some important instruments through which parliament controls executive.
2. **Approval and Rectification of laws:** The parliament exercises control through its power of rectification .After passing from one house bill is being send to other house .Majority government may not have much problem with the arrival of coalition .Parties in both in Centre and States ,hectic bargaining and negotiators take place between the ruling party and other coalition parties .
3. **Financial Control:** Budget or finance is very important instrument of parliamentary control ever the executive. The Budget is presented by the ruling party ,But Government not spend a penny without prior approval of the parliament .
4. **Non confidence motion** : The most important powerful and potent weapon through which parliament exercises control over the executive is the non Confidence motion .If government fails to enjoy support of even one member can lose the power. The BJP coalition lost vote of confidence by just one vote when (AIDMK) had withdrawn support from the ruling party in 1999.

The parliament therefore exercises control over the government. Making it responsible and accountable to the people and parliament (Legislature).

State Legislature :



Indian republic is called as union of States .It has 28 States and 09 Union territories .The States of Maharashtra ,Bihar, Uttar Pradesh, Andra Pradesh, Tamil Nadu and Telangana have two houses of legislature .The lower house is called the Vidhan Sabha, Legislative assembly and the upper house is called the Vidhan Parshid or legislative Council.

Composition of the legislative Assembly: The legislative assembly comprises of members chosen directly on the basis of universal adult franchise the number of members shall not be more than 500 and less than 60. However special provisions do exist in the States of Goa, Mizoram, and Skim. The lowest numbers of Legislative assembly members are in skim ie.30 members ,highest in UP 404 members the normal tenure of State legislative assembly is 05 years unless it is dissolved in due to downfall of government.

Qualification for becoming member of Legislative Assembly :

1. A person should be citizen of India
2. He should be not less than 25 years of age.
3. He should not hold office of profit under the government.

Composition of the Legislative Council:

The total number of members in the Legislative Council shall not exceed one third of the total number of members in the State legislative Assembly .But total number of members should not be less than 40.Highest lies in UP (75)members in legislative council ,the composition of State legislative council is .

- I. One third members are elected by the members of State legislative assembly .
- II. On third of the members are elected by the representatives of Municipalities ,District Boards and other local bodies in the State.
- III. One twelfth 1/12 members are elected by the persons who have been teaching for at least three years in educational institutions not lower than secondary schools.
- IV. One third members are elected by registered graduates of more than three years standing .
- V. One sixth members are nominated by the governor from amongst people who distinguished themselves in the field of literature ,science art, social services etc.



It is permanent house and never cannot be dissolved .Its members are elected for a term of six years and one third members are retired after every two years .

Qualification For Becoming a member of Legislative Council:

1. He should be permanent citizen of India.
2. He should not be less than 30 years of age.
3. He should not hold office of profit under the government.

Powers of the State Legislature:

Both the Houses of State Legislative Assembly and State legislative council perform following functions :

- I. Legislative Functions : Both the houses enjoys exclusive power over the subjects mentioned in the State list and concurrent list ,but in case of conflict in the concurrent list preference will be given to the Centre.
- II. Financial powers : The State legislative exercises full control over the State purse. It passes the State budget .The money bill only introduced in the legislative assembly .The legislative council can delay it by 14 days ,it can make recommendations which may or may not be accepted by the legislative assembly.
- III. Control Over Executive : The council of ministers are collectively responsible to the State Legislative Assembly and individually to the chief minister. The State legislature can use various techniques to control legislature. These include by asking questions, Discussions, Debates, and adjournment motions etc.
- IV. Constitutional Amendment Functions : An amendment to the Constitution may be initiated ,if passed by both the houses of parliament by $2/3^{\text{rd}}$ majority then it goes to the State legislature for approval .Such amendment requires approval of $2/3^{\text{rd}}$ majority of the State legislative assembly.
- V. Election of Indian President: The Indian president is elected by the members of the electoral college consisting of both the houses of parliament and members of State legislative assemblies including assemblies of union territories of Delhi ,Pondicherry and J&K.

Defections: A major feature of the politics after 1967 was role played by the defection in making and unmaking of the governments . Literally defection means that an elected representative leaves the party on whose name and symbol he/she had been elected and joins another party .After 1967 defection of congress party



members to non congress parties had played important role in the formation of non congress government particularly in three State of Uttar Pradesh ,Madiya Pradesh and Haryana.

Anti Defection Law: Anti defection law was passed in 1985 by the 52nd Constitutional amendment which added the tenth schedule to the Constitution .The main objectives of the law was to abolish the evils of the political defection . The (91) Constitutional amendment act 2003 provided disqualification on the ground of defection ,it does not apply in case of split of one third members .The power to disqualify a number rests with the chairman or speaker of the house.

Dictum of “Aya Ram Gaya Ram”: Literally it means Ram came and Ram went, It was related to an MLA in Haryana, Gayalal. In 1967 he changed his party thrice in a fortnight ,He shifted from congress to united front only to be back to congress and then within 09 hours retreated back to the united front .later when Gayalal want to quit united front to go back to congress fold congress leader, Barinder Singh in humor declared. Gaya Ram is now Aya Ram. Gayalal’s action led to the immortalization of the phrase Aya Ram Gaya Ram .It was subject matter of Jokes and cartoons.

Objective Type questions:

Q1. Presently India is consisting of the ?

Ans: 28 States and 09 Union Territories .

Q2. Who is presiding officer of Rajya Sabha ?

Ans: Vice President (Shri Venkaya Naidu)

Q3. Who is the presiding officer of Lok Sabha ?

Ans: Speaker (Shri Ohm Birla)

Q4. The Tenure of members of the Rajya Sabha?

Ans: 06 Years.

Q5. How Many members are nominated by the President from Anglo Indian community ?

Ans: 02 Members .

Q6.The Tenure of the ,members of the Lok Sabha In normal time is ?

Ans: 5 Years .

Q7. The budget is introduced in the Lok Sabha?

Ans : Finance Minister.

Q8. How many members are nominated by the president for Rajya Sabha ?

Ans: 12 Members .

Q9. The candidate contesting for Rajya Sabha should not be less than ?

Ans : 30 years.



Q10. The candidate contesting for Lok Sabha should not be less than ?

Ans: 25 years.

Q11. Name the lower house at central level and State level ?

Ans: Lok Sabha at Central Level and State legislative assembly at State level .

Q12. Name the upper house at central level and State level.

Ans. Rajya Sabha at central level and State legislative council at State level.



Long answer Type questions:

- Q1. What is legislature ? Why do we need a legislature.?
- Q2. Describe the composition and powers of Lok Sabha?
- Q3. Describe the composition and powers of Rajya Sabha ?
- Q4. Describe the procedure of passage of Money and Non Money Bills in the Parliament?
- Q5. Describe the, methods of parliamentary control over executive ?

Short Answer type questions:

- Q1. Why is Lok Sabha comparatively more powerful than Rajya Sabha ?
- Q2. Write down two special functions of Rajya Sabha ?
- Q3. Mention any two functions of Lok Sabha Speaker ?
- Q4. Write short note on Defections?

**Chapter No. 05****Chapter 06 Judiciary****Syllabus:**

What is the rule of law? Why do we need an independent judiciary? What are the provisions that ensures the independence of judiciary in India? How are judges appointed? What are the powers of Supreme Court and High Courts? How do they use their powers for public interest?

Introduction: Judiciary is the most important organ of the government .Its function is to do justice .The judiciary punishes all those who break the laws .It decides the disputes which arise between the State and its citizens in the State. Peace can be established if the disputes of the citizens are decided peacefully and as per the rule of law.

Rule of law: Rule of law is the most important and the distinctive aspect of the Indian political system .The concept of rule of law was first of all developed in England .In India the concept of rule of law was developed gradually. The rule of law means that the law remains supreme in the country ,not the arbitrary will of the mighty, like politicians bureaucrats etc. It means predominance of the law as distinguished from mere arbitrariness. Nobody in the country whatever his social or political status is not above law ,and has to submit his will before law. Administration is not run according to arbitrary will of any individual but according to law.

It was Professor Dicey who gave three propositions on the rule of law for the British Constitution these include:

No person can be punished except for the break of law. (Article 20).

It means equality before law and equal protection of law (Article 14).

Rule of law guarantees rights of the people.

Why do we need an independent Judiciary?

Independence of judiciary means where judiciary is independent ,an efficient, honest and not under the control of executive or legislature. The judges should be free to decide cases according to law in bold and fearless manner. The judiciary has been kept separate from legislature and executive on practical grounds the need for independence of judiciary in India was necessitated on the following grounds .

Interpretation of the Constitution: The Supreme document in India is the Constitution and various organs of government derive their powers from it. Its natural difference are found to emerge between various organs of the government .To interpret the



Constitution and remove the difference. The existence of an independent and impartial judiciary is essential. This important function is performed by the judiciary.

To strengthen the federal structure of Indian political system:- India is a country of (28) States and (09) union territories, naturally disputes may arise between Centre and the federal units (States) related to the division of power in the Constitution. Such cases are solved by the judiciary. Judiciary therefore safeguards the federal system of Indian political system.

Guardian/Custodian of fundamental rights/freedom and liberty of people : Article (12-35) of Indian Constitution provides fundamental rights to the Indian citizens. It is necessary to provide a defense of these rights so that a citizen feels that his rights cannot be taken away. He can approach to a suitable authority to get his rights back. This task is performed by the judiciary who acts as a guardian and custodian of fundamental rights and liberties of the public (Article 32 and article 226).

Q: What are the various methods of appointments of Judges ? Discuss?

Ans: Judiciary is an important organ of the government which administers justice to the people and keeps the executive on right track. The following methods are usually adopted in the appointment of judges in all over the world.

1. **Appointment by the executive**: In most of the States to ensure independent and impartial judiciary, the judges are appointed by executive like President of India after consultation with other judges. This method of judges is considered ideal one and is used in countries like India.

2. **Election by the legislature** : Under this system, the judges are elected by members of the legislature. This system is prevalent in some States of America and Switzerland. This system has certain drawbacks because judges are elected by the members of the legislature on political basis, the judges elected, will neither be independent nor impartial.

3. **Election by the people** : In some of the States in America the judges are directly elected by the people for a specific period of time. This method is also not considered to be ideal because under this system the judges are likely to be under the influence of the political parties.

Q. Organization of the Supreme Court?

The Indian Constitution has established integrated judicial system which places supreme court at top and the high court's below and is followed by a hierarchy of subordinate courts. The Constitutional provisions related to the supreme court are included in part fifth (v) from article 124 to 147. Initially there was chief justices and other seven judges in the supreme court and now the number has increased to 31



judges including the chief justice of India in (2009). The parliament has been given the power to increase the number of supreme court judges according to the needs and circumstances.

Q. Appointment of the Supreme Court Judges?

Ans: The judges of the supreme court are appointed by the president. The chief justices is appointed by the president after consultation with such judges of the supreme court and high court. He/she seems necessary. The other judges are appointed by the president after consultation with chief justices and other such judges of supreme court and high court as he/she seems necessary. The consultation with the chief justice is obligatory in case of appointment of a judges other than chief justices.

Qualifications for becoming a Supreme Court Judge:

1. He should be citizen of India.
2. He should have served as judge in high court for at least five years.
3. He should have been advocate of one or more high courts for ten consecutive years.
4. He should be in the eyes of president as distinguished jurist.

1. Salary and allowances: The salaries, allowances, privilege, leave and pension of the judges of the Supreme Court are determined from time to time by the parliament. In 2009, the salary of the chief justices was increased from 33000 to Rs.1lac per month and that of judge from Rs. 30000 to Rs. 90,000 per month. They are also paid other allowances and facilities like medical, car and telephone etc.

2. Oath of office: Before resuming office each judge is administered oath of office by the president to honor the Constitution, with loyalty and discharge duties diligently.

3. Tenure and Removal: According to the 124 article of the Constitution, a supreme court judge would hold the office till the age of 65 years ,if he wants to resign earlier he should send his resignation letter addressed to the president of India.

Removal: A motion for removal supported by at least 100 members in the Lok Sabha or 50 members of Rajya Sabha is required for admission of motion for removal of judge. The presiding officer of Lok Sabha or Rajya Sabha constitutes an enquiry committee to verify the charges of accusation .If the enquiry committee is satisfied that the judge has been guilty it may recommend for removal of that judge. The grounds of removal are two, violation of Constitution or incapability.



Jurisdiction powers and functions of the supreme court: The supreme court has vast and enormous powers. Its powers can be classified under the following headings.

1. Original jurisdiction : Under article 131 original jurisdiction covers all those cases which can originate only in the supreme court.

1) Disputes between central and State governments. 2) Disputes between central government and one or more States. 3) Disputes between State governments. 4) Cases related to violation of fundamental rights article (32).

2. Appellate Jurisdiction : The supreme court is highest court of appeal from all courts in the territory of India. The supreme court is primarily a court of appeal and hears appeals against judgments of the High Courts of the States. It enjoys wide appellate jurisdiction, which includes appeals in Constitutional matters, appeals in civil matters, appeals in criminal matters and appeal by special leave.

3. Advisory jurisdiction : The Constitution under article 143 authorizes the president to seek the opinion of supreme court in two categories of matters. 1) On any question of law or fact of public importance which has arisen or which is likely to arise. 2) on any dispute arising out of any pre Constitution treaty agreement, convenient engagement stand or other similar instruments.

4. Custodial of fundamental rights : Under Article 32 of the Indian Constitution, the supreme acts as the guardian of fundamental rights of the citizens of India. The supreme can issue writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo warrant and Certiorari for the enforcement of fundamental rights.

5. Judicial review: The supreme court has the power to declare any law as null and void, if it is contrary to the provisions of the Constitution under article (12).

6. To review its own judgment: According to article 137 the supreme court had the power to review and reverse its own judgment.

7. Court of record: The supreme court is the court of record. Its decisions and proceedings are recorded for future references. It can also punish persons responsible for its contempt.

State High Court organization, and its jurisdiction:

The Indian Constitution provides for an integrated judicial system. At the apex is the supreme court and for each State there is high court which exercises power within the territorial jurisdiction of the State concerned. At present there are twenty four (24) high courts with some having jurisdiction over more than one State.



Composition: The high court of each State consists a chief justice and other such judges. The actual no of judges is being fixed by the president from time to time and governor of the State concerned.

Appointment: The judges of the State high courts are appointed by the president in consultation with the chief justice of India ,the governor of the concerned State and the chief justice of the concerned high courts .In case of the appointment of the chief justice of the high court the president consult the chief justice of India and governor of the concerned State .

Qualification for Judge of High Court:

1. He should be citizen of India.
2. He should have served as judge in lower court for at least five years.
3. He should have been advocate of one or more high court for ten consecutive years.
4. He should be in the eyes of president as distinguished jurist.

Oath: The chief justice and other judges of State high court are administered oath of office by the governor of particular State.

Salary and allowances: The chief justice of high court gets a salary of Rs.90,000/month and that of judge is 80,000/month .The independence of judges of State high court is ensured as the salary ,allowance and other amenities enjoyed by the judges of high court cannot be modified to their disadvantage during their tenure of office .

Tenure/Removal: The judge shall hold office till he attains the age of 62 years. However he may resign his office addressed to the president .The judge of high court cannot be dismissed .He can be removed by the parliament through the process of impeachment which is similar to those of judges of supreme court of India .

Transfer of judges : The president may after consultation with chief justice of India transfer a judge from one high court to other high court . And in such cases of transfer the judges shall receive in addition to his salary compentionary allowance as determined by the parliament by the law .

Powers and functions of High Court: The high court of the State has the following powers

1.Original Jurisdiction :Original jurisdiction of high court extends to all civil cases which are in respect value ,other jurisdiction include with regard to revenue and its



collection, enforcement of fundamental rights, Cases related to will, marriage, divorce, company laws and contempt of court.

2. Appellate jurisdiction: All high courts have appellate jurisdiction in all types of cases against the decisions of lower court in the State. In criminal cases an appeal shall lie with higher court against the decision of session courts. In civil cases an appeal shall lie with high court against the decisions of district courts.

3. Powers of Super intendence: According to Article (227) every high court extends the power of superintendence of overall courts and tribunals except those dealing with armed forces operating within its territorial jurisdiction.

4. Control over Subordinate Courts: The high court being a highest court within a State has been empowered to control and supervise all the courts within the territorial jurisdiction of State which include courts like Sessions District, sub district courts and Munsiffs.

5. Court of record: The high court keeps a record of its own cases which acts as a precedent in future cases.

6. Guardian of Fundamental rights: According to Article (226) the high court is empowered to issue writs to any person or authority including the government. If it feels that fundamental rights of its citizens are being violated and can issue writs of Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari.

Judicial Activism :

The concept of judicial activism originated and developed in the USA. In India it was introduced by mid 1970s by justice **VR Krishna Ayer**, **Justice P N Bhagwati**, **Venkata Chyallya**. Judicial activism denotes the proactive role played by the judiciary in the protection of the rights of citizens and the promotion of justice in the society. In other words it implies the assertive role played by the judiciary to force the other two organs of the govt. (legislature and executive) to discharge their Constitutional duties. It is also known as judicial dynamism.

Public Interest litigate :

In India PIL is product of active role played by the Supreme Court. It was introduced in the early 1980s by justice VR Krishna Ayer & Justice PN Bhagwati, were the pioneers of the concept of (PIL). PIL is also known as Social Action litigation (SAL) Social Interest litigation (SIL) and Class Action litigation (CAL).

The PIL in India was facilitated by the relaxation of Locus Standi only that person whose rights are infringed alone can move to the court for remedies. While as PIL is exception to this traditional rule. Under the PIL any public spirited citizens or social organizations can move to the court for the enforcement of the rights of any person



or group of persons who because of their poverty or ignorance or socially or economically disadvantaged position or themselves not able to approach the court for the remedies thus in a PIL any member of the public having sufficient interest can approach to the court for enforcing the rights of other persons and redressal of a common grievances. Corruption, environmental degradation and women empowerment where some of the core issues of PIL is recent decades.

The concept of PIL emerged for the first time in the “**Mumbai Kamgar Sambha**” case where justice Krishna Ayer allowed the petition even if the litigant had no *Locus Standi* in the case.

Objective Type Questions:

Q1. Supreme court consists of one Chief Justice and ?

Ans: 30 other judges .

Q2. The judges of Supreme Court of India retires at the age?

Ans: 65 years

Q3. Whom does Supreme Court advice?

Ans: President.

Q4. How many High Courts are there in Indian Federation?

Ans : 24.

Q5. The power to increase the number of judges in the Supreme Court of India lies with?

Ans : Parliament .

Q6. The power of the Supreme Court deciding deponents' between Centre and State falls under it's which jurisdiction ?

Ans: Original jurisdiction .

Q7. Who was the Chief justice of India when (PIL) was introduced in the Indian judicial system?

Ans : PN Bhagwati.

Q8 .Who is the custodian of the Constitution of India .

Ans : Supreme Court of India .

Q9. The Judges of High Court and Supreme Court are appointed by the?

Ans .President .

Q10. Judges of the High Court retires at the age of?

Ans .62 years .

Q11. Department entrusted with the job of administrating judges is known as?

Ans .Judiciary.

Long answer type questions:

Q1. Why do we need an Independent Judiciary?

Q2. How is Independent of Judiciary ensured in India ?

Q3. Describe the composition, organization ,and Jurisdiction of the Supreme Court of India.?



Q4. Describe the composition, Organization, and Jurisdiction of the State High Court ?

Q5. Explain the Constitutional provisions which ensures the independence of Judiciary ?

Short answer type questions

Q1. Why do we need Judiciary?

Q2. What is PIL/SIL/CAL?

Q3. How judicial activism contributed in making social /economic/ political change possible in India?

Q4. How is the Supreme Court of India, a Custodian of Fundamental Rights?

Q5. What is Judicial Review ?

Q6. What is Rule of Law?



Chapter 07 Federalism

Syllabus: What is Federalism? How does federalism ensures accommodation of diversities, in which ways is the Indian Constitution federal ?In which ways does the Constitution strengths the Centre, Why are their special provisions for some States and areas .

Introduction : The term federalism is derived from the Latin word “foedus” which means agreement or contract .In countries like America and Switzerland it comes into existence as a result of an agreement among several independent States or countries who surrendered their severity and framed their Constitution/federations.

The Indian federal system is based on the Canadian model and not the American model the Canadian model differs fundamentally from the American model in so far as it establishes a very strong Centre .The Indian federation resembles the Canadian federation .

- 1)** In its formation (i.e) by way of disintegration **2)** In its preference to the term union and **3)** In its centralizing tendency (i.e) vesting more powers in the Centre visa –vis States.

Q : What is Federalism ?

Ans :Political Scientists have classified Governments into unitary and federal ,on the basis of nature of relations .Distribution of powers between the national government and the regional governments .A federal government is one in which there is Constitutional division of powers between the national government and the State governments.(Federal units).Both operate in their respective jurisdiction independently eg.USA,Switzerland ,Canada ,Russia, Brazil,Argentina have their federal model of government.

Q. In which way is the Indian Constitution Federal ?

Indian Constitution is federal in following ways

Written Constitution: For a federation it is essential that powers are clearly divided between the Centre and States ,at present 2016 it consists of preamble, about 465 articles and 12 schedules divided into 25 parts .It specifies the structure, organization, powers and functions of both State and central governments.



Prescribes the limits within which they must operate. Thus it avoids the misunderstanding and disarrangements between the two.

Supremacy of the Constitution : In a federalism the Constitution is the supreme source of strength for Centre and States. In India the Constitution is supreme and if any organ of State dares to violate any provision of the Constitution. The court of law ensures that the dignity of Constitution is upheld overall costs.

Rigid Constitution: In a federation Constitution should be rigid, Indian Constitution is also largely rigid as per article 368, there are various important matters where 2/3 majority of parliamentary members plus consent of the half of the State is needed for amendment of Indian Constitution.

Division of Powers : In Indian federation there is clear division of powers between Centre and States. The Indian Constitution provides for clear cut division of powers, in the seventh schedule which has three lists, the union list consists of 100 subjects, State list 61 and concurrent 52 subjects. On the subject mentioned in the concurrent list only Centre makes laws, while on the subjects mentioned in the State list only State can make laws, and on subjects in the concurrent list both Centre and State can make laws. In case of conflict central law will prevail over the State law.

Independence of Judiciary: The Constitution establishes an independent judiciary for two purposes. One to protect the supremacy of the Constitution by executing the power of judicial review, and two, to settle disputes between Centre and States or between the States.

Bicameral Legislature : The Constitution provides for a Bicameral legislature consisting of Rajya Sabha, upper house and Lok Sabha, lower house. By establishing bicameral Legislature second house i.e Rajya Sabha. House of States, is required to maintain the federal equilibrium, protecting the interest of States against the undue interference of Centre and to give representation to different diverse groups residing in India.

Q. How does India has strong Centre? Provisions which make India a unitary State? In which ways does the Constitution strength the Centre?

Ans: By definition a unitary government is one in which all powers are vested in the national government and, the regional government, if all exists derive their authority from national government. e.g Britain, France, Japan, China, Italy, Belgium, Norway, Sweden have unitary governments. Due to prevailing situation at the time of



independence and emergence of some mighty princely States in pre independence era ,India has followed Canadian model by making India Constitution federal in form but unitary in spirit .

Some of the features making India unitary State or as follows:

1. Single Constitution for union and State.
2. Centers power to change name and boundaries of any States, federal units, article (3).
3. Single citizenship for the whole country .
4. Single integrated judiciary with supreme court at the apex and high court in each State.
5. Common all Indian services ensuring the uniformity of the administrative system
6. Indian Constitution is designed to work as federal system in normal circumstances but unitary during emergencies .
7. Governors as an agent of Centre .
8. Financial dependence of federal units(States) over Centre .
9. Centralized planning :Centre making plans on behalf of States.

Conflicting Federation :

Conflicting or tension areas in Centre State relations i.e. where there are more powers in favor of States have caused lot of damage into Centre and State relations. These include :

1.) Demand for Autonomy: Being a country of continental size ,diversity in term of societal composition India faces lot of administrative inconvenience to run the administration of the country. Over the last decades various regional parties are demanding more autonomy i.e. more powers from Centre to their respective States which include DMK ,AIMDK in Tamil Nadu, National Conference in Jammu and Kashmir, TDP in Andhra Pradesh ,AGP in Assam etc.

2). Misuse of Article 356: Ruling parties over last 7thdecades have misused this article for personal/vested interests .It has been misused by the Centre more than 100 times to topple government led by opposition parties.

3) Office of Governor : The appointment of governor by the Centre and his attitude favoring ruling party over opposition party has created lot of inconvenience between Centre and States .



4) **Deployment of Central Forces:** Deployment of central forces by the Centre in various States to maintain law and order is a gray area between Centre and States. These forces get command from the Centre in making the States depend upon the Centre.

5) **Centralized Planning :** The Planning Commission is an extra Constitutional body which has reduced the federal structure to almost unitary. The Centre is making plans on behalf of States which has reduced the status of federal units (States) into Colonies.

6) **Governors power to send bills passed by State legislature to reconsideration to president** has again damaged Centre State relations in *Post- Independence Era*.

7) **Financial dependency of States over Centre :** Discriminatory attitude of Centre in between ruling party States and opposition ruled States in financial allocation is a grey area between Centre and State relations.

8) **Demand for New States :** Another tension in our federal system has been the demand for more new States, on the basis of language, ethnicity, culture etc. Such demands are made in Vidarbha (Maharashtra), Gorkhaland (West Bengal), Haryana Pradesh, Purnavanchal, Budulkhand in UP, Bodoland (Assam) and Saurashtra (Gujarat). Failure of Centre to provide the same is another conflicting area between the Centre and States.

Inter State Conflicts :

Due to its large area, various States over last seven decades are fighting for the interests of their respective regions which include Maharashtra and Gujarat fighting over city of Belgium, Punjab and Haryana over Chandigarh, Cauari, water dispute Between Tamil Nadu and Karnataka and Centre's inefficiency to resolve these conflicts have effected realities between Centre State relations.

Sarkaria Commission: Sarkaria Commission constituted in 1983 and it has recommended appropriate changes to strengthen Centre State relations. In 1983 the central government appointed a three member commission on Centre State relations under the chairmanship of RS Sarda a retired judge of the Supreme Court. The commission was asked to examine the working of existing arrangements between the Centre and States in all spheres and to recommend appropriate changes. It has submitted its report in October 1987.



The commission made 247 recommendations to improve Centre State relations. Some of the conflicting issues addressed by the commission includes post of Governor. Misuse of article 356 discriminatory allocation of funds by Centre to States, centralizing planning, Residuary powers etc.

Q. How does Federalism ensure accommodation of diversities?

The federalism ensures accommodation of diversities in following ways:

1. The units with diverse culture, language or religion can make special protection for their culture, language or religion as such they have their government.
2. The units can protect their interests as such the powers to unit governments have been given by the Constitution and the central government can not infringe over them.
3. Normally in federalism, the units have their own Constitution and they can make special provisions in them to protect their diversities.
4. The units have equal say in the running of federal administration. In the USA the State are equally represented in the powerful senate of the USA.

Q. Why there are Special Provisions for some States and areas?

India is country of continental size consisting of (28) States and (09) union territories however there are some areas which have been given more powers than the rest because of historical background and diverse societal composition. State of Jammu and Kashmir was the only State which was given autonomy under 370 article which includes separate Constitution, separate flag, dual citizenship, non-application of article 360, article 3 (360), 36-51 etc.

On fifth of August 2019 (NDA) government headed by Narendra Modi abrogated article 370 by using special majority in the two houses of the parliament of India. It abrogates almost all Constitutional safeguards which it guaranteed earlier to the State of Jammu and Kashmir. It also divides the State of Jammu and Kashmir into two union territories 1. Jammu Kashmir and 2. Ladakh.

States of North East : North east which is known for its cultural diversity has been granted special status under article 371 of Indian Constitution. The north eastern States of Assam, Tripura, Manipur, Nagaland, Mizoram, Sikkim and Arunachal Pradesh. This has been done to protect the interest of tribes who are living aloof in the hilly areas. The central government has provided regional autonomy to all the North Eastern States which include empowerment of regional councils, govt. has no



of steps to provide regional autonomy to the regional councils, administrative and Constitutional measures to protect the unique cultural diversity of the region .

Provision for other States: Some hilly and mountainous States like Himachal Pradesh, Auranchal Pradesh ,Goa ,Gujarat ,Maharashtra ,Sikkim also given special provisions to protect socio cultural economic and political rights of the people of these States.

Objective type questions:

1. The term federation has been given from the Latin word "Foeuds" which means
Ans : Agreement or contract .
2. India has borrowed the federal structure from which country?
Ans: Canada
3. In Modern times federation was adopted by which country firstly ?
Ans: America 1787
4. What are the composition of three lists provided in the Constitution of India?**Ans** :Union list 100 subjects ,State list 61 subjects ,Concurrent list 47 subjects.
5. The Residuary powers i.e. Which are not mentioned in any of the three lists union, State ,concurrent lists ,lies in the hands of
Ans : Centre.
6. Sarkaria commission was constituted in which year and it submitted its report in which year
Ans :Constituted in 1983 and submitted with report October 1987.
7. Cauvery water dispute is among which of the State's
Ans : Tamil Nadu, Kerala and Karnataka
8. North Eastern States were given special status under which article of Indian Constitution
Ans : Article 371
9. Article 370/35A which give special status to Jammu and Kashmir was abrogated in.
Ans : 05 August 2019
11. Article 1 of Indian Constitution describes India as a
Ans : Union of States .



Long Answer Type Questions

- Q1. What is Federalism? What are Federal features of Indian Constitution ?
- Q2. What is unitary form of government? what are unitary features of Indian Constitution ?
- Q3. What are conflicting areas between Centre and States ?
- Q4. Why there are special provisions for some States and areas?
- Q5. Why was Sarkariya commission constituted? what are its recommendations to resolve conflicts between State and Centre.

Short Answer Type Questions

- Q1. Examine the meaning of federalism?
- Q2. How does federalism accommodate diversities ?
- Q3. How misuse of article 356 and post of governor by the Centre is hurdle between Centre State relations?
- Q4. Which areas of India have been given more autonomy and Why?
- Q5. India is Qusi-Federal “Federation with strong Centre“ comment?



Chapter 08

Local Government

Syllabus:- Why do we need Decentralization of power? What has been the status of local government in the Constitution ? What are the basic features of rural and urban local governments? What has been the effects of giving Constitutional status to local governments.

Local Government and its Importance: local government at village is also known as grass root level democracy .It aims governance at door steps of common people .It aims to provide essentials of life to people living in far flung areas at local level ,like drinking water sanitation ,education ,irrigation, drainage etc. It aims at fulfilling the dream of participatory democracy by involving rural population in what to do, when to do, and where to do, in short local government can be very effective in protecting the local interests of the people.

Q. Why do we need Decentralization of power ?

OR

What is Decentralization of power and what are its advantages?

Ans: It refers to a government where governance on executive authority is divided from top (State) to local village level .Decentralization is necessary in the country like in India .Because of its vast size and huge diversity .We need decentralization because of following advantages:

1. Reduces Burden of top executives: Decentralization of authority relieves top executives from local issues gives them enough time to think on, higher issues of governance .
2. Quick and Better decisions: Decentralization allows us for prompt and more accurate decisions ,because decisions are made by those who have less burden and fully aware of the realities of the situation .Decisions can be made near the point of action without consulting higher levels and without waiting for approval of top executives.
3. Better Communication: Decentralization improves organization communication within different tiers of the government at local level .It protects administration from bureaucratic delays.
4. Effective Supervision and Control: Decentralization aims at effective and better supervision .Supervisors have to supervise less and are competent enough to make change in where ever need arise.



5. Participatory Democracy : Decentralization at different levels involves common masses for governance process. It helps in making governance reflective of common people aspirations and priorities.

Q. Growth of local Self Government in India ?

Ans : It is believed that India has long history of Panchayati Raj system .In the course of time these village bodies took the form of Sabhas (Village Assemblies). In the gradual course of time, these village bodies took the shape of Panchayats (an assembly of five persons) resolved issues at the village level, their role and functions kept changing at different points of time.

During the colonial period few notable British authorities like Lord Mayo and Lord Ripen emphasises the role of Panchayats for efficient local administration and did try to delegate certain functions to them ,thereafter Lord Ripen is known as father of local Self Government in India.

During Pre Independence era Britishers established Panchayat Raj system in some provisions under 1919/1935 Act .Gandhi was in favor of strong Panchayat Raj system in India ,After independence article 40 was inserted into the Constitution of India which talks about the establishment of Panchayati Raj institutions in India.

In 1957 the government of India appointed, Balwant Rai Mehta committee to evaluate the functioning of (PRI) in India .The committee submitted its report in November 1957 and suggested three tier system at village ,block and district levels. Again in December 1977 Janta government appointed a committee on (Panchayati Raj) institutions under the chairmanship of Ashok Mehta .He submitted his report in August (1978) recommended two tier system one at village level and another at district level .

Rajasthan was the first State to establish Panchayati Raj System. The scheme was inaugurated by the Prime Minister on October 2,1959 in Nagar District of Rajasthan .Rajasthan was followed by the Andhra Pradesh which also adopted the system in 1959.

Q. 73rd Constitutional Amendment Act(1993):

Narisma Rao government introduced 73rd Constitutional amendment act which has made Panchayat Raj a reality. It gave Constitutional status to (RRI) and added (11) schedule into the Constitution of India .The main functions of this act are as follows:

- 1) There shall be three tier structure of Panchayats at village, Block and District level.



- 2) Seats would be reserved for SC and ST in proportion to their population, one third of seats are reserved for women.
- 3) The term of Panchayats has been fixed for (05) years in the event of dissolution elections would be held within 06 months .
- 4) 29 Subjects have been transferred from State subjects to Panchayati Raj Institutions which include Primary education, irrigation, small scale industries, rural electrification ,safe drinking water and public distribution system etc.
- 5) An independent State election commission would be constituted for superintendence direction and control of electoral process of local governments.
- 6) Each State would have State finance commission which would determine the principles on which financial allocation would be provided to the Panchayats.

Q. Structure and composition of Panchayat Raj Institution In India ?

Village level Gram Panchayat : By the Panchayat Raj act 1993, two bodies were established at village level and these are interconnected ,these include Gram Sabha and Gram Panchayats.

1.Gram Sabha: Gram Sabha is the basic unity comprising of all adult registered voters in the Panchayati area .However minors (Lunatics) are not members of gram Sabha .Each gram sabha meets twice a year once in Kharif and then in Rabi season.

Functions of Gram Sabha are :

To approve budget, leaving of new taxes ,to study audit report, to elect Sarpanch for village Panchayats and review over all activities of the village.

2. Gram Panchayats: The executive organ of the Gram Sabha is known as Gram or village Panchayats. Its members are elected from Gram sabha consists of punches elected from each Mohallas. Panchs are headed by Sarpanch .Its tenure is 05 years it can be dissolved earlier, but elections should be held within 06 months .It usually meets once a month and decisions are taken by majority vote.

Obligatory Functions: These include provisions for safe drinking water ,health care, setting up of health centers, arrangement for primary education ,small scale industries and welfare schemes for poor. The other development functions include agricultural, Irrigational related developmental functions .

**Sources of income :**

Taxes and revenues generating from offering facilities to local population, fine imposed from offenders, grants from State and central government are the main sources of income.

Block level Panchayat Samiti : This is 2nd Tier of governance under Panchayati Raj system .The block level consists of Panchayat Samities to coordinate the activities of village Panchayats in each block. There are about 5900 panchayatsamities in India.

Composition : It consists of all Pradhans, Sarpanchs, MLAs, MLCs ,Chairpersons of Nagar Panchayats, elected members of Zila Parishad from the block, presidents of marketing cooperatives ,representatives of SC /STs etc.

Term : Its term is of 05 years ,it elects a chairperson .It is administrative head is known as Block Development Officer.

Developmental Functions :To provide rural health care, drinking water, electrification, irrigation, agricultural related activities, development of small scale industries ,welfare schemes for SC/STs and poor sections of the society.

Functions of Gram Panchayats: To supervise working of Gram Panchayats and to examine budget of Panchayats.

Source of income : Grants given by State governments, income from taxes levied by Samities fixed percentage of land revenues is given to Panchayat samities are the main source of income for Panchayat samities.

Zila Parishad at District level :Zila Parishad is highest /top level tier of Panchayati Raj Institutions in India .

Composition : It mainly consists of MLAs /MLCs /MPs of the district Representative of SCs /STs, Women Groups ,cooperative societies /Chairpersons of Municipalities of the District .

Term: Its normal term is of 05 years .Each Zila Parishad has a common Chairman elected by members of the parishad. Some offices of chairman are reserved for woman and SCs/STs community as well.

Functions: Its main function is to provide all sorts of facilities to the people living in the area .Its Functions include maintenance of records and bridges, hospitals, educational institutions ,electrification and to take all possible measures for the welfare and well being of weaker sections /poor sections of the society. To supervise the activities of Panchayats, coordinate developmental activities in the district examine and approve the budget of Panchayat samities.The Zila Parishad gives advice to State governments regarding needs of the people living in rural areas.



Source of income: Share in Taxes, license fees, grants from State governments , and income from property of Zila Parishad or some of the sources of Zila Parishad.

Municipalities:

The term Urban Local Bodies government in India, means the governance of urban area by the people through their elected representatives. There are eight types of urban local governments in India- Municipal Corporations, Municipality, Notified Area Committee, Town Area Committee, Cantonment Board, Township Port Trust, and Special Purpose Agency.

In 1687-88 the first Municipal Corporation was setup at Madras. In 1726 it was setup in Bombay and Calcutta.

Lord Ripen Resolution of 1882 has been hailed as the Magna carta of local Self Government .He is called as the father of local Self Government in India.

P V Narisma Rao's government introduced the modified Municipalities bill in the Lok Sabha in September 1991.It finally emerged as the 74th Constitutional amendment act of 1992 and came into force on 1st June 1993 and it adds twelfth last schedule to the Constitution of India.

Features of 74th Amendment Act 1993 (Urban Local Government):

After independence like (PRI) Municipal administration was restructured and was given Constitutional status under 74th amendment act 1993 .This amendment act added new 12th schedule to the Constitution of India.

1. It provides Municipalities (Urban Local Government) at three levels – Municipal Corporation or Nagar Nigams in big cities, Municipalities or Nagar Palkies in cities with a population between 200,000 and 20,000 and Nagar Panchayat is formed below a population of 20,000.
2. Seats are reserved for SCs/STs in proportion to their population.
3. One third seats are Reserved for women in all three tires of Municipal administration.
4. Its duration is fixed for five years and if its dissolved elections are held with six months.
5. Funds have been made available from the consolidated fund of India.



Structure Of Municipalities:

- 1. *Municipal Corporation*** :They are established in all major cities under specific acts enacted by the State legislature.

Composition :It consists of general council which is consisting of members elected by adult registered voters in particular area. Seats are reserved for SCs/STs in proportion to their population and one third seats are reserved for women .Its Tenure is five years .Mayor is elected annually by the members of the corporation amongst the members .He is known as the first Citizen of the town. Municipal Corporations are established in those areas having population in between 20 lacs .Municipal commissioner is the chief executive officer of the corporation and is appointed by the State or central government.

Functions of the Municipal Corporation :To provide safe Drinking water, Electricity, Primary secondary Education ,to look after roads, shopping centers ,illegal constructions and to keep record of birth and deaths ,are some of the important obligatory functions to be performed by the Municipal Corporation .

- 2. *Municipalities***: This is 2nd tier of urban administration and is constituted in towns within the population of 20,000 to 3 lac .

Composition : An elected council consisting of councilors elected from different wards of the town by voters in the voters list. Municipality is headed by chairman elected from amongst the (Councilors)of the town. Executive officer is appointed by the government to look into the administrative affairs of the municipality.

Functions : To establish hospitals ,Dispensaries ,to provide drinking water, Regular electricity ,primary ,secondary education ,to upkeep streets ,roads, demolish illegal constructions ,and to keep record of Births and deaths are some obligatory functions to be performed by the representatives of Municipalities of that particular area.

Sources of Income: Income from property tax, Vehicle Tax, Entertainment tax cess on education ,water tax, electricity ,toll tax are the some important sources of income for Municipality.

- 3. *Nagar Panchayats***: In small towns the 74th amendment act provides for creation of Nagar Panchayats or Town area committee .Those areas which are bigger than villages ,smaller than towns are known as semi urban areas. The members of these committee are elected by adult citizens registered in the town area. The functions of



Nagar Panchayats is similar of other institutions of rural /urban units of governance which include electricity, education, health facilities, roads etc. Reservations is being to SCs/STs in proportion to their population .One third seats are reserved for Women.

Q. What has been the effect of giving Constitutional status to local government. Effects of implementation of 73rd and 74th amendment?

Ans: Almost all States have passed legislation to implement the provisions of the 73rd and 74th amendment .During last two and half decades States have four rounds of election to the local bodies, which has created lot of better results of governance at gross root level.

Today there are nearly more than 7,00 Zilla Parishad in rural India, 100 city corporations, 1,400 town Municipalities and 2,000 Nagar Panchayats in Urban India. It has helped in empowerment of rural population ,woman groups, SCs/ STs, Population etc of these areas. More than 32 lac members are elected to these bodies after every five years .Out of these 10 lac are woman. While as in local bodies the member of elected representatives have increased significantly .73rd and 74th amendment have created uniformity in the structures of Panchayati Raj institutions and Nagar Palika institutions across the country .The presence of these local institutions by itself a significant achievement and would create an atmosphere and platform for poor/ unrepresentative/ destitute sections of Indian society.

After more than two decades of implementation of 73rd /74th amendment act of the Constitution there are still certain bottle necks /and genuine flaws which needs to be addressed, so that desired results can be achieved. These Problems include lack of adequate devolution of powers ,excessive control of bureaucracy, poor infrastructure ,party based elections and lack of adequate funds etc.

Objective Type Questions

Q1. Who is known as Father of Local Self Government in India?

Ans : Lord Ripon .

Q2. Which article Directive Principles of State policy deals with establishment of Panchayat Raj institutions in India ?

Ans. Article 40 .

Q3. Balwant Rai Mehta Committee established in 1957 recorded how many tiers of governance ?

Ans : Three (03) Village ,Block and Zila Parishad.



Q4. Balwant Rai Mehta committee constituted in 1978 recorded how many tiers of governance ?

Ans : Two (0) Village and District level .

Q5. 73rd amendment (1993) deals with ?

Ans: Panchayati Raj Institutions .

Q6. 74th amendment 1993 deals with ?

Ans : Municipality.

Q7. In 1993 who was prime Minister of India ?

Ans : P V Narisma Rao.

Q8. Under 73rd /74th amendment Woman were given reservation ?

Ans: 1/3rd Reservation .

Q9. If Panchayats are dissolved, elections should be held within ?

Ans: 06 Months.

Q10. SCs /STs were given how much reservation under 73rd /74th amendment?

Ans: In Proportionate to their population in the area.

Q11. 73rd Amendment and 74th Amendment adds which schedule in the Constitution of India?

Ans : 73rd adds 11th Schedule and 74th adds 12th schedule in the Constitution of India

Long answer type questions

Q1. What is Decentralization? Why do we need decentralization of power at Local level.

Q2. Describe the composition, Functions and working of Rural Local Government in India?

Q3. Describe the composition, Functions and working of Urban Local Government units in India?

Q4. What are important features of 73rd Amendment 1993?

Q5. What are important features of 74th Amendment 1993?

Q6. What has been the impact of giving Constitutional status to local governments in India.

Short answer type Questions

Q1. Mention two functions of each tier of Local Self Government in India?

a) Gram Sabhab) Gram Panchayat

c) Panchayat Smithies d) Zila Parishad.

Q2. Explain Decentralization of powers?



Q3. Explain Nagar Panchayats?

Q4. Why is the district as ,the best unit for local Self Government in India?

Q5. Mention two obligatory and two developmental functions of Municipal Committees.?

Q6. What is the main difference between recommendations of Balwant Rai Mehta Committee and Ashok Mehta Committee?



Chapter: 09 Political Philosophy Underlying the Constitution

Learning Objectives

In this chapter you will be able to understand:

- **Core provisions of Constitution of India**
- **Impact of Modern Indian Political thought on Constitution of India**
- **Preamble of Constitution of India**
- **Implication of Preamble**
- **Philosophy underlying Constitution Of India**

Core provisions of the Constitution of India

The core provisions of the Constitution of India are

- ❖ **Written and detailed Constitution:** the Constitution of India is a wholly written document, which was drafted, debated and enacted by the constituent Assembly. It took 2 years 11 months and 18 days to make the Constitution. It is a detailed Constitution, as originally, it consisted of 395 articles divided into 22 parts with 08 schedules and now after 25th Jan 2020 it consists of 448 Articles, 25 Parts, 12 schedules and 104 Amendments.
- ❖ **Blend of federal and unitary features:** the Constitution of India is Federal in form but Unitary in spirit. The Constitution of India is federal in so far as it is written, dual set of governments, bicameral legislature, division of powers between the central government and the State government etc. It is unitary as it envisages the division of power in favour of the central government, emergency provisions etc.
- ❖ **Rigid as well as flexible:** some provisions of the Indian Constitution are very rigid and cannot be amended easily while as some provisions of it are very flexible as they can be easily amended by the Parliament of India.
- ❖ **Preamble:** The Constitution of India is having well-drafted Preamble which States the philosophy of Constitution. It declares India to be a Sovereign, Socialist, Secular, Democratic, Republic and a welfare State committed to secure justice, liberty, equality, and fraternity, dignity of individual and unity and integrity of the nation.
- ❖ **Fundamental Rights:** The Constitution of India grants and guarantees six fundamental rights to its citizens in its Part III [art.12-35]. Initially there were seven Fundamental Rights but with the deletion of the Right to Property from



this category by 44th Amendment Act 1979, their effective number has come down to six.

- ❖ **Directive Principles of State Policy:** The Constitution of India contains Directive Principles of State Policy, which contains a set of direction for the governance for the government.
- ❖ **Parliamentary Democracy:** The Constitution of India provides for the parliamentary democracy both at the center as well as at the State level. The President of India is the nominal Constitutional head while as the Council of Ministers headed by the Prime Minister is the Real Executive in India.
- ❖ **Bicameral Legislature:** the Parliament of India consists of the two Houses. The lower House of it is called the Lok Sabha, which is directly elected by the people of India and the Upper House is called the Rajya Sabha which represents the States.
- ❖ **Provisions for SCs, STs and OBCs:** The Constitution of India provides special protection for scheduled castes, schedule tribes and other backward classes of India.

Influence of Modern Indian Political Thought on Constitution of India

The Constitution of India was framed in the background of two conflicting ideologies _ capitalism and communism. However the constituent assembly decided to avoid two extreme ideologies under the influence of pioneers of modern Indian political thought. It decided to adopt the ideologies and principles of democratic socialism, liberalism , internationalism, secularism, rule of law, peace, freedom, equality, justice, protection of minority rights, special provision for weaker section of society, abolition of untouchability, end of all racial discriminations, universal adult franchise etc. These principles were much influenced by political thought of modern Indian political thought. M N Roy had great desire for freedom of speech and expression. Nehru, Gandhi and Tilak had emphasized the ideals of liberty and equality. B R Ambedkar fought for the rights of Dalits and end of untouchability. Swami Vivekananda, M N Roy, ManoharLohia, Jaya Prakash Narayan, a K Aiyar, Nehru, Gokhale etc. have been the pivotal in framing different provisions of Constitution of India. However, the impact ideas of Jawaharlal Nehru still have been deep on the Constitution and Indian polity.



Preamble to the Constitution of India

The Preamble to a Constitution is an introduction to it, which embodies the fundamental values and philosophy of Constitution. The Preamble to Indian Constitution has been borrowed from the Constitution of the USA. It is not Justiciable as it is not a part of the Constitution. The preamble to Indian Constitution reads as:

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

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

And to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION

Implications of the preamble of Indian Constitution

The preamble to Indian Constitution is having following implications:

- I. The first and foremost implication of the preamble is that it declares the people of India as the **source of all authority**. It States “we the people of India having solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic, Republic.....”
- II. The preamble implies the **nature of Indian polity**. The nature of Indian polity is implicit from the words Sovereign, Socialist, Democratic, Republic, which implies that India is a Sovereign nation with a secular polity, committed to socialism and all institutions and offices of government would be constituted by democratic means even the head of State is elected.
- III. Another basic implication of the preamble is the **objectives** and which must be fulfilled by the Indian polity. The main objectives laid down by it are Justice, social, economic and political, Liberty of thought, expression, belief, faith and worship, Equality of status and opportunity. Its objective is to promote fraternity assuring the dignity of the individual and unity and integrity of the nation.



- IV. Another implication of the Preamble is the **date of the adoption and enactment** of the Constitution. The preamble reads, "In our constituent Assembly, this twenty-sixth day of November 1949, we do hereby adopt, enact and give to ourselves this Constitution."

Philosophy of Constitution: means the beliefs, ideas, principles and values of a Constitution. The philosophy of Constitution of India has been incorporated in different chapters of the Constitution. The preamble to the Constitution, particularly, explains the philosophy of the Constitution. The major philosophical basis of Constitution of India; are socialism secularism, people's power, republic, democracy, justice, liberty, equality, fraternity and unity of nation.

Philosophy underlying the Constitution of India

The philosophical basis of the Constitution of India is as under:

- **People's Power:** The enacting words "We, the people of India ...in our constituent assembly ...do here by adopt, enact and give to ourselves this Constitution", signifies the democratic principle that power is ultimately vested in the hands of the people.
- **Sovereign:** The word sovereign means supreme or independent. India is internally and externally sovereign - externally free from the control of any foreign power and internally, it has a free government which is directly elected by the people and makes laws that govern the people.
- **Socialist:** The word socialist was added to the Preamble by the Forty-second Amendment. It implies social and economic equality. Social equality in this context means the absence of discrimination on the grounds only of caste, colour, creed, sex, religion, or language. Under social equality, everyone has equal status and opportunities. Economic equality in this context means that the government will endeavor to make the distribution of wealth more equal and provide a decent standard of living for all.
- **Secular:** The word secular was also inserted into the preamble by the Forty-second Amendment. (1976). It implies equality of all religions and religious tolerance. India therefore does not have an official State religion. Every person has the right to preach, practice and propagate any religion they choose. All citizens, irrespective of their religious beliefs are equal in the eyes of law. No religious instruction is imparted in government or government-aided schools.
- **Democratic:** The first part of the preamble "We, the people of India" and, its last part "give to ourselves this Constitution" clearly indicate the



democratic spirit involved even in the Constitution. Every citizen enjoys right to vote without any discrimination on the basis of caste, creed, color, sex, religion or education.

- **Republic** As opposed to a monarchy, in which the head of State is appointed on hereditary basis for a lifetime or until he abdicates from the throne, a democratic republic is an entity in which the head of State is elected, directly or indirectly, for a fixed tenure. The President of India is elected by an electoral college for a term of five years. The post of the President Of India is not hereditary. Every citizen of India is eligible to become the President of the country.
- **Economic justice:** Economic justice aims at establishing economic democracy and a welfare State in India by making equal opportunity in the wealth of nation.
- **Social Justice:** It is the comprehensive form to remove social imbalance by law harmonizing the rival claims or the interests' of different groups and/or sections in the social structure or individuals by means of which alone it would be possible to build up a welfare State.
- **Liberty, Equality and Fraternity:** The preamble mentions the individual rights as 'freedom of thought, expression, belief, faith and worship' and these are guaranteed against all the authorities of the State by part III of the Constitution.

Learning outcomes

After learning the chapter you should be able to **answer the following questions:**

- ❖ How Constitution is a detailed Constitution?
- ❖ What do you mean by philosophy of Constitution?
- ❖ By which word the preamble to Constitution of India starts?
- ❖ How many articles were originally in the Constitution of India?
- ❖ Indian Constitution is rigid as well as flexible. Explain briefly?
- ❖ Describe the terms which explain the nature o Indian polity?
- ❖ Discuss any three core provisions of Indian Constitution?
- ❖ By which amendment the word socialism and secularism were inserted in Constitution of India?
- ❖ India is a republic. How?
- ❖ Discuss the major implications of preamble to Constitution of India?
- ❖ What do you mean by:
- ❖ Socialism, Secularism and Republic
- ❖ How Modern India political thought did influenced the making of Indian Constitution?
- ❖ Explain the philosophy underlying Indian Constitution?

**Chapter: 10****Constitution as Living Document**

Learning Objectives**In this chapter you will be able to understand:**

- **Living document and Constitution of India**
- **Amending procedure to Constitution of India**
- **Important amendments of Constitution of India**
- **Categories of amendments to Constitution of India**
- **Further changes needed in Constitution of India**

Constitution as a Living Document

The term living document is combination of two words – living and document. Living refers that thing or object which is dynamic in nature, adopts new circumstances, evolving with time and responses to new challenges and needs. Document is a written, drafted, enacted, presented or memorized representation of thought. Thus we can say that a living document is that written, memorized representation of thought which dynamic, evolving, adoptive and responsive to the circumstances and time. Constitution as living document implies that Constitution which is evolving, responsive to new circumstances, time and needs of society.

Constitution of India as living document

The Constitution of India was framed 70 years back but still it is responsive to the needs of society e.g. Fundamental duties, right to education etc. Secondly, it evolved from 395 articles, 22 parts, 8 schedules to 448 articles 25 parts, 12 schedules as in March 2020. Thirdly our judiciary has interpreted it to the circumstances due its flexibility and livingness. Fourthly Parliament of India can amend any part of India with changing circumstances and needs of society as such Constitution has a well drafted procedure of amendment.



Amending Procedures to Constitution of India

The Constitution of India of its Part XX, which contains Article 368 deals with the power of the Parliament to amend the Constitution and the procedure for amendment. The Article 368 lays down two methods of Amendment, which are discussed as under:

- I. **Amendment by 2/3rd Majority of the Parliament:** An amendment of the Constitution may be initiated in either House of Parliament and when Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill.
- II. **Amendment by 2/3rd Majority of the Parliament and ratification by at least half of the several State Legislatures:** another method of amendment for the Constitution of India is that an amendment bill can be introduced in either House of the Parliament and must be passed by the both Houses with a majority of total members and 2/3rd majority present and voting, the amendment bill as passed by the Parliament must be ratified by at least half of the State legislatures and must be assented by the President of India.
- III. **Amendment making by the simple majority:** The Constitution empowers the Parliament to amend or change **some** specified Constitutional provisions by simple majority. By this method a bill is introduced in either House of the Parliament which becomes a law when passed by the two Houses by simple majority of their members present and voting and then assented to by the President of India.

**Important amendments to Indian Constitution**

Amendment No	Enforced since	Amendments	Objectives
1 st	1951	15, 19, 85, 87, 174, 176, 341, 342, 372 and 376. Insert articles 31A and 31B. Insert schedule 9.	Special provisions for Socially and educationally backward classes, Schedule 9 introduced, Reasonable restrictions on freedom of speech, property rights and equality before law
7 th	1956	Amend articles 1, 3, 49, 80, 81, 82, 131, 153, 158, 168, 170, 171, 216, 217, 220, 222, 224, 230, 231 and 232. Insert articles 258A, 290A, 298, 350A, 350B, 371, 372A and 378A. Amend part 8. Amend schedules 1, 2, 4 and 7. [10]	Reorganization of States on Linguistic basis, abolition class A, B, C and D States and introduction of Union Territories
26 th	1971	Amend article 366. Insert article 363A. Remove articles 291 and 362.	Abolition of Privy Purse
39 th	1975	Amend articles 71 and 329. Insert article 329A. Amend schedule 9.	Amendment placed restrictions on judicial scrutiny of post of Prime Minister
42 nd	1976	Amend articles 31, 31C, 39, 55, 74, 77, 81, 82, 83, 100, 102, 103, 105, 118, 145, 150, 166, 170, 172, 189, 191, 192, 194, 208, 217, 225, 226, 227, 228, 311, 312, 330, 352, 353, 356, 357, 358, 359, 366, 368 and 371F. Insert articles 31D, 32A, 39A, 43A, 48A, 131A, 139A, 144A, 226A, 228A and 257A. Insert parts 4A and 14A. Amend schedule 7	Curtailment of Fundamental Rights, impose Fundamental Duties, Inserted socialist and secular words in preamble etc.
44 th	1978	Amend articles 19, 22, 30, 31A, 31C, 38, 71, 74, 77, 83, 103, 105, 123, 132, 133, 134, 139A, 150, 166, 172, 192, 194, 213, 217, 225, 226, 227, 239B, 329, 352, 356, 358, 359, 360 and 371F. Insert articles 134A and 361A. Remove articles 31, 257A and	Amendment passed after revocation of internal emergency in the Country. Provides for human rights safeguards and mechanisms to prevent abuse of executive and legislative authority. Annuls some Amendments enacted in



		329A. Amend part 12. Amend schedule 9	Amendment Bill 42.
52 nd	1985	Amend articles 101, 102, 190 and 191. Insert schedule 10	Anti Defection Law
61 st	1989	Amend article 326	Reduce age for voting rights from 21 to 18.
73 rd	1992	Insert part 9.	Statutory provisions for Panchyat Raj as third level of administration in villages.
74 th	1992	Insert part 9A, amend article 280.	Statutory provisions for Local Administrative bodies as third level of administration in urban areas such as towns and cities
86 th	2002	Amend articles 45 and 51A. Insert article 21A.	Provides Right to Education
101 st	1 July 2017	Addition of articles 246A, 269A, 279A. Deletion of Article 268A. Amendment of articles 248, 249, 250, 268, 269, 270, 271, 286, 366, 368, Sixth Schedule, Seventh Schedule.	Introduced the GST
104 th	25 Jan 2020	Amend article 334	To extend the reservation of seats for SCs and STs in the Lok Sabha and States assemblies from Seventy years to Eighty years. Removed the reserved seats for the Anglo-Indian community in the Lok Sabha and State assemblies

Changes has been made in the Constitution of India since its inception in 1950

Amendments made so far in the Constitution of India may be classified in three groups, which are discussed as under:

1. **Technical or administrative Amendments:** these are those amendments, which were only clarifications, explanations and minor modifications of the original provisions. They are amendments only in legal sense, but in matter of fact, they made no substantial difference to the provisions. e.g. increase in the age of retirement of High court judges.
2. **Differing Interpretations:** a number of amendments are product of different interpretations of the Constitution given by judiciary and government of the



day. The Parliament had to insert an amendment underlying one particular interpretation as the authentic one. For example the relationship between Fundamental Rights and the directive principles.

3. **Amendments through Political Consensus:** Another large group of amendments that have been made as a result of the consensus among the political parties. Apart from anti-defection amendments these amendments include the amendments bringing down the voting age from 21 to 18 years.
4. **Controversial Amendments:** the amendments during the period 1970 to 1980 generated a lot of legal and political controversy. The parties that were in opposition during the period 1971-1976, saw many of these amendments as attempts by the ruling party to subvert the Constitution. The 38th, 39th and 42nd amendments have been the most controversial amendments so far.

Further changes needed in Indian Constitution

The Constitution of India has been evolving since its inception in 1950. The Constitution needs following changes:

- ✚ The Fundamental Rights must include the right to privacy, right to work and right against torture.
- ✚ Preventive Detention of any person should not exceed more than six months.
- ✚ More powers should be given to the States and the local self government.
- ✚ Provisions must be made to prevent the misuse of the Article 356.
- ✚ An interim mechanism must be developed in judiciary to check the conduct of the judges of the Supreme Court and the High Courts.
- ✚ The election system must be overhauled so that it can check criminals from entering in the government and the seat – vote gap must be minimized by suitable method of representation of change in present method of representation in India.

Learning outcomes

After learning the chapter you should be able to **answer the following questions:**

- ❖ What do you mean by a living document?
- ❖ Explain Constitution as living document?
- ❖ 'Indian Constitution is a living document'. Explain
- ❖ Who amend the Constitution of India?
- ❖ Discuss the amending procedure to Indian Constitution?
- ❖ List some further changes required in Constitution?



Unit 11

Introduction to Political Theory

Learning Objectives

In this chapter you will be able to understand:

- **Meaning and definition of Political theory, political science and politics**
- **Significance and utility of political theory**
- **Political and Non Political Domains**
- **Politics and reasoning**

Theory

The word theory has been derived from a Greek word 'Theoria', which means "to explain" or a well focused mental look taken at something in State of contemplation with intent to grasp it

Political Theory

The term political theory consists of two words, Political and Theory. The word theory has been derived from a Greek word 'Theoria', which means "to explain" or a well focused mental look taken at something in State of contemplation with intent to grasp it. Therefore the political theory implies to explain political phenomena or theory about political things and concepts.

Some definition of political theory

Some definitions of political theory are as under:

1. According to **Sabine**, "Broadly, political theory means as anything about politics or relevant to politics and narrowly as the disciplined investigation of political problems."
2. According to **Andrew Hacher**," Political theory is combination of of a disintegrated search for the principles of good State and good society on the one hand and disinterested search for knowledge of political and social reality on the other."
3. According to **J.G. Plano**," Political theory is a body of thought that seeks to evaluate, explain and predict political phenomena."



Significance and utility of Political theory

Political theory is important because of following reasons:

- 1) It helps us to understand the political realities.
- 2) It simplifies the knowledge and converts the facts into symbols to make them easy to remember and define.
- 3) It helps to resolve the problems peacefully and makes a way for the development of the States.
- 4) It is helpful to politicians, common citizens, rulers and leaders as such it provides them knowledge of the political system.
- 5) It is useful for scientific explanation of the political events.
- 6) It helps to understand and explain the nature and cause of social change.

Political science

The term political science has its roots in the Ancient Greek word 'Polis', which means "City-State". In present times there are big as well as small States, therefore, political science is that branch of social science which is basically concerned with the study of State. However, it is now concerned with study of various concepts like State, government, power, political system, authority, political institutions, organizations etc.

What is politics, how is it different from political science

In ancient times Politics was used instead of political science. Both the terms have been derived from ancient Greek word "polis", which means city-State. Therefore, in past politics was the study of State. However in modern times there is difference between the two terms. Politics is concerned with practical aspect of political science and the political science is theoretical aspect of politics.

Some definitions of politics

Some important definitions of politics are as under:

1. According to **Garner**, "The meaning of the term politics is confined to that part of business and activity which has to do with the actual conduct of the affairs of the State."
2. **Oxford Dictionary** defines Politics as "the science and art of government."
3. According to **David Easton**, "Politics is the study of authoritative allocation of values as it is influenced by the distribution and use of power."
4. According to **Max Weber**, "Politics is the struggle for power."

Some Traditional and modern definitions of political science

I. Traditional definitions

1. According to **Garner**, "Political Science begins and ends with State."



2. According to **Seeley**, “Political science investigates the phenomena of government as Political Economy deals with wealth, Biology with life, Algebra with numbers and Geometry with space and magnitude.”
3. According to **Gilchrist**, “Political science deals with general problems of the State and government.”

II. Modern definitions

1. According to **Robson**, “It is with power of society that political science is primarily concerned.”
2. According to **Lasswell and Kaplan**, “Political science is an empirical inquiry in the study of shaping and sharing of power.”
3. According to **Robert A. Dahl**, “Politics involves group of people with conflicting interests competing for government power conflicts like these are the means of politics.”

Scope of Political Science

The major concerns of political theory are as under:

1. **State** is the major concern of political science. In it we study the past, present and future of State.
2. Another important field of political science is the study nature, forms, organs, functions etc of the **government**.
3. The study of different **theories and thoughts** like idealism, socialism, fascism etc is an important field of political science.
4. According to modern political scientists, **power** is the central point of political science. It struggle for power.
5. According to David Easton Politics is the study of **authoritative allocation of values** for society.
6. It is the study of **man as a whole**. According to them it is concerned with the relation and patterns of interactions between men.

Politics and non-political domains

Life of a man is having different aspects which are inter-related and inter-connected. Similarly the political aspect of society is inter-connected and inter-dependent on other aspects of society. The politics has now become a household item all over the world. Politics is being discussed and evaluated by every person at every place and every field of human development is looking forward to politics. By this phenomenon the politics has entered to non political domains, which can be further understood by following points:

1. The first and foremost concern of modern governments and scholars is the protection of **environment**. Different governments are framing laws for the protection of air, water, land and space. Laws for air pollution, water pollution,



soil conservation, prevention of deforestation has created new field of study and research in politics.

2. **Family and family rights** are being broadly discussed by politics. The need, efficacy, validity, evaluation of laws for prevention of dowry, domestic violence, sex determination and others issues related with women are being elaborated by the politics and political scientists.
3. Politics is more active in the field of **education**. The framing, implementation and efficacy of educational rights and right to education for all are being supported by the politics.
4. Politics is supporting the cause of welfare of **weaker section of society**. This support of politics to the weaker sections of society has helped in abolition of untouchability in India, apartheid in South Africa, rights for blacks in the USA.
5. Intervention of government in **domestic matters** is an important concern of politics this trend has resulted in the end of various social evils and domestic torture of women and children.

Politics and Reasoning

The scholars are not unanimous regarding the use of reasoning for politics. One school of thought believe that political argument cannot be resolved through reasoning, while as others believe that political argument can be solved through reasoning.

The political argument **cannot be resolved** through reasoning because:

- a) It very **difficult to accept** a reason as right or wrong. Sometimes a reason is right for one and the same reason is wrong for other. There is no universal definition of right or wrong. For example attack of USA on Iraq was right on the basis of 'weapons of mass destruction'. But the reason given later proved wrong.
- b) There is **no universal measuring** rod for political arguments. To communists the system working in China is the real democracy while as the others believe there is no democracy in China.
- c) Attack of the USA was justified for establishment of democracy in Iraq but others believe that attack was carried on for capture of oil fields. So the **objective** of political arguments is doubtful and cannot be resolved through reasoning.
- d) Most of the Political arguments are **opinion based** and are result of time and circumstances. Hence cannot be resolved through reasoning.

The political argument can be resolved through reasoning because:

- a) There is no scientific method for evaluation of political arguments but still there are opposite views which lead us to near the truth. By this the political arguments can be called as **right or wrong**.



- b) By reasoning the political arguments **can be tested** for the motives behind them. For example the “Coalition of Willing” was rejected by many of States only because of realization of motives behind the political argument.
- c) Reasoning **satisfies the validity** of political argument. The extension of reservation for SCs, STs and other weaker classes in India is satisfied by social and educational backwardness of these sections of society.
- d) Reasoning is the **base** of political argument. If the reason of development of all is development of nation is base of number of laws introduced in India for example right to education.

Learning Outcomes

After learning the chapter you should be able to **answer the following questions:**

- ❖ What do you mean by theory?
- ❖ What do you mean by political theory?
- ❖ What is politics?
- ❖ What is meant by political science?
- ❖ Give some definitions of Political science?
- ❖ Give some modern definitions of Political science?
- ❖ Give some traditional definitions of Political science?
- ❖ Give some definitions of Politics?
- ❖ Give some definitions of Political theory?
- ❖ Discuss the significance of political theory?
- ❖ Enumerate some subject matters with which political science deals?
- ❖ “Politics has entered in the non political domains.” Comment.
- ❖ “Political argument **cannot be** resolved through reasoning”. Discuss?
- ❖ “Political argument **can be** resolved through reasoning”. Discuss?



Chapter No. 12

Ideal of Freedom

FREEDOM

Freedom means absence of constraints. Freedom is said to exist when external constraints on the individual are absent. In terms of this definition an individual could be considered free if he/she is not subject to external controls or coercion and is able to make independent decisions and act in an autonomous way. However, absence of constraints is only one dimension of freedom. Freedom is also about expanding the ability of the people to freely express themselves and develop their potential. Freedom in this sense is the condition in which people can develop their creativity and capabilities.

The concept of freedom is necessary condition for free and full development of our personality. According to T. H. Green—Freedom is the positive power or capacity of doing and enjoying some thing worth doing and worth enjoying.

Freedom does not mean the absence of restraints. Freedom can be enjoyed only in the presence of reasonable constraints. According to M. Kechni, “Freedom is not the absence of all restraints but rather the substitution of rational ones for irrational.” Reasonable constraints are the safeguards of liberty. Only the reasonable restrictions curb the liberty. Social constraints must be there if we are to live together in a society. Man is a social animal but man is selfish also. There must be social constraints to regulate their conduct. Deepa Mehta, film maker, was interested in making film on the conditions of windows of Varanasi. However, she was not allowed because there was a strong protest from a section of the polity who felt that it would bring bad name to India. The film ‘The Last Temptation of Christ’ and the play ‘Me NathuramBoltey’ were also banned after protests.

Reasonable and just constraints on freedom are possible when law ensures equal freedom for equal men it is said that law is the first condition of liberty. Laski maintains that, by liberty I mean the eager maintenance of that atmosphere in which men have the opportunity to be their best selves. Freedom also means free enjoyment of rights by the people. There can be no liberty without rights.

Limitations

Ans. Freedom generally means limited, restricted and controlled freedom. John Stuart Mill Stated so eloquently in his ‘Essay on Liberty’.



Mill introduces here an important discussion. He distinguishes between self regarding actions i.e, those actions that have consequences only for the individual actor and nobody else and other regarding actions i.e. those actions that have consequences for others. He argues that with respect to actions are choices that effect only once self, self regarding actions, the State has no business to interfere. In contrast, with respect to actions that have consequences for other, actions which may cause harm to them, there is some case for external interference. In this case it is the State which can constraint a person from acting in a way that causes harm to someone else .

ELOBERATION

Freedom' is absence of constraints. Freedom is said to exist when external constraints on the individual are absent. Interm of this definition an individual could be considered free if he/she is not subject to external controls or coercion and is able to make independent decisions and act in an autonomous way. However, absence of constraints is only one dimension of freedom. Freedom is also about expanding the

and develop their potential. Freedom in this sense is the condition in which people can develop their creativity and capabilities. Both these aspects of freedom — the absence of external constraints as well as the existence of conditions in which people can develop their talents — are important. A free society would be one which enables all its members to develop their potential with the minimum of social constraints. No individual living in society can hope to enjoy total absence of any kind of constraints or restrictions. It becomes necessary then to determine which social constraints are justified and which are not, which are acceptable and which should be removed. To understand which social constraints are necessary, discussions on freedom need to look at the core relationship between the individual and the society (or group).

Negative and Positive Freedom

Freedom cannot be absolute .We must understand that human beings live together, therefore restrictions are necessary on the actions of men living in the society. As Montequi says ,freedom is what an individual can do under laws .Such freedom which is within the circles of law is positive freedom. In other words positive freedom is the presence of necessary restrictions for the collective good of the society.

On the other hand negative freedom is the absence of restrictions, restraints and constraints. Such freedom is possible only in animal world.



Freedom / Liberty

Both Liberty and Freedom are synonyms. The term “liberty” is a form of “freedom.” Since both of these terms may mean the same thing, and one can be used in place of the other. Sometimes it can get confusing, and people find it hard to decide which word to use as in the case of the words “freedom” and “liberty”.

“Liberty” is defined as “the right and the power to believe, act, and express oneself as one chooses, of being free from restriction, and having the freedom of choice. It is the condition of having the power to act and speak without restraints.”

Liberty is the condition wherein individuals behave according to their will and govern themselves, taking responsibility for their actions and behaviors. Having liberty does not necessarily mean going against ethics and moral values. It is classified into: positive liberty wherein individuals act on their own will without being influenced by social restrictions and taboos, and negative liberty wherein individuals act without being influenced or coerced by other people.

The word “liberty” comes from the Latin word “libertatem” which means “freedom” or “condition of a freeman.” It came into the English language through the Old French word “liberte” which means “freedom.”

“Freedom,” on the other hand, is defined as “the State of being free to enjoy political, social, and civil liberties. It is the power to decide one’s actions, and the State of being free from restraints or confinement. It is synonymous to the words liberty, privilege, deliverance, and independence.

It is also referred to as “free will.” The ability of each individual to make choices that are free from coercion or restriction. Even if an individual has free will or freedom, he is still bound to conform to religious and ethical doctrines because he is accountable for all his actions.

Freedom is enjoyed by all individuals except those who are in prison. People who have been coerced into doing something because they have conflicting ideas about it, although it is what they themselves desired to do, are also said to have exercised their freedom.

The word “freedom” comes from the Old English word “freedom” which means “State of free will, charter, or deliverance.” It in turn came from the Indo-European word “priyos” which means “dear” or “one’s own.” The word “freedom” is more concrete than the word “liberty” which is more associated with the notion of liberty in



connection with the State. Freedom usually pertains to a person's choices in everything that he does.

Summary:

- Both Liberty and Freedom are synonyms. The term "liberty" is a form of "freedom." The term 'Liberty' relies heavily on implication of responsibility and duty, and attachment to a greater whole society or philosophical belief system. In contrast, freedom means the raw ability to act and do as one wills.
- In other words "Liberty" is the power to act and express oneself according to one's will while "freedom" is the power to decide one's actions.
- Freedom" is a more concrete concept than "liberty".
- Liberty" comes from the Latin word "libertatem" which means "condition of a freeman" while "freedom" comes from the English word "freedom" which means "State of free will."

Importance of Freedom

Freedom is one of the basic human needs that people can't live without it. Without its existence, man does not have the ability to think about what he wants, to implement his ideas and to transform them into a reality. This is reflected in his achievements in all fields. Freedom is one of the most important things that human struggle for in human history, because of the restriction of freedoms on human life, as in the past, rich classes placed restrictions on minorities and poor classes. There are many types of freedom that are related to man, and the question now is, what are the types of freedom?

Types of freedom

There are many types of freedom that are related to the affairs of human life, through which a person can do what he wants without the presence of pressure to prevent him from doing so, and the most important types of freedom is the following:

- Personal liberty: It is one of the most important types of freedom, which concerns with what the person wants to do in his life in general, where he determines the course of his life through his own choices without affecting anyone.
- Freedom of movement: It is a freedom that relates to the extent of human ability to move from one place to another without the presence of determinants to prevent his going to these places.



- Freedom of personal security: This means that the individual has the full freedom to act in accordance with the laws and regulations established without being restricted, arrested, detained or threatened with his private life.
- Freedom of thought: It is a freedom that is linked to human thought, where it is not permissible to restrict individuals intellectually, nor should be stolen ideas and intellectual achievements.
- Freedom of religion: Individuals are entitled to embrace the religions they want without being restricted, and freedom to perform all religious rituals and worships related to religions.

Control over Freedom

Human freedoms can't be left to individuals without being controlled in such a way as to make the individual obtain freedom without derogation. The most important of these controls are the following:

- Self-harmless: The freedom of man does not mean that he acts to harm himself out of personal freedom, he is self-reliant, and he must not harm himself in any way.
- Restricting the freedoms of others: Human freedom should not affect the freedom of others. Man's practice of his own freedoms excessively may sometimes affect the freedom of others. Here, the freedom of man ends when the freedom of the other begins.
- Respecting public order: In the practice of their freedoms, a person must observe the provisions of the law, and his freedoms do not conflict with the articles of the law in the country in which he lives. This works to control the freedoms of individuals and their effect on the general regulations of the State.

Revision Notes

1. Freedom is a liberty to do whatever a person likes to do or a positive power of doing enjoying the worth of work.
2. Freedom has the two aspects, i.e. positive and negative. Positive freedom refers to those rights which do not reach any harm to others if enjoyed as well essential for an individual's development. Negative freedom implies the absence of any restraints on freedom.
3. Freedom is considered valuable because it allows us to make choices and to exercise our liberty.
It permits the exercise of the individual's powers of reason and judgement.



4. Freedom can be classified as natural freedom, civil freedom, political freedom, economic freedom, religious freedom, individual freedom, etc.
5. Restrictions on the freedom of individuals may come from domination and external controls. Such restrictions may be imposed by force or they may be imposed by a government through laws which embody the power of the rulers over the people and which may have the backing of force.
6. The 'Harm Caues' must be 'serious'. For minor harm, Mill recommends only social disapproval and not the force of law. For example the playing of loud music in an apartment building should bring only social disapproval from the other residents of the building. They should not involve the police.
7. The existence of the 'minimum area of non-interference that human nature and human dignity need an area where the person can act unobstructed by others.
8. Various safeguards have been provided for freedom, i.e. democratic setup, equal rights for all, economic security Constitutional provisions, etc.
9. Freedom of expression require non-interference or should not be restricted because it is a fundamental value to be possessed by the people.
10. Though, a number of times, the demands have been raised to ban books, films, articles, journals, etc.
11. Banning is an easy solution for the short term to meet the immediate demand but it is Material downloaded from myCBSEguide.com. 2 / 2 very harmful for long term prospects of freedom in a society because once one begins to ban then one develops a habit of banning.
12. Constraints of different kind thus exist and we are subject to them in different Situations while reflecting on such situations we need to realise that when constraints are backed by organized social-religious or cultural-authority or by the might of the State, they restrict our freedom in ways that are difficult to fight against.

Assessment

1. Define freedom in terms of both its aspects.
2. Explain the negative and positive dimensions of freedom.
3. What are the sources of constraints on freedom?
4. Why do we need constraints?
5. Write a short note on liberalism.
6. Explain the 'Harm Principle' as given by JS Mill.
7. Explain the negative and positive liberty.
8. What arguments are given in support of freedom?

**Chapter No. 13****EQUALITY**

By the end of this chapter, we will be able to understand:

- ❖ **Meaning/concept of equality.**
- ❖ **Major forms of equality and inequality.**
- ❖ **How equality can be realized?**
- ❖ **Differences which create equality and differences which create inequality.**
- ❖ **Negative discrimination and positive discrimination.**
- ❖ **Affirmative action and reverse discrimination.**

Introduction:-

Equality is a powerful moral and political ideal that has inspired and guided human society for many centuries. It is implicit in all faiths and religions which proclaim all human beings to be the creation of God. As a political ideal the concept of equality invokes the idea that all human beings have equal worth regardless of their colour, gender, race or nationality. Modern societies are committed to the principal of equality and they no longer require inequality as automatically justifiable.

Explain the concept/meaning of equality?

Equality, along with liberty is a fundamental pillar of democracy. The revolutions in British in 1649 and 1688, in USA in 1776 and in France in 1789 Made right to equality by birth as their central plank. Men are born free and equal and they are free and equal in their rights.

In the modern period the equality of all human beings has been used as a Rallying Slogan in the struggle against States and social institutions which uphold inequalities of rank, wealth, status or privilege, among people. In fact, such distinctions violate our intuitive understanding of equality which tells us that all human being should be entitled to the same respect and consideration because of their common humanity.



However, treating people with equal respect need not mean always treating them in identical way. No society treats all its members in exactly the same way under all conditions. The smooth functioning of society requires division of work and functions and people often enjoy different status and rewards on account of it. As Laski wrote "the purpose of society would be frustrated at the outset if, the nature of mathematician met with identical response with that of a bricklayer."

Thus, equality implies in absence of discrimination on the grounds of caste, colour, creed, race religion etc, Secondly that adequate opportunities are laid open to all thirdly presence of rational or positive discrimination.

According to Barkar "The principal of equality means that, whatever conditions are guaranteed to me, in the form of rights shall also and in the same measure, be guaranteed to others, and that whatever rights are given to others shall also be given to me."

E.F Caritt "Equality is just to treat men as equal until some reason, other than preference, such as need, capacity or desert has been shown to the contrary."

Do all differences involve inequality?

Equality can be understood only in the context of prevailing inequalities. All human societies are characterized by some form of social inequalities of class, status, power and gender. Talking about equality, while Laski associated it with the absence of heredity privileges, availability of opportunities and universal access to socio-economic benefits. Bryan S. Turner has gone a step forward and talks of equality in terms of availability of opportunities, equality of conditions and equality of outcome or results.

Now, the question arises whether all differences involve inequalities or not? There exists many differences in our society some differences may create inequality where some may create equality. Differences on the basis of caste, colour, creed, sex, religion etc. will definitely result in inequality in society. Such inequalities are born due to indiscriminate differentiation in society. In India, the Hindu society through Brahminical traditions deprived the shudra or untouchable class of its basic rights likewise, in America, blacks were discriminated against whites on the basis of colour of skin. Similarity, in South Africa the policy of apartheid towards the blacks by the white minority was the most shameful example of social inequality.



There is no denying fact that no society treats all its members in exactly the same way under all circumstances. The smooth functioning of society requires division of work and functions and people often enjoy different status and rewards on account of it. At times these differences or treatment may appear acceptable or even necessary. For instance we usually do not feel that giving president or IAS officer, a special official rank and status goes against the notion of equality. Provided their privileges are not misused. But some other kind of inequality may seem unjust. For instance, if a child is born in a slum is denied nutritious food or good education though no fault of his/her own, it may appear unfair to us.

Human beings pursue different ambitions and goals and all may not be equally accomplished as long as they were able to develop the best in themselves. It is a common experience in our society that there are some persons with good comprehension of music and a few among them turn out to be good musicians, where other with excellent comprehension in literature or medicine fail to understand and acknowledge music based on individuals potential, interest, and hard work members of a society are acclaimed it doesn't mean equality has been undermined or hijacked. The commitment to the ideal of equality does not imply the elimination of all forms of differences. It merely suggest that the treatment we receive and the opportunity we enjoy must not be pre-determined by birth or social circumstance.

What are major forms of inequality?

Equality leads to resentment only when it is unjust. Equality requires a substantive reduction of inequality where they are thought to be unreasonable. In fact, inequality in society may be realized according to the prevalent idea of social justice.

Following are the major forms of inequality:-

- 1. Natural Inequality:** Natural inequalities are considered to be the result of the different characteristics and abilities with which people are born. It is quite common that man differ in talent, physique and capacity by birth the difference of physical mental and intellectual faculties are natural and can't be removed.
- 2. Social inequality:** Social inequality means discrimination between people on grounds of caste, colour, religion, sex, language, place of birth etc. such an inequalities are born due to indiscriminate differentiation in society. e.g In India shudra or untouchable class where deprived of its basic rights.
- 3. Civil inequality:** Civil inequality means that all people in a State does not have equality before law and equal protection of law and do not enjoy similar kinds of rights.



4. **Political inequality:** Political inequality implies that citizens are being denied basic political rights and are being deprived from the participation in political system. For a very long period of time women's were not being given right to vote.
5. **Economic inequality:** Economic inequality is gaining a strong ground in modern democracies. Unequal distribution of wealth and resources, low, wages and denial of right to work has increased the gulf between the rich and the poor leading to glaring economic inequality. Economic equality does not mean that all the people should get equal wages. But by providing distribution of wealth and basic necessities to all, the government should provide adequate opportunities for reducing economic inequality.

How can equality be realized?

The term equality is indefinable, it can be realized and understood in contradistinction with inequality. It would be correct and reasonable to say that men ought to be treated unequally, because they are of unequal rank, circumstances, ability or race. As a matter of fact realization of complete equality in any societal arrangement seems utopian . Equality can only be achieved when we have a social order which is based on the identity of interests, roles, power and authority in different sectors of human life. Equality can be realized under following circumstances:-

1. **Equality before law and equal protection of law:** The first step towards bringing about equality is of course ending formal system of inequality and privileges. There should be no discrimination among individuals on the grounds of wealth, caste, religion etc. Both equality before law and equal protection of law aims to establish the equality of status and opportunity.
2. **Absence of special privileges:** It implies that no one should be given any special privilege on grounds of religion, race, sex, caste, place of birth, political office etc.
3. **Adequate opportunities to all:** It mean all individuals should be given adequate opportunities for self-development. People must be provided with adequate and sufficient opportunities so that no one's talent remain stunted.
4. **Rational discrimination:** Absence of special privilege and adequate opportunities for all does not stop the State from taking special steps for those persons who are born with disability or born in backward areas. Special educational institutions are being provided for special abled persons. In India the Constitutions grant benefits for scheduled castes, scheduled tribes, other backward classes by giving them reservation in government jobs. Similarly



person with special ability are also given reservation in government jobs and other spheres of life.

- 5. Realization of social, Economic and political equality:** Social, economic and political inequalities all over the world have been protected by customs and legal systems that prohibited some sections of society from enjoying certain kinds of opportunities and rewards. Poor people were not given right to vote for a long period of time in a large number of countries. Women were not allowed to take up many professions and activities and were not given equal pay for equal work. In order to achieve social, economic and political equality all such restrictions and privileges should be brought to an end. People should be guaranteed equal rights and opportunities in every sphere of life.

Does equality imply sameness?

Equality is not identity of treatment or reward. there can be no ultimate identity of treatment so long as men are different in wants capacity and needs. As Laski wrote "the purpose of society would be frustrated if the nature of a mathematician met with identical response with that of a bricklayer. Also inequalities gifted by nature are an inescapable fact and it has to be accepted in society. Injustice arises as much from treating unequal's equally as from treating equals unequally.

The ideal of equality does not mean that all material goods, income and educational opportunities should be equally distributed among members in the society. It rather means that men who differ in their physical and mental faculty, attitude and skills, talents and energies should be given adequate opportunities for development of their personal skills and productive capacity. In terms of education tanning, material comforts etc.

The literal equality is a utopian idea. Equality is the creation of society where there are no special privilege and all individuals are given opportunities to develop their personality. No one should be given any special privilege and there should be no discrimination on the basis of birth, caste, religion and colour. Laski wrote, "whatever rights inhere another by virtue of his being a citizen must inhere and the same extent in me also".

According to Oxford English dictionary, the equality means:-

1. The condition of having equal dignity, rank or privileges with others.
2. The condition of being in power, ability achievement or excellence.
3. Fairness, impartially, equally, due proportion.



Equality should therefore be based on rational grounds. It is therefore essential that every individual is offered adequate opportunity and there is no discrimination in this regard. If people are not offered adequate opportunities for development their talent would remain stunted. Equality therefore implies that all people should be offered an adequate opportunity for self development. Individuals should not lose the opportunity to develop themselves due to shortage of resources or low status in society.

Equality does not mean sameness where all are same in all respects. People differ in talents, pursuits, tastes and traits. What equality literally implies is according to spitz, demand for right man in the right place. Talented person should not be stopped from reaching the higher levels of hierarchy and privileged section should not work to the disadvantage of the weaker sections.

According to Friedman, it is clear however, that the principal of absolute equality between individuals of all classes and races cannot be understood in a rigid sense. It means the abolition not of natural differences, which it is not within man's power to abolish, but of man - made differences inherent in the organization of society. It is these which it is the task of law, in democratic societies, to remove.

Equality therefore, has both negative and positive implications. Negatively it means absence of special privileges for any class, elite or race. Positively, equality implies that all individuals should get an adequate opportunity for self development. Equality also allows reasonable discrimination. Special concessions are provided to the least advantaged or backward sections of society so as to enable them to compete with those who have a better social and economic background.

VERY SHORT ANSWER TYPE QUESTIONS

What is positive and negative equality?

Ever since the rise of the idea of equality, it has been engaged in dismantling certain privileges whether they were feudal, social, economic etc. Hence negative equality was associated with the end of such privileges.

Positively, it meant the availability of equal opportunity to all so that everybody could have equal chance to develop his personality.

**What is socialism?**

A principal of politics which favours social ownership and control of the means of social production so that all able-bodied persons could be suitably employed in productive work and all means of social production could be employed for the fulfillment of social needs.

Write a short note on capitalism?

An economic system of the modern age, largely based on industrial production in which the means of social production (land, building, mines forests, machinery and capital) distribution and exchange are owned by private entrepreneurs, and economic activity is primarily devoted to private profit.

What is welfare State?

The State that safeguards liberty of citizens and also takes care of satisfying their basic needs, e.g food, clothing, shelter, health care, elementary education and recreation, etc. particularly of those who cannot afford these things from their own income or other resources. It makes use of public resources and taxation of the relatively rich to private for a vast network of social service and social security.

Explain the term creamy layer?

Creamy layer means top layer of society and is used to that part of backward community which is relatively advanced and well off. This part is sought to be excluded from the concessions for the backward community in question.

What is mean by affirmative action?

Public policy which accords special concession in matters of admission to sought after courses of education and training, appointment, promotions, housing, health care etc. to those who were deprived of adequate opportunities in an open competition, particularly due to some discriminatory practices of the past. Affirmative action is meant to compensate the relevant sections (e.g. women, blacks, backward community etc.) for the injustice meted out to them in the past.

What is reverse discrimination?

If the principal of equality is interpreted to concede discrimination in favour of some deprived section, this would not go unchallenged. In the U.S.A. This issue has given rise to a debate on reverse discrimination. It means that when favoured treatment is accorded to the 'hitherto deprived sections', particularly to blacks and women, others



have a ground to complain that they are being deprived of equality of opportunity. In other words, discrimination in favour of the deprived sections results in discrimination against the general category.

Test your comprehension:-

- Some people argue that inequality is natural while others maintain that it is equality which is natural and the inequalities which we notice around us are created by society. Which view do you support? Give reasons.
- There is view that absolute economic equality is neither possible nor desirable. It is argued that the most a society can do is to try and reduce the gap between the richest and poorest members of society. Do you agree?
- "Equality means adequate opportunities for all". Explain?
- "Equality means absence of special privilege". Comment.
- What is rational discrimination in terms of equality?
- What are major forms of equality and inequality? Explain.
- How can we promote socio-political and economic equality.
- Do all differences involve inequality? Explain.
- Does equality imply sameness? Comment.
- What is difference between positive and negative equality?
- How equality can be realized? Explain by giving examples from India.



Chapter No. 14

SOCIAL JUSTICE

By the end of this chapter, we will be able to understand:

- ❖ **Concept and meaning of justice.**
- ❖ **Justice as fairness.**
- ❖ **Relation between justice and equality.**
- ❖ **Major forms of justice and injustice.**
- ❖ **Evolution of concept of justice.**
- ❖ **Rawl's theory of justice.**

Introduction :-

Justice is of central importance in political practice and theory. Political thinkers since earliest times have been trying to formulate the concept of justice. However, with the dawn of modern consciousness, especially under the influence of the principles of democracy and socialism, this concept has been thoroughly transformed. As a result the traditional view of justice has given way to the concept of social justice. In a nutshell, the problem of justice in the contemporary world is concerned with determining logical criteria for the allocation of goods, services, opportunities, benefits, power and honours as well as obligations in society, particularly in a scarcity situation. Hence, the quest for justice is concerned with just allocation of benefits as well as burdens.

Explain the meaning of justice?

The word "Justice" is derived from the Latin word "Jungere" (to bond, to tie together) and jus (a bond or tie). As a bonding or joining idea, justice serve to organize people together into a right or fair order of relationship by distributing to each person his/her due share of rights and duties, rewards and punishments. The Roman Emperor, JUSTINIAN, Stated some of the precepts of justice (A) Not to harm or injure others. (B) to allocate to each what is due to him/her. Aristotle defined justice as to treat equals equally and unequal's unequally in proportion to their inequalities.

As a moral-political value, justice is inter-linked with such other moral-political values as liberty equality and fraternity. What makes a society or State just a basic sense is its right or fair ordering of human relations by giving to each person her/his due



rights and duties as well as due rewards and punishment. Justice does this by bringing about adjustment between the principle of equality, liberty, co-operation etc.

The idea that justice involves giving each person his due continues to be an important part of our present day understanding of justice. However, our understanding of what is due to a person has changed from the time of plato. Today our understanding of what is just is closely linked to our understanding of what is due to each person as a human being. According to the German philosopher Immanuel Kant, human beings possess dignity then what is due to each of them is that they have the opportunity to develop their talents and pursue their chosen goals. Justice requires that we give due and equal consideration to all individuals.

According to SALMOND, "JUSTICE means to distribute due share to everybody." According to D.D. Raphael, "Justice protects the rights of the individuals as well as the order of the society."

According to Plato, "justice in ideal State only prevails when philosopher rule wisely, soldiers fight bravely and workers work honestly and that all are equal before law."

Is justice all about fairness?

The concept of justice is one of important subject of political science. Justice has been playing an important role in human society since man started leading a civilized life. In ancient times when man talked about moral justice the ideal of a just and fair society improved to lead a just life. Gradually, however, the society became complex and men become individualistic. It was at this juncture the value of social justice increased significantly. Man started sacrificing societies interest to promote his own individual interests. The rise of vested personal interests led to conflicts in society. the resultant effect was social strife and civil war. The meaning of justice changed justice was now to create a bond between man and man among individuals and society thereby reducing social tensions. The task of justice was to strike a fair balance in society. It led to development of those circumstances in which a man could search the path of development of his personality. the society based on justice and fairness lays foundation of a civil society which can progress and prosper. Man in modern society has become quite selfish and justice strikes a fair balance by protecting the interest of weak against any discrimination.



"Justice as fairness, political not metaphysical" is an essay by John Rawls published in 1985. In it he describes his conception of justice. It comprises two main principles liberty and equality, the second is sub-divided into fair equality of opportunity and the difference principle.

Rawls arranges the principle in lexical priority, prioritizing in the order of the liberty principle, fair equality of opportunity and the difference principle. The order determines the priorities of the principle of the conflict in practice. The principle are, however, intended as a single, comprehensive conception of justice. JUSTICE AS FAIRNESS and not to function individually. These principles are always applied so as to ensure that the least advantaged are benefitted and not hurt or forgotten.

To achieve social justice in society Govt. might have to do more than just ensure that laws and policies treat individuals in a fair manner. Social justice also concern the just distribution of goods and services, whether it is between nations or between different groups and individuals within a society. If there are serious economic or social inequalities in a society. It might become necessary to try and redistribute some of the important resources of the society to provide something like a level playing field for citizens. Therefore, within a country social justice would require not only that people be treated equally in terms of laws and policies of the society, but also they enjoy some basic equality of life conditions and opportunities. This is seen as necessary for each person to be able to pursue his/her objectives and express himself. In our country for instance, the Constitution abolished the practices of untouchability to promote social equality and ensure that people belonging to 'lower' castes have access to temples, jobs and basic necessities like water. Different State government have also taken some measures to redistribute important resources like land in a more fair manner by instituting land reforms.

What is the relationship between justice and equality?

Ernest Barker (Principles of social and political theory 1951) has shown that justice represents a synthesis of the principles of liberty, equality and fraternity. Justice is the thread which runs through all these values and makes them part of an integrated whole. It reconciles their conflicts and contradictions and gives them the shape of universal principal of governance. Justice is the basic idea behind these values - we hold them in high esteem because they are the manifestations of justice. Justice is the last goal to which all these values should conform.



Like liberty, the relation between equality and justice is also controversial one. As we discussed above, what we find in society are a number of inequalities based upon age, sex, ability, education, social status, wealth opportunity etc. Inequality of wealth and social status lead to inequalities of power and dependence and subordination of many to the will of few. Historically, such inequalities have not only justified but also perpetuated. The Greek society was based on birth, status and caste. Early liberalism while championing the cause of legal and political equality did not bother about the economic and social inequalities resulting from freedom of contract, open competition and private property.

However, with the advent of socio-economic equality, the struggle against the prevailing inequalities became an important element of justice. Today, equality is invoked by every theory of justice in one form or the other. Justice demands that politics should operate to produce equality of opportunity, equality of treatment, uniform distribution of goods and services, one man one vote etc. Again only by applying the principle of equality before law and equality protection of law, one can be sure that his case will be treated at par with others. Equality thus become central to the theory of justice.

According to John Rawls, a just society would involve the maximization of equal basic liberties where the liberty of one person would not conflict with the liberty of others. Also, he outlines a set to proposals which would establish a sense of justice with respect to social and economic inequalities. His general concept of justice is that all essential social goods should be distributed equally among all, unless an unequal distribution of these goods would be to advantage of the least favoured members of the society.

Egalitarian, in contrast to libertarianism, therefore upholds substantive justice ensures positive improvement in the conditions of poor. It call removal of unreasonable inequalities in socio-political and legal spheres. While libertarians desire to maintain status-quo, egalitarians advocate a radical change in the distribution of benefits to ameliorate the lot of those subjects. Nobody would dare to disregard justice, everybody tries to prove that their stand conforms to principles of justice. Justice should strike a fair balance between liberty and equality.

**What are different forms of injustice?**

Injustice is a quality relating to unfairness or undeserved outcomes. The term injustice may be applied in reference to a particular event or situation or to a large status quo. The various forms of injustice are as follows:-

- 1. Political Injustice :-** Political injustice means that the political system of a country is not based on a written Constitution. People are denied right to vote, right to contest elections, right to criticize the government and right to hold public office. The political system is forced on people and is based on force and coercion.
- 2. Legal injustice :-** Legal injustice means absence of rule of law. People are denied equality before law and equal protection of law. The law is not based in public interest. Rather, it is monopolized by few vested interests, likewise legal inequality even includes those peoples representation who do not work for common good. Law should treat everyone equal.
- 3. Social injustice :-** Social injustice includes giving of privileges based on caste, colour, creed, religion, place of birth etc. it give privileges to few at the cost of maximum. In India, Untouchables and Dalits have been denied social justice for centuries due to rigid caste system.
- 4. Economic injustice:-** It means that the wealth and resources in a country are not distributed proportionately. The gulf between rich and poor increase. likewise, rich and elite sections are able to monopolies resources to their advantages while poor people are denied even the bare necessities of life which includes, clothing and shelter.
- 5. Moral injustice :-** Not speaking the truth, not showing any kindness, not keeping the promise, not behaving liberally, not keeping words etc. are included in moral injustice. When parents are not being taken cared of by their children it can be termed as moral injustice. When a man goes against the universal principles it is called moral injustice.

In which ways can justice be secured?

The decent or good society or polity must have several virtues, justice is according to a wide spread view, the first of them. Jhon Rawls said "the justice is first virtue of social institutions". Justice can be secured in several ways to maintain legal, economic, political and social justice in society, these include:-

- 1.** To establish justice, law should be just and should be based on public welfare.



2. Law should be made only by popularly elected peoples representatives. In arbitrary rule, laws are based on force and are therefore non-justifiable.
3. There should be equality before law and equal protection of law.
4. The basic minimum needs of all the people should be satisfied.
5. People should be given equal pay for equal work in similar circumstances.
6. People should be given an adequate opportunity to earn according to their capacity and develop their personality.
7. People should enjoy every political right like right to vote, right to be elected etc.
8. Judiciaries should be independent and impartial so that justice will prevail in society.
9. There should be no discrimination be made among individuals on the grounds of wealth, caste, sex, colour etc.
10. State should only interfere in individuals freedom to prevent exploitation and provide benefit to least advantaged section of society.
11. There should be no discrimination at public places like parks, restaurants, schools, cinema etc. on the basis of caste, colour, creed, religion etc.

Evolution of the concept of justice.

Justice has been evolved through several varied opinions these include:-

1. Justice in India political thought.

The ancient Indian thinkers like Manu and Kautilya propagated the Indian concept of justice. According to them justice exists in rule and law. Manu had divided law into civil and criminal matters. Kautilya has opined that only State could provide fair and impartial justice based on rule of law.

2. Justice in western political thought .

(a) Platos concept of justice :-

Plato gave his concept of justice in his book republic. Plato saw in justice the remedy for saving the society against two evils namely ignorance and political selfishness. Justice according to Plato meant that a man should do his work in the station of life to which he was called by his capacities.

(B) Aristotle's concept of geometrical justice:-

Aristotle identified justice with proportionate equality i.e. A man's right and awards must correspond to his worth and his contribution to society. According to him " if flutes are to be distributed they should be distributed among those who knows flute playing".

**(C) Modern concept of distributive justice:**

Modern writers gave the concept of distributive justice i.e. fair distribution of goods based on the criterion of fairness. The modern welfare State made a distinction between basic wants or needs and other needs or wants. It seeks to provide bare necessities of life to all. For the fulfillment of other needs, merit should be the criteria of taking decisions.

(D) Numerical concept of justice :-

The numerical concept of justice gives equal share to all. Bentham wrote, "Everyone is to count for one, nobody for more than one". It means that even unequal would be treated as equal. Modern liberal democracies are also based on this principle.

(E) Rawls concept of justice:- According to Rawls concept of justice, everyone is entitled to maximum liberty provided a similar liberty is provided to even least advantaged sections under similar circumstances. A law has to discriminate in favour of some people to ensure the large good of society. These are the least advantaged sections of society who have been deprived of their right and privileges.

(F) Liberal view of justice :-

Liberalism developed as a demand for freedom against the arbitrary rule of Monarchs. Bentham and Mill advocated a representative government. They regarded freedom of thought, speech and expression (civil liberties) as essential for just society. Liberals advocated a just society based on laissez-faire which meant that State had no control over economic matters. Laski and Green therefore revised the liberal concept of justice. The new concept was based on a commitment to both civil liberties and social justice where people were able to fulfill their basic needs of life.

(G) Marxian concept of justice :-

Karl Marx criticizes the capitalist economic system in which lower class was exploited by the dominant or capitalist class. The capitalist class is interested only in making profit through the institution of private property. According to him the present system had to be destroyed by proletariat or workers revolution. The State would wither away and a Stateless and classless society would be established. Justice would then be established as everyone would get according to his needs and wants.

Write a short note on social justice?

or

What steps have been taken by the Constitution India to secure social justice?

The term social justice in the wider sense, implies a recording of social life in such a manner that the material and moral benefits of social efforts are not cornered to a



tiny privileged class, but accrue to the masses to ensure the uplift of lower, weaker and underprivileged sections. In simple words, the concept of social justice is based on belief that all human beings are equal and that no discrimination should be made on the basis of birth, race, caste, sex etc. in other words social justice is based on social equality.

Indian Constitution has incorporate certain provisions in fundamental rights and DPSP to establish social justice in India.

1. **Article 15:-** Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth.
2. **Article 17:-** Abolition of untouchably and prohibition of its practice.
3. **Article 23:-** Prohibition of traffic in human beings and forced labour.
4. **Article 30:-** Right to minorities to establish and administer educational institution.
5. **Article 41:-** Rights to work, to education and public assistance in certain cases.
6. **Article 43:-** To secure a living wage, a decent standard of life and social and cultural opportunities for all workers.
7. **Article 46:-** to promote the educational and economic interests of SC,s ST,s and other weaker sections of the society and to protect them from social injustice and exploitation.
8. **Article 47:-** To raise the level of nutrition and the standard of living of people and to improve public health.

VERY SHORT ANSWER TYPE QUESTIONS

What do you understand by procedural justice?

Procedural justice is based on the idea of formal equality of persons i,e their equality as human beings or as subjects of rule of law, irrespective of their difference in gender, religion, race, caste, wealth etc. often rights based justice is seen as procedural justice.

What is substantive justice?

Substantive justice holds that test of justice in society consists in ascertaining whether poor and the under privileged have adequate opportunity to improve their lot. It demands that the opportunities of self development should be progressively extended to the underprivileged and disadvantaged section of society. Need based justice is seen as substantive justice.

**Write a short note on John Rawl's theory of justice.**

John Rawl's in his celebrated work 'A theory of justice' has pointed out that a good society is characterized by a number of virtues. Justice is the first virtue of good society. Justice is first but not a sufficient condition of good society.

Rawl's two principles of justice.

1. Each person to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
2. Social and economic inequalities are to be arranged so that they are both to the greatest benefit of the least advantaged consistent with the just saving principles as such inequalities are to be attached to the offices and positions which are open to all under conditions of fair equality of opportunity.

What is Authoritarian System?

A system of social organization where everything is required to conform to an established order and it is regulated by the person or group, which is recognized as the guardian of that order.

What is meant by open society?

A society where there is freedom to criticize the existing order in the light of a new logic and to reform or reformulate the existing institution by attaining public support for the proposed changes.

Explain the term utilitarianism?

A school of thought founded by Jeremy Bentham (1748-1832), which treats pleasure and pain as the chief motive force behind all human actions. The balance of pleasure over pain derived from a thing or a course of action is termed as utility which is the source of happiness. According to this view, the guiding principle of public policy should be the greatest happiness of the greatest number.

Test your comprehension :

- What does it mean to give each person his/her due? How has the meaning of "giving each his due" changed over time?
- Briefly discuss the three principles of justice outlined in the chapter? Explain each with example.
- Does the principle of considering the special needs of people conflict with the principle of equal treatment for all?
- How does Rawl's use the idea of a veil of ignorance to argue that fair and just distribution can be defended on rational grounds?



- What are generally considered to be the basic minimum requirements of people for living healthy and productive life? What is the responsibility of government in trying to ensure this minimum to all?
- "Libertarians and egalitarians laid foundation of relations between equality and justice". Explain?
- What are different forms of justice and injustice.
- What is justice? Describe its evolution and development.
- Indian Constitution is the best example to secure social justice? Comment.
- In which ways can justice be secured?
- What is procedural and substantive justice?



Chapter No. 15

Rights

Syllabus: How is Right different from any claim? What are the major kinds of right Claims? How do we resolve a conflict between individual and Community rights ? How does the State enable and obstruct rights?

Rights: Democracy cannot operate without rights .Everywhere citizens enjoy certain rights which are enshrined in the Constitution of that country .Rights are necessary conditions for personal, social, Economic, political, mental and moral development of man. Rights are not only required for the development of individual, but are necessary for the balanced development of society and social values .In short, Rights are Reasonable claims of the individuals recognized by the society and enforced by the State.

Kinds of Rights: Rights can be classified as :-

1. **Political Rights:** It helps citizens to secure their participation in the governance of the country. These rights are necessary for the strengthening democracy and democratic traditions of political system, these include Right to vote, Right to be elected ,Right to hold public posts ,Right to criticize the government etc.
2. **Civil Rights:** Civil rights aims at the fulfillment of elementary conditions of social life, these helps the individual in the development of his personality and enable him to live his life as well, Civil rights are available to all e.g. like freedom from arbitrary arrest ,right to petition ,rule of law, equality before law, freedom of speech ,assembly and demonstration etc.
3. **Economic Rights:** These rights are directly related to economic well being of the citizens living in a particular country. They ensure decent standard of living for all the people they are aimed against exploitation of man by man .Some of the economic rights are ,Right to work(employment) ,Right to economic security in (old age and sickness) ,Right to housing health care, and right to personal security.
4. **Religious ,Cultural and Educational Rights :**Religion is a matter of personal faith ,a citizen cannot be deprived of his Right to personal faith on any ground .Religious rights include ,Right to worship.

Education is most important means of empowerment ,enlightenment. Under 86 amendment right to free/compulsory education has been made, fundamental right under article (21A).

Culture in broader terms means language ,dress rituals, traditions, habits etc. It has been protect under article (29/30).



Meaning of Claim: Aristotle had rightly said by nature “Man is social animal “.In order to fulfill his needs, necessities ,desires, and aspirations ,he always needs help and assistance of others .He makes use of physical ,financial , technological and human resources to earn his means of living .All these resources led to certain claims from the society. These claims may be genuine or immoral there may be certain claims which may harm others only those claims which are moral ,genuine and fulfills collective good of society are recognized by the society and enforced by the State are called Rights .Rights are claims till not recognized by the society and enforced by the State.

Rights as claims, is there any difference: Rights are necessary for comfortable/ happiest cycle ,they are necessary for overall development of individual and society. Rights indeed are in the nature of claims but all claims are not rights, only those claims which are recognized by society and enforced by the State are called rights. Without such recognition and guarantee rights are empty claims.

Rights are different from claims on following ways:

1. Rights are claims which are recognized by then State. All claims don't get legal recognition thereafter all claims are not rights.
2. Claim is a stage which comes before right. A political or economic claim is made in the form of demand. If the claim is justified then it is recognized as right and is given legal sanction by the State, if not then it is rejected.
3. Thirdly all claims are not rights but all rights are claims .
4. If Rights are violated or infringed by the State /Private body they would be protected by the Constitution and judiciary of the country.

Claim to became right dependent upon Four conditions:

- I. Man is social animal, for the fulfillment of his amenities' of life, he always makes various demands to State ,there demand takes the form of claims which may be made by an individual or group.
- II. The claim can became a right only if it helps in the physical ,mental and spiritual development of the individual .
- III. Claim which hamper the development of interests of any particular group in society cannot be justified as right ,only those claims are recognized as right which aims at individual and collective good of the society .
- IV. Claims to be recognized as a right must be recognized by the society and enforced by the State.

Q. How do we resolve a conflict between individual and community rights?

Ans. All human beings living in this universe from millions of years have different temperaments and tastes, hence the rights which one wants does not resembles with other. There is always contradiction between the individuals and individuals. Rights of



individuals on one side and individuals with community rights on the other side. The conflict between the two arises when an individual rights infringes upon the community rights. Individual always wants more and more, he does not care, whether Rights provider (State or community) have resources and situation is conducive to provide the same.

Understanding this contradiction even founding fathers of Indian Constitution do put reasonable restrictions on fundamental rights liberties and freedoms which it provided to its citizens which include.

- a) To safeguard national unity and integrity of the country.
- b) Restrictions can be imposed for maintaining law and order .
- c) To defend peace and security of the country.
- d) To maintain public interest and order .
- e) To check defamation and disrespect of courts.
- f) To check encouragement to crimes .
- g) To implement directive principles mentioned in Article (39B) and (39 C) of the Constitution .

Q. How does the State enable and Obstruct Rights ?

Ans :Rights are not absolute and unlimited because ,citizens may misuse them for their vested interests and there may be clash between individual and State interests and may cause harm to States sovereignty and unity .Thirdly State may not have enough physical human and material resources to meet the requirements of the citizens. That is why individual freedom and liberties has to be exercised within some reasonable limits. Ordinarily citizens are allowed to enjoy all types of rights which are necessary for the development of individuals. But In special situations the rights of the individuals can be restricted .

States takes number of steps to see that citizens are enabled or able to enjoy these rights without any abstraction .It does not mean that State does not limit these rights every right has a corresponding duty. Rights are enabled by guaranteeing them through the Constitution by binding them with a set of interrelated steps and duties.

- I. The judiciary acts as custodian /Guardian of the Rights.
- II. State cannot interfere in the internal /Private affairs of the citizens.
- III. Constitutional provisions are made for a federal or decentralized State where executive and legislative authority is divided between central government and federal units (State).
- IV. Provisions are made for written Constitution which guarantees the rights of the citizens.

In addition to these adequate safeguard are provided by which if the right of any individual is violated or infringed .He /She can go to supreme court under article 32



and State high court (226) enjoyment of rights to people. The court defends the rights of the people by issuing writs of Habeas Corpus, Mandamus, Prohibition, Certiorari, Qua-warranto.

Q. Meaning and Kinds of duties:

The word '**Duty**' has been derived from the English word '**Debt**' which means "loan that has to be paid back". Duty is something that we owe to ourselves and others. Rights in the absence of duties are meaningless. A citizen performs a number of corresponding duties and obligations. In return for the protection and other blessings and benefits he receives from the State. He must feel grateful and perform a number of duties. It is upon the faithful performance of those duties that success and happiness in life depends.

Kinds of Duties:

1. **Moral Duties:-** Moral duties are those duties which have no legal sanctions behind them. Moral duties depend upon the sweet will of the citizens they may or may not obey them. Even if moral duties are not fulfilled, NO punishment is given by the State. For example it is our moral duty to speak the truth, to help the poor and needy, to respect parents, to help the neighbors and to keep good character.
2. **Legal Duties:-** Legal Duties are those which have a legal sanction behind them, these duties are compulsory and obligatory in nature. The violation of these duties leads to punishment for example, To pay taxes, to obey the laws of the State, to respect the Constitution and remain loyal to the States are legal duties.

Interrelation Between Rights and Duties:

Rights and Duties are the two sides of the coin. Rights always imply duties. We cannot enjoy rights unless we perform our duties and also unless others perform their duties towards us. Rights and duties always go together. A valid claim is both a right and a duty. If I want to enjoy freedom of movement I must perform the duty of letting other persons move freely. If I have right to work and earn my living, it is my duty to recognize the same right of others and concede to them those conditions in which they can also enjoy their right to work and earn their living.

The Relationship between rights and duties is very close. A right belongs to one individual imposes a corresponding duty on others. His right becomes their duty. My right to live means that it is the duty of others not to kill or injure me. Your right to be taught in the school implies, a) Your Duty to pay the fee, obey the rules of the school and maintain the discipline b) your teacher's duty to regularly meet your classes



and teach you. What is the right from the point of view of others who must allow him to enjoy the same without being obstructed. Every right of an individual is accompanied by the duty that he should use for the well being of the community. Rights should be used for promoting welfare of the society. E.g. we should use our freedom of speech to promote unity and feeling of brotherhood among different communities and castes. Rights are necessary for the meaningful life of the individual but at the same time it is the bounded duty of an individual to allow others to enjoy the same rights also.

Therefore, the importance of the rights depends on the performance of duties. We must perform our duties to enjoy our own rights and also to ensure enjoyment of rights by others. Rights without Duties are meaningless.

Right of a citizen in an democratic State:

The Right of Citizen in democratic State are as follows:-

1. **Right to vote:** Right to vote is the foremost political right. In democratic countries, everyone has a right to vote without any discrimination of caste, color, creed and sex. In India every adult who has attained the age of 18 years has a right to vote.
2. **Right to be elected:** in Democracy, every citizen has a right to contest elections. The State has right to prescribe certain qualification for the candidates who want to contest elections.
3. **Right to hold Public officers:** Every citizen has the right to hold public office. It means administration is not the monopoly or privilege of particular class. Any citizen can hold any public office provided he possesses the prescribed qualification for that office.
4. **Right to protect abroad:** Every citizen has right to seek protection of his State when he is in some foreign land. It means that every State must protect of his citizens when they are on visit to some foreign country.
5. **Right to criticize:** Every citizen has a right to criticize the government. In case the government does not work for the well being of the people. It is the duty of the people that they can make constructive criticism of the government.
6. **Right to Revolt:** Citizens have the right to resist or even revolt if the government does not protect age, life, liberty and property of the people.
7. **Right to life:** Right to life means that life of the people must be safe and secure.
8. **Right to family:** Right to family means that everyone shall be the right to marry and enjoys the family life.



9. **Right to property** : Right to property means the people can acquire ,hold, dispose and sell the property.
10. **Right to individual Liberty**: It means that the people enjoy personal liberty and nobody can illegally arrested.
11. **Right to equality**: It means that all persons are equal before law and there should no discrimination on the basis of caste, color and sex etc.
12. **Right to speech**: It means that people will have the freedom of speech, expression and press.

Objective Type questions

Q1. Who advocated theory of natural Rights ?

Ans .Locke.

Q2. Right to life ,Liberty and property are three natural rights proponed by English political theorist ?

Ans. Locke.

Q3. Right to vote ,to be elected, and hold public posts are which kind of rights ?

Ans. Political rights.

Q4. Rule of Law ,and Right to petition are which kind of Rights?

Ans. Civil Rights.

Q5. Right to Education has been guaranteed under which Article ?

Ans:Article 86 Amendment 2002 19(1).

Q6. Right to work ,adequate wages and property which kind of rights.?

Ans: Economic Rights.

Q7. Every State is known by the right that it maintainslaw ?

Ans: Laski.

Q8. Rights constitutes the essential commodities of good life, who said it ?

Ans: J.S Mill.

Q9.Who Said, Rights are what we may expect from others and others from us ?

Ans: Hobbes.

Q10. Right to marriage is a?

Ans: Social Right.

Long answer type questions

Q1. What are Rights? Whose rights are different from claims?

Q2. What are various types of Right claims?

Q3. How can we resolve the gap between individual and community rights? Explain?

Q4.What is Duty? Rights and duties are two sides of same coin Explain? What are relations between rights and duties?

Q5. How does the State enable and obstruct the rights ?



Short answer type questions

- Q1. Explain the meaning of Claim.
- Q2. What are Rights ?
- Q3. Explain the various types of Political rights ?
- Q4. Explain the various types of Economic rights ?
- Q5. What is difference between Moral and Legal Duties?

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Chapter No. 16

Citizenship

In this chapter students are expected to comprehend and learn;

1. Concept of citizen and citizenship
2. Different modes of acquiring citizenship
3. Global citizenship
4. Relationship between citizen and State

CITIZENSHIP

A Citizen is one who is a permanent resident of a State. The word “citizen” has descended from Greek ‘city-States’. According to Aristotle, an ancient Greek philosopher, a Citizen is a person who takes a direct and active part in the administration of the State. This concept of citizenship was possible in the Ancient Greek city-States, which used to be very small in population and territory. However, in modern times, a citizen is a person who enjoys certain rights and performs certain duties in a State.

Grounds of inclusion and exclusion

Ans. Citizenship is a legal relationship which binds an individual to the State of which he is a member. Laski offers a more positive conception of citizenship by defining as “contribution of one’s instructed judgment to public good”. This definition assigns a positive role to the citizen, viz., his duty to contribute his mite towards material and moral advancement of his fellow citizens and that humanity as a whole.

(A) Natural Citizenship: Natural citizens are citizens by birth. There are two practices which are observed regarding the acquisition of citizenship by birth – Jus-Sanguinis and Jus-Soli.

1. Jus-Sanguinis (Blood relationship): The citizenship of a child is determined by the nationality to which his parents belong, irrespective of the place of child’s birth. This principle prevails in Switzerland, Sweden, Germany, France, Rome, Australia and Italy.

2. Jus-Soli (Place of birth): A child acquires the citizenship of a State in which he is born. Citizenship is acquired according to the ‘Soli’ without any consideration of the nationality to which the child belongs.

(B) Naturalised Citizenship: Naturalised citizens are citizens by adoption. It is a special device for the acquisition of foreign citizenship. It is process by which the



foreigners acquire citizenship of any other State in which they wish to settle permanently. Naturalisation takes place through the following ways:

1. **Long Residence:** Sometimes aliens are naturalised on account of their residence for a particular period in that State. For instance, it is clearly States by the law of England, the U.S.A., that only those foreigners, who have resided there for at least five years, can acquire the citizenship of their States.
2. **Marriage:** A Marriage affects a change in the citizenship of the wife who follows the citizenship of her husband. Thus an English woman marrying a German will become a German citizen.
3. **Adoption:** The adoption of a new child also determines the new citizenship. For instance, if any German couple adopts the child of England, he acquires the citizenship, of his adopted parents, i.e, of Germany.

Citizenship may be lost under the following conditions:

1. **Long Absence:** Long absence from the home country is sufficient under the law of many States to exclude one from the fold of citizens. In France and Germany, citizens who absent themselves from their States for more than ten years may lose their citizenship.
2. **Marriage:** In many States a woman marrying a foreigner loses her citizenship in her own country and acquires the citizenship of her husband's country.
3. **Double Citizenship:** Sometimes a person acquires double citizenship. But on attaining adulthood he has to accept citizenship of only one country and he loses the citizenship of other country.
4. **Crime:** Citizenship may be lost by a man who is convicted of heinous crime.
5. **Adoption:** If a child is adopted by a foreigner he loses the citizenship of his country and the child acquires the citizenship of his parents.

We often assume that full membership of a State should be available to all those who ordinarily live and work in the country as well as to those who apply for citizenship. But although many States may support the idea of universal and inclusive citizenship, each of them also fixes criteria for the grant of citizenship. These would generally be written into the Constitution and laws of the country. States use their power to keep unwanted visitors out.



However, in spite of restrictions, even the building of walls or fences, considerable migration of people still takes place in the world. People may be displaced by wars, or persecutions, famine, or other reasons. If no State is willing to accept them and they cannot return home, they become Stateless peoples or refugees. They may be forced to live in camps, or as illegal migrants. Often they cannot legally work, or educate their children, or acquire property. The problem is so great that the U.N. has appointed a High Commissioner for Refugees to try and help them.

Global Citizenship

Ans. Supporters of global citizenship argue that although a world community and global society does not yet exist, people already feel linked to each other across national boundaries. They would say that the outpouring of help from all parts of the world for victims of the Asian tsunami and other major calamities is a sign of the emergence of a global society. They feel that we should try to strengthen this feeling and work towards a concept of global citizenship.

One of the attractions of the notion of global citizenship is that it might make it easier to deal with problems which extend across national boundaries and which therefore need cooperative action by the people and governments of many States. For instance, it might make it easier to find an acceptable solution to the issue of migrants and Stateless peoples, or at least to ensure those basic rights and protection regardless of the country in which they may be living.

Citizenship is the status of a person recognized under the custom or law as being a legal member of a sovereign State or belonging to a nation. The idea of citizenship has been defined as the capacity of individuals to defend their rights in front of the governmental authority. A person may have multiple citizenships. A person who does not have citizenship of any State is said to be Stateless, while one who lives on State borders whose territorial status is uncertain is a border-lander. A citizenship ceremony in Australia, Nationality is often used as a synonym for citizenship in English – notably in international law – although the term is sometimes understood as denoting a person's membership of a nation (a large ethnic group) In some countries, e.g. the United States, the United Kingdom, nationality and citizenship can have different meanings.

Many thinkers point to the concept of citizenship beginning in the early city-States of ancient Greece, although others see it as primarily a modern phenomenon dating back only a few hundred years and, for humanity, that the concept of citizenship arose with the first laws. Polis meant both the political assembly of the city-State as well as the entire society. Citizenship concept has generally been identified as a



western phenomenon. There is a general view that citizenship in ancient times was a simpler relation than modern forms of citizenship, although this view has come under scrutiny. The relation of citizenship has not been a fixed or static relation, but constantly changed within each society, and that according to one view, citizenship might "really have worked" only at select periods during certain times, such as when the Athenian politician Solon made reforms in the early Athenian State. Historian Geoffrey Hosking in his 2005 Modern Scholar lecture course suggested that citizenship in ancient Greece arose from an appreciation for the importance of freedom. Hosking explained:

It can be argued that this growth of slavery was what made Greeks particularly conscious of the value of freedom. After all, any Greek farmer might fall into debt and therefore might become a slave, at almost any time ... When the Greeks fought together, they fought in order to avoid being enslaved by warfare, to avoid being defeated by those who might take them into slavery. And they also arranged their political institutions so as to remain free men

Geoffrey Hosking suggests that fear of being enslaved was a central motivating force for the development of the Greek sense of citizenship. we require certain rights so that we are able to live our life with dignity and can progress and develop in our area of interests. We also require protection so that we are able to have our right to life and property. That is why we require State so that we can be protected from threats.(now duties of State has been extended to providing minimum quality of life. so we require State. Every individual is identified by their nationality and loyalty to their State

Nationality law

Each country has its own policies, regulations and criteria as to who is entitled to its citizenship. A person can be recognized or granted citizenship on a number of bases. Usually citizenship based on circumstances of birth is automatic, but in other cases an application may be required. Citizenship by birth. If one or both of a person's parents are citizens of a given State, then the person may have the right to be a citizen of that State as well. Formerly this might only have applied through the paternal line, but sex equality became common since the late twentieth century. Citizenship is granted based on ancestry or ethnicity and is related to the concept of a nation State common in Europe. Where jus sanguinis holds, a person born outside a country, one or both of whose parents are citizens of the country, is also a citizen. Some States (United Kingdom, Canada) limit the right to citizenship by descent to a certain number of generations born outside the State; others (Germany, Ireland)



grant citizenship only if each new generation is registered with the relevant foreign mission within a specified deadline; while others (France, Switzerland, Italy) have no limitation on the number of generations born abroad who can claim citizenship of their ancestors' country. This form of citizenship is common in civil law countries.

Born within a country (*jus soli*). Some people are automatically citizens of the State in which they are born. This form of citizenship originated in England, where those who were born within the realm were subjects of the monarch (a concept pre-dating citizenship) and is common in common law countries. Most countries in the Americas grant unconditional *jus soli* citizenship, while it has been limited or abolished in almost all other countries. In many cases, both *jus soli* and *jus sanguinis* hold citizenship either by place or parentage (or both) Citizenship by marriage (*jus matrimonii*). Many countries fast-track naturalization based on the marriage of a person to a citizen. Countries which are destinations for such immigration often have regulations to try to detect sham marriages, where a citizen marries a non-citizen typically for payment, without them having the intention of living together. Many countries (United Kingdom, Germany, United States, Canada) allow citizenship by marriage only if the foreign spouse is a permanent resident of the country in which citizenship is sought; others (Switzerland, Luxembourg) allow foreign spouses of expatriate citizens to obtain citizenship after a certain period of marriage, and sometimes also subject to language skills and proof of cultural integration (e.g. regular visits to the spouse's country of citizenship).

Naturalization. States normally grant citizenship to people who have entered the country legally and been granted permit to stay, or been granted political asylum, and also lived there for a specified period. In some countries, naturalization is subject to conditions which may include passing a test demonstrating reasonable knowledge of the language or way of life of the host country, good conduct (no serious criminal record) and moral character (such as drunkenness, or gambling), vowing allegiance to their new State or its ruler and renouncing their prior citizenship. Some States allow dual citizenship and do not require naturalized citizens to formally renounce any other citizenship.

Citizenship by investment or Economic Citizenship. Wealthy people invest money in property or businesses, buy government bonds or simply donate cash directly, in exchange for citizenship and a passport.



Citizenship is defined as full and equal membership of a political community. Full membership of a political community means that he/she enjoys all civil as well as political rights under the protection of the State in return of his/her loyalty to the State. Loyalty to the State means that he/she agrees to abide by the rules and regulations of the society, not be a disturbance to the society and follow his/her duties completely along with rights. We can understand full membership by taking an example of refugees. They do not have full membership of their country and hence they do not enjoy any rights and live like strangers in other country.

Equal membership means that all citizens have got equal rights. Nobody is discriminated on the basis of caste, religion, region and gender.

When we talk about citizenship, we talk about rights and along with duties. Citizenship is not only about State and citizens relations but also about citizen-citizen relations, and duties of citizens to State.

Indian Constitution has included citizenship in part 2. Citizenship can be acquired by birth, descent, registration, naturalisation and inclusion of territory. If an individual is born in a country, he/she automatically becomes citizen of that country.

Descent means that if his/her parents are born in that country, he/she automatically becomes citizen of that country.

Registration means by registering or applying for citizenship of another country.

Naturalisation means that person lives in the country for a minimum period of time and then naturally he/she acquires the citizenship of that country.

Inclusion of territory: if a country acquires a territory of a country, then the defeated country acquires the citizenship of a victorious country.

Revision Notes

1. Citizenship refers to the collective political identity of individuals of the State who enjoy some certain rights also.
2. A citizen is entitled to abide by the laws of a particular country in which one enjoys the rights as a citizen.
3. Equality of rights and status is one of the basic rights of citizenship.
4. An ideal citizen can be referred to possess the qualities to be educated, aware of rights and duties, to have a high gravity in character as well as to be loyal to the country.
5. In a democratic setup, the citizens enjoy the political rights also, i.e. right to vote, to contest elections, to form political parties and to hold public offices, etc.



6. The women's movement and the Dalit movement was held in our country and their Purpose is to change public opinion by drawing attention to their needs as well as to Influence government policy to ensure them equal rights and opportunities.
7. Every citizen is entitled to perform some certain duties also associated with the rights, i.e. Obedience of law, loyalty towards the State, cooperation with the public servants and Payment of taxes, etc.
8. A natural born citizen is the one who either born in the country or if one's parents are the citizens of a particular country.
9. One of the rights granted to citizens in our country, and in many others, is freedom of movement. This right is of particular importance for workers. Labour tends to migrate in search of jobs when opportunities are not available near their homes.
10. The citizenship of a country can be acquired by marriages, appointment as a government official, acquisition of a territory and purchases of immovable property, etc.
11. The right to protest is an aspect of the freedom of expression guaranteed to citizens in our Constitution, provided protest does not harm the life or property of other people or the State. Citizens are free to try and influence public opinion and government policy by forming groups, holding demonstrations, using the media, appealing to political parties, or by approaching the courts.
12. A basic principle of democracy is that such disputes should be settled by negotiation and discussion rather than force. This is one of the obligations of citizenship.
13. Awareness about the condition of the urban poor is growing among governments, N.G.O's and other agencies, and among the slum-dwellers themselves. For instance, a national policy on urban street vendors was framed in January 2004.
14. The rights and obligations of citizens are listed in the Constitution. There is also a provision that the State should not discriminate against citizens on the grounds of race/caste/sex/place of birth, or any of them. The rights of religious and linguistic minorities are also protected.
15. A good citizenship may be hindered by in differences, poverty, narrow growing and lack of education, etc.
16. Global citizenship makes the work easier to deal with the problems to extend across national boundaries and to need cooperative actions of the States on the issues of migrants, Stateless people as well as to ensure basic rights and protection, etc

ASSESSMENT

1. What is Citizenship. Is it a privilege or a matter of right?
2. What is the difference between citizen and a subject?
3. What is known by global Citizenship. How is it possible?
4. How is citizenship acquired and lost?
5. What are the Common Requirements to become a citizen of any State?



Chapter No. 17

Nationalism

Introduction

A nation is not any casual collection of people. At the same time it is also different from other groups or communities found in human society. It is commonly believed that nations are constituted by a group who share certain features such as descent or language, or religion or ethnicity. But there is in fact no common set of characteristics which is present in all nations. Many nations do not have a common language.

A nation is to a great extent an 'imagined' community, held together by the collective beliefs, aspirations and imaginations of its members. It is based on certain assumptions which people make about the collective whole with which they identify. Following are some of the assumptions which people make about the boundaries of a nation:

1. First, a nation is constituted by belief. Nations are not like rivers mountains or buildings which we can see and feel. A nation exists when its members believe that they belong together.
2. Second, people who see themselves as a nation also embody a sense of continuing historical identity. i.e, nations perceive themselves as stretching back into the past as well as reaching in to the future.
3. Third, nations identify with a particular territory. Sharing a common past and living together on a particular territory over a long period of time gives people a sense of their collective identity.

Nation and State

Nations, unlike other social groups, seek the right to govern themselves and determine their future development. They seek, in other words, the right to self-determination. In making this claim a nation seeks recognition and acceptance by the international community of its status as a distinct political entity or State. Most often these claims come from people who have lived together on a given land for a long period of time and who have a sense of common identity. In some cases such claims to self-determination are linked also to the desire to form a State in which the culture of the group is protected if not privileged.



To sum up, the right to national self-determination was often understood to include the right to independent Statehood for nationalities. But not only would it be impossible to grant independent Statehood to every group that sees itself as a distinct cultural group, or nation, it would probably also be undesirable. It might lead to the formation of a number of States too small to be economically and politically viable and it could multiply the problems of minorities. The right has now been reinterpreted to mean granting certain democratic rights for a nationality within a State.

Demands of nation upon citizens

Nation is a psychological concept. It means feeling of oneness. Nationalism is generally defined as a sentiment or a condition of mind of a group of people sharing something in common. Nation can make following demands on its citizens:

1. Citizen must be prepared to make any sacrifice for the glory and safety of the Nation.
2. Religious and cultural unity is another important thing that a Nation expects from its citizens.
3. Citizens must promote national sentiments among other people of the Nation.
4. Citizens must live together peacefully and promote humanism.
5. Every citizen must love his motherland. One who does not love his motherland is devoid of human heart.
6. The citizens must unite together for the welfare and progress of their nation.
7. The citizens must be loyal towards their nation.
8. The citizens must struggle for the freedom of their nation.
9. The citizens must help the nation during emergencies and render national service when called upon to do so.
10. The citizens should protect the sovereignty, integrity and unity of the Nation.

Basis of nationalism

The real form of nationalism can be seen in the middle age but the elements of nationalism are found in human organizations even before it. Various factors contribute to the progress of nationalism in modern time. Some of these factors/basis can be discussed as under.

1. **Human Nature:** Man cannot live without food and shelter. These are his biological needs. Besides this man have many other desires over and above those necessary for his physical existence. In him there is a tendency to develop group loyalties, love for his country, or patriotism. As such these new manifestations are necessary for nationalism.



2. **Geographical Unity:** Common territory or geographical unity is an important factor which helps the growth of nationalism in the hearts of the people. The people who reside on a fixed territory naturally develop feelings of cooperation, love and protection. They develop distinct habits, traditions, customs, and cultural interests etc, which help in promoting nationalism.
3. **Racial Unity:** Common race also helps in the formation and strengthening of nationalism. Generally, the people belonging to the same race have the same culture, language, religion, history, customs, traditions, problems etc, and these factors help the formation of national feeling among them.
4. **Common Culture:** Common culture is another factor which promotes nationalism. Unity of ideas and ideals help the people to be close with one another. They develop a strong sense of unity. But it can't be denied that common culture does not always help in the promoting or maintaining nationalism.
5. **Common Language:** Another factor which promotes nationalism is common language through which we can express our ideas to others we can understand others only through the common language. A common medium of expression creates sympathy understanding and a sense of belonging among the people.

Nation

Nation is a psychological concept. It means feeling of oneness. The word 'nation' is derived from the Latin word 'natio' which means birth or place. This term became famous during the French revolution and was used to mean 'Patrim'.

According to Bryce, "Nation is a union of men having social or ethnographic significance."

According to Bluntschi, "Nation is a union of people bound together by language and customs in a common civilization which gives them a sense of unity and distinction from all foreigners."

Nationalism

Nationalism is an ideology and movement that promotes the interests of a particular nation especially with the aim of gaining and maintaining the nation's sovereignty over its homeland. Nationalism holds that each nation should govern itself, free from outside interference, that a nation is a natural and ideal basis for a polity, and that



the nation is the only rightful source of political power. It further aims to build and maintain a single national identity—based on shared social characteristics such as culture, language, religion, politics, and belief in a shared singular history—and to promote national unity or solidarity. Nationalism, therefore, seeks to preserve and foster a nation's traditional culture, and cultural revivals have been associated with nationalist movements. It also encourages pride in national achievements, and is closely linked to patriotism. Nationalism is often combined with other ideologies, such as conservatism or socialism for example.

Nationalism holds that each nation should govern itself, free from outside interference (self-determination), that a nation is a natural and ideal basis for a polity, and that the nation is the only rightful source of political power (popular sovereignty). It further aims to build and maintain a single national identity—based on shared social characteristics such as culture, language, religion, politics, and belief in a shared singular history —and to promote national unity or solidarity. Nationalism, therefore, seeks to preserve and foster a nation's traditional culture, and cultural revivals have been associated with nationalist movements. It also encourages pride in national achievements, and is closely linked to patriotism. Nationalism is often combined with other ideologies, such as conservatism (national conservatism) or socialism (socialist nationalism) for example.

Throughout history, people have had an attachment to their kin group and traditions, to territorial authorities and to their homeland, but nationalism did not become a widely recognized concept until the 18th century. There are three paradigms for understanding the origins and basis of nationalism. Pre-modernism (perennialism) proposes that there have always been nations and that nationalism is a natural phenomenon. Ethnosymbolism explains nationalism as a dynamic, evolutionary phenomenon and stresses the importance of symbols, myths and traditions in the development of nations and nationalism. Modernism proposes that nationalism is a recent social phenomenon that needs the socio-economic structures of modern society to exist.

Nationalism and its parameters

The very important point which we come across at first place, is what is nation ? and what is nationalism?

Nation is an imagined community which is held together by common beliefs, aspirations, and imaginations of its members. it is based on assumptions which



people make on which they are identified. There is a sense of oneness on the basis of religion, race, language or belonging to a common State.

The common assumptions on which nationalism rests are;

- a. shared beliefs
- b. history
- c. territory
- d. shared political ideals
- e. common political identity
- c. territory

Now let us discuss these points.

Shared Beliefs

A nation does not consist of mountains, hills, territory, infrastructure and natural resources etc. but nation is made by its people. and a nation exists only when people believe that they belong together. They have a belief that they are one entity and together as one team, we have to take our country forward.

History

A nation like India shares history of its ancient and long civilization. She (India) shares her legends, historical memories, historical records. We also share our freedom movement. This sense of history binds us as one entity.

Territory

Sharing a common past and living together on a particular territory over a long period of time gives people a sense of collective identity. it helps them to imagine themselves as one community. people who see themselves as nation speak of homeland, fatherland, or holy land. for example: Jewish people say Palestine as their homeland.

Shared political ideals

India shares its political ideals like democracy, liberty, secularism, socialism, and equality. these ideals keep Indian people united. people have accepted these ideals as benefitting every section of community and are willing to live together. we are also bound by obligations and these obligations(duty) towards our country has kept us united.

Common political identity

India do not share a common religious and linguistic identity. This is because India has diverse religions, and in those religions also there are different sects. Also, India wanted to respect different religions so India never adopted a State religion. India is



a secular country. She (India) is not a Hindu country or a Muslim country or a Christian country.

We are identified as one political entity because we adhere to the values enshrined in our Constitution. We have accepted secularism, freedom and rights etc as the values in our Constitution.

National Self-Determination

Self- determination means right to govern oneself. nations always seek to govern themselves. This is because they get an international recognition and acceptance that they are one nation. Nations also lay claim to self- government because they can protect their culture and beliefs and their own people.

India also carried out long independence movement to claim right to self-determination. Self- government provides dignity and also confidence that they are not being ruled by any outside superior power.

Even today there are groups who are fighting for separate Statehood and self-determination. Tamils in Sri Lanka, Quebecois in Canada etc. But countries formed on the basis on nation have also led to increasing amount of violence, mass migration and riots. since, a cultural group when they get right to govern themselves and establish their Statehood, people from other cultural groups or minority groups start feeling marginalised and discriminated. so they migrate to other areas where they feel safe and their rights are protected. So, it is a paradoxical situation when cultural groups claim right to self- determination but at the same time other cultural or minority groups feel discriminated which leads to violence and backlash. if you remember, in chapter of citizenship we have talked about global citizenship where human rights of every individual is to be respected. global citizenship can solve the national self-determination paradox.

Also, other suggestion is that we need to make nations more democratic and inclusive. we need to accept the fact that it is a globalisation world and people are on the move for jobs, travel, marriage and for residence. So, we cannot follow restrictive definition of nation. nations need to be more democratic and inclusive now. they need to give Constitutional protection to minority groups. right to representation in legislative bodies can also be provided.

Merits of Nationalism.

Nationalism inculcates patriotic spirit. A man is prepared to make any sacrifice for the glory and safety of his/her country.



Nationalism is a unifying factor. it creates religious and cultural unity.

Demerits of Nationalism.

Nationalism is a threat to world peace. Nationalism many a times becomes the cause of many wars. people belonging to minority or other nation feels marginalised which becomes a cause of conflict and violence.

2. A nation upholding the values of nationalism regards its nations as superior to others and thereby creates hatred for other nations. for example: Hitler regarded Jewish race as inferior to Aryan race. and hence he carried out mass massacres of Jewish in order to exterminate them.

How can minorities problem be solved in a nation

Nations need to be made more democratic and inclusive. we need to accept the fact that it is a globalisation world and people are on the move for jobs, travel, marriage and for residence. So, we cannot follow restrictive definition of nation. they need to give Constitutional protection to minority groups. right to representation in legislative bodies can also be provided. also we can recognise a nation on the basis of political identity rather than reinforcing cultural, language or religious identity.

Tagore on nationalism

Tagore was against the concept of nationalism. he believed in internationalism rather than nationalism . he believed that humanity cannot be divided on the basis of nations or borders. equal rights and dignity need to be provided to everyone irrespective of the fact whether he/she is an indian, american or arabi.

Nationalism vs pluralism

Nationalism, a multidimensional concept oriented towards gaining and maintaining self governance and full sovereignty over a territory of historical significance to the group (such as its homeland). therefore seeks to preserve the nation's culture and often involves a sense of pride in the nation's achievements. Nationalism on the other hand accords a lot of importance to a homogenous \setup where love for one's State should come before everything else. It gives lesser importance to ideals of an individual if his stand is not in sync with the ideals of national interest. Therefore, nationalism can be both positive (Eg: Indian freedom struggle) or negative. Freedom struggle and can be negative if its excessiveness hurts its land's own people:- genocide by Hitler in Germany.

On other hand pluralism as a philosophy is the recognition and affirmation of diversity to permit peaceful co-existence of different cultures/ethnicities with in a land. Thus against the nationalism which focuses more on "single identity" as nation.



Pluralism is built upon a tolerance whereas nationalism may turn reactionary if there is minority-majority friction. Pluralism as a theory was advocated by scholars like Laski and MacIver. The principle idea behind pluralism is that State is no more than an association. Pluralists believe that man is multi-dimensional and not all of his needs can be fulfilled by the State therefore State is only a key stone of social architecture which has been propagated by man. Hence pluralists celebrate diversity and feel that the authority of State should be limited.

Nationalism on the other hand accords a lot of importance to a homogenous setup where love for one's State should come before everything else. It gives lesser importance to ideals of an individual if his stand is not in sync with the ideals of national interest. Therefore, nationalism can be both positive (Eg: Indian freedom struggle) or negative (Eg: Excessive nationalism – Nazi Germany)

Tagore's critique of nationalism

Tagore was opposed to the ideals of nationalism because he deemed nationalism as a recurrent threat to humanity because of its propensity for the material. He felt that it trampled over human spirit and upset man's moral balance. However, he did support national spirit. Tagore's criticism is very relevant today due to the new paradigm of emerging hyper nationalism and protectionism. This can be seen in the recent Brexit, US protests against Trump and other right wing movements which are against the broader ideals of humanity and brotherhood

Revision Notes

1. The nationalism is a sense of an independent nation that is combined together for the achievement of common goal.
2. The persons of a nation are known citizens of a country to enjoy political and civil rights to obey the laws of country.
3. An ideal citizen possesses some good qualities, i.e. well educated, aware of one's own rights and duties having staunch loyalty to the country and with lofty character.
4. The Republic Day parade in Delhi is a striking symbol of Indian nationalism and it brings out the sense of power, strength, as well as diversity which many associate with the Indian nation.



5. Nationalism refers to the right of self-determination to imply that every nation in the world should exercise a right to determine its destiny in all walks of life without interference of other States in the world.
6. Every nationalist is supposed to perform some duties, i.e. obedience of law, payment of taxes, cooperation with public servants and loyalty with the State, etc.
7. Nations are constituted by a group who share certain features such as descent, or language, or religion or ethnicity. But there is in fact no common set of characteristics which is present in all nations.
8. A nation is to a great extent an 'imagined' community, held together by the collective beliefs, aspirations and imaginations of its members. It is based on certain assumptions which people make about the collective whole with which they identify.
9. The Indian nation identifies with the rivers, mountains and regions of the Indian subcontinent.
10. State and society are distinguished from each other, i.e. a society has been originated before State and does not enjoy any sovereignty whereas a State has fixed territory and possess sovereignty also.
11. State and nation enjoy some distinctions, i.e. State has four essential elements but nation has none. Out of these sovereignty and definite territory are essential for a State. Material downloaded from myCBSEguide.com. 2
12. A nation-State which does not respect the rights Nationalism and cultural identity of Minorities within the State would find it difficult to gain the loyalty of its members.
13. The Indian Constitution has an elaborate set of provisions for the protection of religious, linguistic and cultural minorities, .that is, in ensuring that people with different cultural and ethnic identities live and coexist as partners and equal citizens within the country. This may be essential not only for resolving problems arising from new claims for self-determination but also for building a strong and united State.
14. State and government are also distinguished, i.e. government is an essential element of State.



15. Where a State is exclusively composed of one nationality, it is a nation State. But where we have a State to consist of more than one nationality or where a nationality is spread over several States, the State and nation do not coincide.
16. Nation refers to be a self-governing nationalist.

ASSESSMENT

1. What is a nation? How are people bound in a nation?
2. What is nationalism? How can nationalism promote social and economic development?
3. What is right to self-determination?
4. What is a nation State. How is it different from a multi-cultural State?
5. What are limitations of nationalism?
6. Do you think nationalism is a dangerous trend in multi-cultural States? How
7. What is the role of democracy in multi-nationality of a State like India?

**Chapter No. 18****SECULARISM**

By the end of this chapter, we will be able to understand:

- ❖ **Meaning and domain of secularism.**
- ❖ **What is secular State?**
- ❖ **India as a secular State.**
- ❖ **Communalism and theocracy.**
- ❖ **Models of secularism.**

Introduction :-

Though Jews faced discrimination for centuries throughout Europe, in the present State of Israel, Arab minorities, both Christian and Muslims are excluded from social, political and economic benefits available to Jewish citizens. Subtle forms of discrimination also continue to persist against non Christians in several parts of Europe. The condition of religious minorities in India and the neighbouring States of Pakistan and Bangladesh has also generated considerable concern. Such examples remind us of the continuing importance of secularism for people and societies in today's world.

Secularism is a political philosophy that addresses the relationship between religion and the State: put briefly, it advocates the separation of religion from the State. It protects every persons freedom to choose what to believe or what not believe, within the law. This protects religious people from other religious people as well as from people whose beliefs are not religious, and vice - versa. It advocates that the State should not be involved in matters of religion and religion should not be involved in matters of the State.

What is Secularism?

Secularism is a work which originated in western State and is related to the separation of the church from the State, giving the State position of neutrality between different religions while at the same time guaranteeing all citizens the right to profess any one of them. The word was given by Machiavelli in 15th century when he propagated separation of religion from politics. Hobbes, locke and Rousseau also supported this segregation. In 1846 George H. Holliyak coined the word secularism. In some ways, the word 'secularism' is used in contrast with the word religion. However, this is a mistaken belief. Broadly speaking secularism is not to be seen as



opposite to religion, but as divorced from all religions or religion. This divorce is on the part of State which separates itself from religions.

Secularism opposes inter-religious and intra-religious dominations. It promotes freedom within religions, and equality between as well within religions. Secularism means freedom of religion and non-interference policy of State in to religious matters. According to encyclopedia Britannica the tem secular means non-spiritual having no concern with religious or spiritual matters."

According to Dr. Radha Krishnan " secularism does not mean irreligion or atheism or even stress on material comforts. it proclaims that it lays stress on the universality of spiritual values which may be attained by variety of ways".

According to Indira Gandhi " Secularism is neither a religion nor indifference to religion but equal respect for all religions, not mere tolerance but positive respect without it there is no future for the nation".

Which domain of life does secularism relate to?

Secularism is not an exotic concept planted in India from the west. Its domain is related to religion. It grew out of the thoughts and feelings which emerge gradually from the intermingling of different groups and communities in consequence of the impetus given to it by changes in social, economic and political life. The domain of secularism provides a composite culture which blends various separate elements into a single whole.

Secularism in relation to religion enjoys a special status in India. it is the integral part of the composite Indian culture. India is a vast country with people of various communities living here these may include Hindus, Muslims, Sikhs, Christian, Buddhist and Presets. Maintenance of co-existence between so many religious philosophies' has been the result of the secular philosophy prevailing in India. The soul of secularism is vested in India culture. The sate gives full religious liberty to people in matters of faith, following of religious scriptures and maintenance of religious institutions.

In India, the concept of secularism has been portrayed in terms of religion. The word has been misinterpreted as something dealing with religious affairs. In reality the



term secularism is much wider than religion the alternative to the work secularism is cult. The Bhakti and sufi-movements in India gave a tremendous impetus as to bringing the people of various communities closer. The leading lights of the movement were Khwaja Mouhiuddin Chisti, Baba Farid, Kabir, Guru Nanak, Tukaram and Mira Bai who helped in the evolution of a composite culture to an extent which was not possible through political or administrative system. Guru Nanak said. " as he saw no difference between man and man. The spirit of tolerance has been the hallmark of secular outlook and attitude. Asoka's edits echoed on religious toleration. Akbar also propagated (Din-e-illahi" (Divine faith) and Sulh-i-Kul (peace with all) to promote national solidarity. It was imbued with the spirit of secularism. The spirit of secularism was further strengthened by India national movement when Pandit Moti Lal Nehru wrote in 1928, "There shall be no State religion for the common wealth of India, or of any province in the common wealth, nor shall the State, either directly or indirectly, endow only religion or give any religion any preference or impose any disability on account of religious belief or religious status".

The domain of secularism, therefore, includes certain fundamental principles and duties which provide freedom of religion, Non-interference of State into religious affairs, promotion of co-existence and harmony among various religions, mutual respect for each other religion, ban on organization promoting hatred or religious grounds (communalism) and promotion of the spirit of tolerance and national solidarity.

What is a secular State?

A State governed directly by a priestly order is called theocratic. Theocratic State, such as the papal State of Europe in medieval times or in recent times the taliban-controlled State, lacking separation between religious and political institutions, are known for their hierarchies, and oppressions, and reluctance to allow freedom of religion to members of other religious groups. If we value peace, freedom and equality, religions institutions and State institutions must be separated. To be truly secular, a State must not only refuse to be theocratic but also have no formal, legal alliance with any religion.

A secular State is not an anti-religious State but a State without a religion. It involves the concept of religious freedom for all faiths living within the State Secularism is not only a characteristic of the State but involves the concept of religious co-existence



and the concept of equal citizenship rights. It also characterizes an attitude of mind which must be shared by the minority and majority religious communities living within the State.

Ronald Eugene Smith puts forth "the secular State which guaranties an individual corporate freedom of religion, deals with the individual as a citizen irrespective of his religion, is not Constitutionally connected to a particular religion, nor does it seek to promote or interfere with religion".

Lakshmi Kant Maitra wrote, "By secular I understand, is meant that the State is not going to make an discrimination on the ground of religion or community against any person professing any particular form of religious faith." In essence it means that no particular religion in the State will receive any State patronage. Thus, a secular State in the word of H.V. Kamath is neither a godless State nor an irreligious nor an anti-religious State. There are two models of secularism western and India.

Two models of secularism western and India.

1. The western model of secularism:-

All secular States have one thing in common they are neither theocratic nor do they establish a religion. However, in most commonly prevalent conceptions inspired mainly by American model separation of religion and State is understood as mutual exclusion. The State will not intervene in the affairs of religion and in the same manner religion will not interfere in the affairs of the stage. Each has a separate sphere of its own with independent jurisdiction. No policy of State can have an exclusively religious rationale. No religious classification can be the basis of any public policy if this happened there is illegitimate intrusion of religion in the State.

Similarly, State cannot aid any religious institution. It cannot give financial aid to educational institutions maintained by any religion. State cannot hinder activities of religious communities, as long as they are within the broad limits set by the law of the land. e,g if a religious institution forbids a women from becoming a priest, then the State can do little about it. The western societies (except Jewish) had great deal of religious hegemony. Thus, they suggested separation of State from church. they emphasized on intra - religious aspect rather than interreligious aspect. This view even rejects State supported religion reforms as both State and religion are mutually exclusive.



2. The Indian model of secularism:-

Sometimes it is said that Indian secularism is an imitation of western secularism. But a careful reading of our secularism shows that this is not the case. Indian secularism is fundamentally different from western secularism. Indian secularism does not focus only on church-State separation and the idea of inter-religious equality is crucial to the Indian conception. India is multi-religious society and teaches multi-religious tolerance. Tolerance makes India a religion compatible society. It averts or helps India to come out of even a major civil war.

The western model led Indians to those of equality for all communities or inter-community equality. But Indian secularism became distinct from the west as it focused on both intra-religious and inter-religious community. Indian secularism deals with not only religion freedom of individuals but even with religious freedom of minority communities. Indian secularism has made room for State-supported religious reforms. Thus, Indian Constitution bans child marriage, sati, untouchability. Indian model of secularism is therefore different from western model as it promotes both inter-religious and intra-religious amity based on peace, freedom and equality.

Why do we need secular State in modern life?

Modern age is an age of democracy which provides equal rights to all, the communities living in a State. Freedom of conscience and right to profess, practice and propagate the religion of one's own choice is basic essence of democracy. Democracy and theocracy are opposed to each other. Secularism is not anti-religious but policy of non-interference of State into the religious affairs of the individual. We need secular State in modern times because of following facts:-

1. **Supports morality** :-Secularism is based on the concept of peaceful co-existence. Morally, it supports the ideals of patience, truth, tolerance and universal brotherhood of people. Secularism therefore, morally promotes public welfare which is essential for every democratic State.
2. **Freedom of religion** :-A secular State does not discriminate between its citizens in the name of religion. Secular State gives freedom of religion and freedom to all religious communities particularly minorities to establish and administer educational institution of their own choice it is based on the principle of co-existence of all religions which is the need of the hour.
3. **Opposed to dictatorship**:-Secular State allows people to profess, practice and preach the religion of their of their own choice. All religions are given an opportunity to enjoy full religious liberty and no religion is being given special



attention or status. Secularism restricts absolute power of State and is therefore opposed to dictatorship.

4. **Supports Democracy:-**Dr. Radhakrishnan wrote "we hold that no religion should be given preferential status no religion should be accorded special privileges that would be a violation of the basic principles of democracy". Secularism by providing freedom of belief and worship established foundation of a strong and modern democratic State.
5. **Separates religion from politics:-**Secularism support the belief that religious faith is a personal matter of an individual and politics should be segregated from religion. It was this belief which had given rise to concept of secularism in 15th century. Most of the modern democratic States have segregated politics from religion and have promoted religious freedom of the people.
6. **Promotes global unity and universal brotherhood:-**Due to the development of science and technology and advancement in transportation and communication the whole world has become a global village. Globalization have give rise to free flow of people from one place to other place. The process has intensified due to the rapid rise of social economic and technical collaboration. among the developed and developing States. Such a situation has led to the settlement of multi-religious communities in every part of the globe. Most modern nations therefore adopt secularism to promote global piece and universal harmony among all religions based on co-existence and cooperation.

Is secularism suitable for India?

The foundation of secular State in India was laid down by J.L Nehru. Nehru believed that communalism constitutes a major threat to Indian values, a national State which included people of all religions and shades of opinion. Thus India becomes a secular State quoting Nehru Myron Wiener wrote "religion is all when applied to ethics and words, but it is not good mixed up with politics". Propounding the idea of a secular State Nehru wrote, I have no desire to interfere with any person's belief. He was therefore opposed to a design society by giving it religious sanction. A secular State according to Nehru was one which "protects all religions, but does not favour one at the expense of others and does not itself adopt any religion as the State religion".

When objective resolution of the Constitution was framed, secularism figured as an important feature of it. As India is a multi-nation and multi religious, so to build real nationalism, secularism is necessary in order to promote communal harmony secularism was establish in Indian society. For India, secularism is very much



suitable and Indian Constitution explained secular nature of India in the following way:-

- i. **Preamble:-**Through the 42nd amendment act (1976), word secular was inserted in the preamble of India Constitution declaring India a secular State.
- ii. **No State religion:-**In India there will be no State religion. The State will neither establish a religion of its own nor confer any special privilege upon any particular religion. Article 27, the State will not compel any citizen to pay any tax for the promotion of any particular religion. Nor any religious instruction shall be provide in any educational institutions run with government funds. Article 28, provides that no person would be compelled to accept the faith of other religion without his/her consent.
- iii. **Freedom of conscience:-**Every person is guaranteed the freedom of conscience and the freedom to profess, practice and propagate his own religion (article 25). However, these rights are subject to public order, morality and health and other provisions relating to fundamental rights.
- iv. **Freedom to manage religious affairs:-** According to Article 26, every religion domination or any of its section shall have the following rights :-
 - a. Right to establish and maintain institution for religious and charitable purpose.
 - b. Right to manage its own affairs in matters of religion.
 - c. Right to own and acquire moveable and immovable property.
 - d. Right to administer such property in accordance with law.
- v. **Equality before law:-**Article 14 guaranteed equality before law and equal protection of law to all. Article 15, enlarges the concept of secularism to the widest possible extent prohibiting discrimination on grounds of religion, race, caste, sex or place of birth.
- vi. **Cultural and educational right:-** Article 29 provides that any section of the citizens residing in any part of India have a distinct language, script or culture of its own, shall have the right to conserve the same. Article 30, provides that all the minorities whether based on religion or language shall have right to establish and administer educational institution of their choice.

Indian Constitution has declared India as a secular State but in actual practice it has failed to achieve the true form of secularism because of the following facts:-

1. State inference into religious matters challenges the true nature of secularism.
2. In India religion is being used as vote bank politics by the politicians. Communal forces become operative in Indian political system since last decade.



3. Communalism and growth of communal riots has dented the secular credentials of Indian Constitution.
4. People in minorities are being harassed, tortured, and exploited by the majoritarianism that has turned the secular fabric of Indian Constitution.

VERY SHORT ANSWER QUESTIONS

What is communalism?

The word communalism comes from the word community, which in simple term means individuals attachments or identification with the community to which he/she belongs. In this sense the 'communal' is a positive term. Communalism refers to the tendency of socio-religious group of sectarian exploitation of social traditions as a medium of political mobilization to promote political, social and economic interests of one group even at the expense of or in an antagonist conditions of other group. In doing so, the religious group may consider other religious communities as opponents and enemies.

What is a theocracy?

The word theocracy originated from the Greek words (Theos) meaning "God" and "Kratea" means "rule". Thus it means rule of God. A theocracy is a type of government that is ruled by a divine being or religious texts. A ruler or group uses the power of God(s) and text to create law and guide government decisions.

Test your comprehension:-

- This discussion was taking place in the class. read arguments and State which of these do you agree with and why?
Asif : I believe that Indian secularism is not a true form of secularism.
Rabiya : I do not agree with you because India is a multi-religious society and it is due to secularism that there is unity in diversity. In our country Everyone is free to profess, propagate and practice the religion of one's own choice.
Nadeem: I think India is neither secular nor theocratic. Our Constitution provides religious freedom to everyone but some communal groups have attacked on the secular character of India.
- What do you understand by secularism? Can it be equated with religious tolerance.
- Indian secularism focuses on more than the religion, State separation. Explain.
- Differentiate between Indian concept of secularism and Western concept of secularism.
- What is secularism? Which domain of life does it relate to? Explain.
- Does secularism separate religion from politics?
- Why do we need secular State in modern times?
- Examine the dangers to secularism in India.
- How can we promote communal harmony in India.



Chapter No. 19

PEACE

By the end of this chapter, we will be able to understand:

- ❖ meaning of peace.
- ❖ Forms of structural violence and eliminating violence .
- ❖ Peace and non violence.
- ❖ Peace and war.
- ❖ Armament, disarmament and global peace.

Introduction:-

Like 'democracy' 'justice' and 'human rights' 'peace' has become a buzzword. But we must remember that this seeming consensus on the desirability of peace is relatively recent .many important thinkers of the past wrote about peace in negative terms. The 19th century philosopher Friedrich Neitzshe was one of those who glorified war. Several other thinkers have similarly condemned peace and commended strife as a vehicle of individual heroism and social vitality.

This is not to suggest that the cause of peace had no champions. In fact, it occupied a central place in original teachings of almost all religions. The modern era too has witnessed ardent advocates of peace, both in the spiritual and secular domains Mahatma Gandhi would figure prominently among them. However, the contemporary preoccupation with peace can be traced to the atrocities of the twentieth century, which resulted in the death of millions of human beings. You may have read about some of these events in your history textbooks. The rise of fascism, Nazism and the world wars. closer home in India and Pakistan we have experienced the horror of partition.

What is peace?

The issue of peace has always been a focal point in all periods of history in almost all situations of international relations. The concern of the human mind for peace can be assessed by taking into account the fact that all religious are committed to the cause of peace and all of them advocate a culmination of war.

Ordinarily, peace means "s situation without war". It is a situation in which people live with each other and cooperate with each other.in international relations, peace



means that nation States respect each other's territorial integrity and sovereignty and promote cooperation based on mutual and equal benefit. Peace is based on the concept of "live and let other live". It is based on the dictum of peaceful co-existence where nations promote settlement of all disputes through bilateralism and peaceful negotiations.

The second step in defining peace would be to see it as absence of violent conflict of all kinds including war, Riot, massacre, assassination, or simply physical attack. Violence is often rooted in very structure of society. Social institutions and practices that reinforce entrenched inequalities of caste, class, and gender, can also cause injury in subtle and invisible ways. If only challenge is made of these hierarchies by oppressed classes it may also breed conflict and violence. Structural violence of this kind may produce large-scale evil consequences.

The concept of peace in India traces its origin to the ancient Indian concept of Vasudhev Kutumbham, which means universal brotherhood. Sages and scholars of ancient India had propagated the idea of non-violence and tolerance. Ahimsa was an important ingredient of Gandhi's mode of independence. In India, peace was implemented through the concept of punchsheel which means five principles of moral conduct.

Let us look at a few concrete instances of structural violence arising from caste hierarchy, class disparity, patriarchy colonialism, and racism/communalism.

Forms of structural violence:

India is imbibed with the traditional caste hierarchy where the system of untouchability was predominant. The untouchables or lowest caste were socially deprived and excluded for centuries. The social order which promoted this scar led to a lot of oppression and inequality. Similar situation existed for the laboring class in developing societies. Workers here in the informal sector do not have fair wages and conditions of work. This situation exists to some extent even in the developed countries. In patriarchal system women's were exploited to a large extent. The evils against women included abortion of female fetuses. Children marriage, wife beating, dowry-related crimes, lack of education for the girl child, rape sexual harassment.etc.

The long drawn colonial exploitation of people whether in Asia and African countries earlier or now in Palestine by Israel are some other forms of struggles where even



violent manifestation has take place. Racial discrimination and communalism are two other forms of stigma which have even led to oppression of one racial group or community. This may include Holocaust of Jews by Hitler in Germany before 2nd world war or the policy of apartheid against blacks in South Africa by whites in the last century. communalism has manifestation of India in form of anti-Sikh riots (1984) Gujarat Riots (2002) etc.

Eliminating Violence :-

The Constitution of the United Nations Educational, Scientific and Cultural Organization rightly observe "since wars begin in the mind of man. It is the minds of men that the defenses of peace must be constructed". Several age-old spiritual principles (e.g. compassion) and practices (e.g. meditation) are geared precisely to the facilitation of such an endeavor. Modern healing techniques and therapies like psychoanalysis can perform a similar functions.

The elimination of structural violence can promote peace in society. The Constitutions of the democratic States of the world have played a vital role in eliminating such violence's. Internationally U.N.O and other international organization have tried their levels best to promote world peace.

Does peace always require Non-Violence?

Many international scholars like Morgenthau supports the view that there can be no peace without war. there is another group of writers which believes that peace can only be established through Non-violence. Gandhi supported this idealist view of peace. Lets us debate.

1. Violence is needed to promote peace.

It has often been asserted that violence though it is an evil can sometimes be a necessary prelude to bringing about peace. It may be argued that tyrants and oppressors can be prevented from continuing to harm the populace only by being forcibly removed or the liberation struggles of oppressed people can be justified even though they may use some violence. the realist school of international politics supports the view that violence is essential to maintain world peace. All nations have been given the right to defend themselves against any external armed aggression both individually and collectively. All nations whether strong or weak have to resort to violence to counter aggression. Nations therefore arm themselves and keep themselves abreast with latest developments for repulsing a violent attack. Violence therefore sometimes is essential to promote peace at the global level.



2. Violence is not essential to promote world peace.

The idealist school believes that violence only promotes tension and is a hindrance to world peace. They take a moral stand against the use of violence even for attaining just ends. They too recognize the need to fight oppression. However, they advocate the mobilization of love and truth to win the hearts and mind of the oppressors.

This is not to underestimate the potential of militant but Non-violence from of resistance. Civil disobedience is a major mode of such struggle and it has been successfully used to make a dent in structures of oppression; a prominent instance being Gandhi's development of satyagraha during the Indian freedom movement. Gandhi took his stand on justice and appealed to the conscience of the British rulers. If that did not work, he put moral and political pressure on them by launching a mass movement involving open, but non-violent breaking of the unjust laws. Drawing inspiration from him, Martin Luther king waged a similar battle in the 1960's against anti-black racial discrimination in the U.S.A.

Article 2 para (3) of the UN Calls upon the States to settle their disputes in such a manner that it does not disturb international peace and security. UNO also believes that violence is not required to promote world peace. Article 33 (1) of the UN chapter provides certain modes of pacific settlement of international disputes. These include bilateral negotiations, investigation, mediation, settlement, use of good offices, international arbitration, conciliation or any other regional or self-determined mode of resolving international conflict.

However to conclude, we can say that violence is not a positive tool of solving internal as well as external disputes. Non-violent methods like peaceful settlement, negotiation, passive resistance, mediation etc would be positive weapons for the settlement of disputes. Therefore force/violence should be used least, when all the non-violent methods will fail to promote the world peace.

Under what conditions is war justified?

Just war theory, the most widely accepted theory of the morality of war, contains two proportionally conditions, that say a war or an act in war, is justified only if the damage it causes is not excessive. These conditions have figured prominently in recent debates about the morality of particular wars, including the Gulf, Kosovo and Iraq wars.

Saint Augustine claimed that, while individuals should not resort immediately to violence, God has given the sword to government for good reason. He argues that Christians, as a part of government, need not be ashamed of protecting peace and



punishing wickedness when forced to do so by a govt. Defense of one's self or others could be a necessity especially when authorized by a legitimate authority.

Nine hundred years later, Saint Thomas Aquinas laid out the conditions under which war is justified:-

- Firstly, just war must be waged by a properly instituted authority such as State.
- Secondly, war must occur for a good and just purpose rather than for self gain.
- Thirdly, peace must be a central motive even in the midst of violence.

War takes place whenever countries fail to resolve the dispute peacefully. War is the last resort to solve internationally disputes. War is a violent means of resolution of disputes. the question which arises after that is whether war is a justified means of resolution of disputes. War is justified when peace conference and negotiations failed to resolve the disputes. U.N charter lays down the conditions under which war is a legal and justified mode of settlement of disputes. These included:-

- 1) **Self defended** :-International law has always permitted States to use violence and force in self-defense. Grotious had once written that for the security and defense of life freedom and property, the right to self defense was natural. States therefore have full authority to use violence in case of self-defense.
- 2) **Enemy of signatories of the charter** :-Article 10 of the U.N charter clearly indicates that war against enemies of the charter would be justified.
- 3) **Domestic jurisdiction**:-If the U.N security council thinks that a nation had violated its domestic jurisdiction, it can declared the concerned State as an aggressor and action would be initiated against it by the U.N security forces. Such an action was taken against Iraq in 1991 when it captured Kuwait unlawfully. This sort of action can even be taken by the U.N General Assembly in case of failure of the U.N Security Council.

War is therefore justified in cases of self-defense, or against an aggressor, or against those States which are enemies to the signatories of U.N charter.

Can armaments promote global peace?

International scholars are divided over the question whether armaments can promote world peace or not. The realist school believes that armaments would increase the fear among the aggressive nations and act as a deterrent for prevention of war. This would help in establishment of world peace. However, this view is not accepted by most of the scholars. They believe that disarmament was the most important cause of disturbing world peace. The U.S intervention in Iraq and Afghanistan in the beginning of the 21st century to control armament has only promoted hostility and disturbed world peace. The fear distrust and suspicion



prevalent during the cold war is a glaring example of disturbances in the world peace. U.N.O has been promoting disarmament with the objective of world peace.

Many a times it is believed that nations should be ready for war and arm themselves for it. this would help in establishment of peace. This notion would lead to resurgence in military strength of nation States. but this would lead to tensions of global level as nations would like to threaten each other in an atmosphere characterized by distrust. This would act as impediment in the way of promotion of global peace. It would reduce chances of faith, warmth and peace. It would be replaced by fear distrust and neutral hostility. Global peace would be hindered. Armament is therefore, not the alternative to maintain and promote peace. The first step towards peace is disarmament.

Armament and its race is both destructive and devastating. It is only a means of resolving disputes and not the mode of establishing peace. The need for disarmament arises due to the selfish nature of a man where big States try to demonstrate weak States through force. the best example over here is that of armed U.S intervention of Afghanistan and Iraq where the legitimate government were replaced by U.S led puppet Govt. the objective of the mission was to promote world peace. But what it brought was global strife, violence and terrorism. The race for armament gives birth to disputes, conflicts, war and violence. the wars fought with armaments never come to an end. The arms race and conflict witnessed between India and Pakistan, Israel and Palestine, and that amongst East European States are some recent examples which prove that armament decrease chances of peace rather than promoting them. It is therefore essential that the concept of disarmament is promoted worldwide so that peace can be established realistically at global level. Buddha and Gandhi had dreamt of a world free of tension and full of peace. This is only possible when the materialistic arms race proves way for spiritualistic disarmament. What is required therefore is an attitudinal change among developed and developing nations to promote on a neutral and equal basis through disarmament.

VERY SHORT ANSWER TYPE QUESTIONS

What do you understand by disarmament?

Disarmament is the act of reducing, limiting or abolishing weapons. Disarmament generally refers to country's military or specific type of weaponry. Disarmament is often taken to mean total elimination of weapons of mass destruction, such as nuclear arms.



What do you mean by cold war?

In international relations cold war indicates a State of constant conflict, strife, suspicion, mistrust, antagonism, hostility maintained between two power blocs (U.S.A and U.S.S. R) from 1945 to 1991.

Write a short note on PUNCHSHEEL?

Punchsheel refers to the five principles that form, the basis of India's foreign policy. It was coined by J.L. Nehru and Chou-en-Lie in 1954. These principles are also known as principles of peace.

These principles are:-

- 1) Mutual respect for each others territorial integrity and sovereignty.
- 2) Mutual Non-aggression.
- 3) Mutual Non-interference in each others domestic affairs.
- 4) Equality and mutual benefits.
- 5) Peaceful co-existence.

What is arms race?

After world war second, a competition emerged among the nations particularly between U.S.A and U.S.S.R to develop a stock of weapons including weapons of mass destruction (nuclear weapons) to become more and more powerful. In contemporary world all national are constantly engaged in the arms race.

What is pacifism?

Pacifism preaches opposition to war or violence as a means of settling disputes. Its principles spring from belief that war or violence in any form of coercion is morally wrong.

Write a short note on global peace?

World peace or peace on earth, is the concept of an ideal State of happiness, freedom and peace within and among all people and nation on planet earth. The idea of world non-violence is one motivation for people and nations to willingly cooperate with each other. U.N.O has constantly engaged itself for the promotion of global peace. The international day of peace or peace day is observed annually on 21 September.

**Test your comprehension :**

- Do you think that a change towards a peaceful world, needs a change in the way people think? Can mind promote peace and is it enough to focus only on the human mind?
- A State must protect the lives and rights of its citizens. however, at times its own actions are a source of violence against some of its citizens. Comment with the help of some examples.
- Peace can be best realized when there is freedom, equality and justice. Do you agree?
- Use of violence does not achieve just ends in the long run. What do you think about this Statement?
- Under what conditions war is justified?
- Can armaments promote global peace?
- What is the role of U.N.O for the promotion of world peace? Explain.
- What is punchesheel?
- Can U.N.O check the U.S.A.'s aggression against world peace? Explain.
- What is the Indian concept of peace?



Chapter No. 20

DEVELOPMENT

By the end of this chapter, we will be able to understand:

- ❖ **Meaning/concept of Development.**
- ❖ **Models of development.**
- ❖ **Concept of sustainable Development.**
- ❖ **Political and economical Development.**
- ❖ **Green house effect, Global warming and Globalization.**

Introduction:-

In the broadest sense of the term, development conveys the ideas of improvement, progress, well-being and aspiration for a better life. Through its notion of development a society articulates what constitutes its vision for the society as a whole and how best to achieve it. However, the term development is also often used in a narrow sense to refer to more limited goals such as increasing the rate of economic growth, or modernizing the society. Development has unfortunately often come to be identified with achieving pre-set targets, or completing projects like dams, or factories, hospitals, rather than with realizing the broader vision of development which the society upholds. In the process some section of society may have benefited while others may have had to suffer loss of their homes, or lands or way of life without any compensatory gains.

Issues such as whether the rights of people have been respected in the course of development, whether the benefits and burdens of development have been justly distributed, or whether decisions regarding development priorities have been democratically made have been raised in many countries. Hence, development has become the subject of considerable controversy today. The models of development which have been adopted in different countries have become the subject of debate and criticism and alternative models have been put forward. In such a situation the broader understanding of development can serve as a standard by which the development experience of a country is examined.



What is Development?

The concept of development was evolved in the sphere of social science for the guidance of new nations who won their independence after the Second World War (1939-45). These nations were described as "developing nations". Indeed the idea of development itself was not new. Early indications of this idea are found in the social thought of the nineteenth and early twentieth century's. It was largely expressed in the theory of social change. The change could be conceived as the transition from simple to complex forms. From less efficient to more efficient forms, or from lower to higher forms. Development may be identified as a process in which a system or institution is transformed into stronger, more organized, more efficient and more effective form and proves to be more satisfying in terms of human wants and aspirations. It may be distinguished from progress because development is subject to measurement on empirical scale whereas progress is concerned with moral judgment for which it applies normative criterion.

Under the concept of development, we first identify some characteristics of an advanced society and then analyse the process of transition of society from its lower forms to higher forms. In other words, development implies a conscious effort for the attainment of a specific goal. The condition of society in terms of its distance from that goal may be described as the level of its development.

J.H. Mittelman defines development as "the increasing capacity to make rational use of natural and human resources for social ends".

Paul Baran described development as "A far reaching transformation of society's economic, social, political structure, of the dominant organization of production, distribution and consumption".

Walter Rodney identified development as "A many sided process, implying for the individual increasing skill and capacity, greater freedom, creativity, self discipline, responsibility and material well being".

In short, people wish to make best use of their natural and human resources in order to achieve their social ends. The process which facilitates their effort in this direction is called development. The factors which hinder them in this effort are called 'underdevelopment'.

**Is there a universally accepted model of development?**

or

What are different models of development?

Development is a complex process. There is no fool-proof model of development. Different schools of thought recommend different paths of development. Of these four are particularly important, market society model, welfare State model, socialist model and Gandhian model.

1) Market society model of development:-

Market society model of development links development with modernization along the lives of western society. Developing States try to imitate the attributes of western societies to develop themselves. The characteristics of western model of development are enlisted by James. S. Coleman who said, "A modern society is characterized among other things, by a comparatively high degree of urbanization, widespread literacy, comparatively high per capita income, extensive geographical and social mobility, a relatively high degree of commercialization and industrialization of economy, an extensive and penetrative network of mass communication media, and in general by a widespread participation and involvement of members of the society in modern social and economic process". This implies that developing countries should adopt the path of modernization. Politically it would mean adoption of competitive market economy and socially the promotion of equality of opportunity and respect for merit.

Exponents of market society model treat economic growth as a necessary condition of development. According to this model, the economic growth was to be an integral part of political development. this model therefore suggested developing States to follow the footsteps of capitalist States to secure their development. It was due to this reason that A.G. Frank criticized it. His contention was that in western society underdevelopment was an original stage of traditional society, while in developing States underdevelopment was the result of European imperialism. The latter, therefore could not follow the same path of development. Further, developing societies are enlivened with the spirit of communalism which is incompatible with market society model. The market society model is based on self-interest of different individuals. Hence, in developing States it would break their social fabric. Adoption of market society model may increase the material prosperity of developing States, but it would weaken their moral strength.



1) Welfare State model of development :-

Welfare State model represents a modified vision of the liberal view which originally stood for market society model. However, originally the idea of the welfare State was introduced by prince Bismarck (1815-98), German chancellor during the period from 1871 to 1890. Bismarck wished to strengthen monarchical absolutism in prussia and to make it most powerful State in Germany. He was opposed both to liberalism and socialism. In fact, he sought to introduce State socialism in an attempt to counter the appeal of socialism. His policy of State socialism, include a series of reforms giving workers various forms of social insurance which marked the beginning of the welfare State.

In England, the idea of welfare State was brought in by prime minister As quit between 1908 and 1916. It basically came in the form of welfare measure for workers by providing them sickness and unemployment benefits. The fullest expression to the idea of welfare State was given by William Henry Beveridge in his report in 1942. He proposed several reforms including proposals for a free national health service, family allowance, insurance for workers, government action to maintain full employment, unemployment benefit, etc. The acceptance of Beveridge report turned England into a model welfare State.

Welfare State is therefore a State providing various social services for its citizens. These include: social security, sickness benefit, disability compensation, free education, public health, relief to poor, supply and rationing of essential commodities to poor at subsidized rates. It is a method of redistribution of wealth to compensate the helpless of an open market model.

Gradually, the idea of welfare State became popular in France, Germany, Sweden, Italy, Australia etc. for developing States welfare State model was indispensable to solve the problem of poverty. Further, these countries had a long tradition of supporting the poor. The increasing urbanization eroded the base of poor. However, the operation of welfare State have to utilize this model to emancipate the large number of poor.

2) Socialist model of development :-

Socialist model of development may be inspired by either of the two broad streams:

- (a) Revolutionary socialism
- (b) Evolutionary socialism



(a) Revolutionary socialism :- Revolutionary socialism is based on the teaching of Karl Marx (1818-83), Friedrich Engels (1920-25) and V.I. Lenin (1870-1924). This school believes in a class struggle between rich and poor classes represented by capitalist and proletariat. The capitalist who own the means of production exploit the proletariat. The development concept was limited only to those of capitalist class with total alienation of workers. The theory, therefore, called for the revolutionary method to overthrow the means of production and full-scale socialization by dictatorship of proletariat over the means of production. This system came into existence in Soviet union, Hungary, Poland, Czechoslovakia, Bulgaria, Rumania, East Germany, China, Vietnam, North Korea and Cuba after the 2nd world war. Revolutionary socialist system are remarkable for promoting interest of workers, provisions of socio-economic interests, providing universal employment, education and health to all. These countries don't provide for the civil liberties and political liberties of citizens.

(b) Evolutionary or democratic socialism:- Evolutionary or democratic socialism aims to seek the objective of socialism through democratic method. It gives political rights to citizens. The State works for providing socio-economic security to people. The society is based on mass support through elections. In spirit, the democratic socialist resembles and intermingles with the welfare State model. India and a number of other countries have emulated this model. This model has recently become unpopular due to overpopulation, chronic shortage of resources, bureaucratic apathy and corruption. Further, the State has been unable to work for the poor. The emphasis has therefore shifted to liberalization, privatization, and globalization. India has also adopted this model of development. However while adopting this it is to be remembered that these countries have to maintain their heritage, intellectual tradition and human value system.

3) Gandhian model of development :-



Mahatma Gandhi (1869-1948), Indian thinker and father of the nation, was primarily a moral philosopher. He did not advance any specific theory of development. But the ideas expressed by him on different occasions for the guidance of mankind contain some insights concerning this issue.

Gandhi gave precedence to morality over politics. For him politics was instrument of achieving moral goals. Gandhi never wanted India to imitate the domains of western civilization. He believed that western civilization promoted consumerism which would lead to moral degeneration in India. Moral regeneration demanded self-control and renunciation and this could not be attained by fulfillment of material needs. Gandhi himself wrote "I do not believe that multiplication of wants and machinery contrived to supply them is taking the world a single step nearer its goal..... I whole heartedly detest this mad desire to destroy distance and time, to increase animal appetites and go to ends of the earth of their satisfaction. If modern civilization stands for all this, and I have understood it to do so, I call it satanic".

Gandhi therefore, opposed any notion of development related to materialism. His contention was that in the west people believed in improvement in quality of life by raising the standard of living. The key however to progress of mankind, according to Gandhi, was a man's conscience. This was not possible by changes in the external situation. What was required for man was to gain knowledge of self and attain self-actualization.

Gandhi believed that a man should consume material things which kept him physically fit. Additional consumption meant grabbing the rightful consumption of others. He wrote, "Earth has enough resources to satisfy everybody's needs but not their greed".

Gandhi's belief was that a greedy person caused immense harm to society. Greedy people created scarcity of resources for others. Self-restraint, according to Gandhi, was only beneficial to self but others as well. Gandhi's principle of bread-labour provided that each should do equal labour for the production of goods for his own consumption. This would meet not only the needs of teeming millions but also raise the dignity of labour. Gandhi wanted to follow his principle of non-violence for nature which would have been impoverished by over-exploitation of resources. The



Gandian model of development is supported by champions of sustainable development.

There are four models of development the market society, welfare State model, socialist model and the Gandhian model. Out of these four models it is very difficult to say as to which is the best model of development. The market society model benefits people as it is based on competition. The welfare State model protests the privileges of the minorities. The socialist model works far least advantaged by establishing socio-economic justice. The Gandhian model calls for ban on over exploitation of resources. All these models are evolution of certain circumstances and have their own benefits out of these, there is no best, or universally acclaimed model of development. The best model out of these would be the one which supports the cause of sustainable development. The best attributes of all models should be picked up so that the developing nations are able to sustain the path of development with an eye on future.

How to balance the claims of present generation with claims of future generation?

Or

Explain the concept of sustainable development?

The concept of sustained development was aptly defined by the now famous 'Brundtland Report' entitled our common future, published in 1987. Recognizing that the natural resources are not inexhaustible, it insisted that the development process should be aimed to meet the needs of the present generation without compromising the ability of future generations to meet their own needs". In fact, this idea was floated earlier during the earth summit held in Stockholm in 1972. This summit expressed a serious concern at the rapid depletion of the exhaustible nature resources. Brundtland Report endorsed these observations and sought to give a new direction to the process of development.

The prominence given to 'need' of the present as well as the future in the Brundtland Report reflects the concern to eradicate poverty and meet basic needs of the vast humanity. The concept of sustainable development focused attention of finding strategies to promote economic and social development without causing environmental degradation, over exploitation or pollution. The main aim of sustainable development is that the natural resources should be exploited in such a way that the needs of present generation should be met without compromising the ability of future generation to meet their own needs. Due to industrialization



globalization, privatization the environmental and natural resources are diminishing day by day which led raise to the concept of sustainable development.

The earth summit unanimously adopted the agenda 21, a comprehensive blue print of actions towards sustainable development including detailed work plans, goals, responsibilities and also estimates for funding other important accomplishments included the Rio declaration, a Statement of board principles to guide national conduct on environmental protection and development, and adoption of treaties on climate change and biodiversity and forest management principles. The united nation decade of education for sustainable development starting in 2005, lays the foundation to reform and mobilize education at all levels, from school to universities, in support of sustainable development. The present generation should act as a trustee for future generation in order to balance the claims of present generation with those of the future generation the following steps need to be taken:

- 1) End poverty in all its forms around the globe.
- 2) End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- 3) Ensure healthy lives and promote well-being for all at all ages.
- 4) Ensure inclusive and equitable quality education and promote life-long learning opportunities for all.
- 5) Ensure availability and sustainable management of water and sanitation for all.
- 6) Ensure access to affordable reliable, sustainable, and modern energy for all.
- 7) Promote sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all.
- 8) Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation.
- 9) Reduce inequality within and among countries.
- 10) Ensure sustainable consumption and production patterns.
- 11) Take urgent action to combat climate change and its impacts.
- 12) Conserve and sustainable use the oceans, seas, and marine resources for sustainable development.
- 13) Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification and halt and reverse land degradation and halt biodiversity loss.



VERY SHORT ANSWER TYPE QUESTIONS

What is political development?

Or

Lucian Pye's model of political development?

The process which seeks to transform political environment and institutions of a developing country in order to make it more efficient to fulfill the changing needs and aspirations of its citizens is described as political development.

Lucian Pye conceived of political development as political modernization. This model identifies three characteristics of Pal modernization:-

- A. Differentiation:** It refers to the process of progressive separation and specialization of roles, institutional spheres and associations within the political system.
- B. Equality:** it implies the notion of universal adult citizenship, legal equality of citizens and psychic equality of opportunity for all to gain excellence according to their respective talents and efforts.
- C. Capacity:** It denotes the increased capacity of political system for the management of public affairs, control of disputes and coping up with the new demands of the people.

What is underdevelopment?

Underdevelopment refers to the low level of development characterized by low real per capita income, wide spread poverty, lower level of literacy, low standard of life, low life expectancy and underutilization of resources etc.

What is economic development?

It is the process whereby simple, low income national economics are transformed into modern industrial economics. Although the term is sometimes used as a synonym for economic growth, generally it is employed to desirable a change in a country's economic involving qualitative as well asquantative improvements.

Explain the term "Greenhouse effect"?

The process involving increase in earth's temperature due to accumulation of carbon dioxide and water vapour in warm air trapped by a mass of cold air. As a result, the heat generated by infra-red rays from the sun is absorbed in the earth's atmosphere and surface temperatures start raising. This would further result in the melting of polar ice.

**What do you understand by global warming?**

The process involving extraordinary rise in earth's temperature due to increasing atmospheric pollution. This pollution results from the increasing consumption of cfc's and deforestation. It is feared that it will give rise to climate change, the melting of polar ice and consequent rise in sea-level.

What is globalization?

It is a process of integration of country's economy with the world economy. This process took place in the form of free flow goods, resources, technology, people from one place to another place. Modern means of communication and transportation have integrated the whole world in such a way that it look like a global village.

Test your comprehension :

- What do you understand by the term development?
- What are some of the new claims for rights which the process of development has generated?
- Is there a universally acclaimed model of development?
- Examine the concept of sustainable development. how has it balanced the needs of present generation with those of future generation?
- What is development? What are its essential attributes?
- what is political development?
- What do you understand by global warming?
- Describe the Gandhian Model of development?
- Mention any two features of development.
- What is globalization?

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**Note From The Author**

Utmost care has been taken in writing the subject matter you hold in your hand. It is a matter of great satisfaction that keeping in mind the diversity among students with respect to their comprehension of subject we have tried to explain the basic concepts in terms of facts, figures and thought have been incorporate after getting verified from reliable sources like, text books, journals and other research papers. We are highly thankful to those authors and publishers whose work has been instrumental in writing this study material. We pay our gratitude particularly to the writings of above mentioned books. Suggestions and criticism for the improvement of this study material will always be welcomed.