

TNPSC Group 1& 4 prelims syed guidance

Polity -Week 03,04,05 (day 11-25)

அலகு 5: இந்திய ஆட்சியியல் UNIT-V: INDIAN POLITY

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**GOVERNMENT OF TAMILNADU**

**STANDARD SIX**

**TERM - II**

**VOLUME - 3**

**SCIENCE  
SOCIAL SCIENCE**

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**Department Of School Education**

**Untouchability is Inhuman and a Crime**



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E - Book



Assessment



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## Unit 1

### NATIONAL SYMBOLS



#### Learning Objectives

- To know about the natural national symbols of India.
- To understand the importance to protect nature.
- To know the other national symbols and appreciate them.
- To know the about different national festivals and celebrate them with joy.



#### Path way

This lesson deals with the natural national symbols and the other national symbols. It also explains about the different national festivals.

Velan and Ponni went on a forest trip to Pulivanam. The thought that they were going to visit the forest, made them ecstatic and they were filled with excitement and adventurous spirit. Veena, a wildlife researcher was with them. That forest had a legendary river running across. The forest also had 2,000 metre high mountain.

As per the plan, they had reached the forest area by a vehicle. "We are waiting for you" said the forest officer Manimaran, smilingly to the enthusiastic young researchers. Veena introduced

Velan and Ponni to the officer. The personal vehicles had to be stopped there as they were restricted to go further. After that they had to travel only by vehicles run on batteries that are pollution free. These vehicles also called as 'Jeep' were covered with glass. A jeep was waiting for them. The forest officer Manimaran, Veena and the team boarded the vehicle.

"I think you are eagerly waiting to watch the tiger, but it is possible only when you are lucky enough. Though it is the tiger's habitat, there are many birds, insects, reptiles, aquatic life and



amphibians which make the eco-system. So please don't wait only for the tigers but enjoy watching other animals too. And remember you shouldn't speak loudly" said Manimaran.

In a few minutes they had a chance to see a beautiful pond with lotus. The vehicle was moving slowly. The lotuses were smiling back at them. "Lotuses are of different types. Those which are pink are called pink lotuses. The lotus has a very special structure" said Veena.

Just behind a big tree near the pond, a peacock was fanning out its feathers gracefully. Without making noise, Velan and Ponni were admiring it. "Uncle Manimaran, usually peacocks do this during rainy days. Will it rain now?" said Ponni.

"Maybe. It dances only during rainy days. But once a chieftain Began, wondered whether the peacock was shivering in cold and covered the peacock with his shawl. This chieftain belonged to the classical Sangam age of Tamils and also revered as one of the seven most generous personalities of ancient Tamil land.



There is a Peacock Sanctuary at Viralimalai in the district of Pudukottai (Tamilnadu)

"You know very well that the peacock is our national bird. For a long time the Peacock has a significant place in our culture, art and heritage. It's beauty, stately appearance and its even distribution all over India makes it our national bird" said Manimaran.

The vehicle moved forward silently. They admired the beauty on either side even without blinking.

"We have come very close to the bank of the river. Now we have to go along the river. I am going to show you a different animal. You have to remain silent; only then you can see it. Please take your binoculars" said Manimaran.

Veena had instructed the team to bring their binoculars on the visit. Velan and Ponni had borrowed the binoculars from their neighbours. They focused their binoculars towards the gap between the bushes. That gave them a view of the river. Veena said, "Look, there is something black like a Gharial crocodile moving". They could not see the animal clearly due to the glare caused by the morning sun. Manimaran said, "Turn away from the Sun's rays and watch carefully. It is not a Gharial".

Veena said, "No it does not look like a fish. It looks like an aquatic mammal – a river dolphin".





Velan and Ponni exclaimed, "What? Is it a dolphin? Marine acrobatic animal? How can it live in a river?"

Manimaran said, "There are river dolphins in our country. The dolphins that live in the rivers have a long snout similar to the Gharial crocodiles. Just like bats, they use the ultrasound waves to catch their prey. They are essentially blind."

Velan said, "That was an interesting detail".

"Do you know the name of the river beside which we are now on?".

"The rich harvests of the fertile plains of Ganges was mentioned in one of Bharathiyar's famous songs. Am I on the same banks of Ganges? My father asked me to collect some information about this place before visiting it," said Ponni.

"No doubt about it."

"Do you know that this river is 2,525 km long and is the longest river

in India?" said Velan stunning everyone around.

"Though Brahmaputra is 3848 km long, it does not flow across India. So, What Velan said is right" said Veena.

Manimaran said, "We have seen a lot of things. Now let us relax. Come, let us have these pieces of mangoes."

"These mangoes are very tasty, what kind of mangoes are these?" asked Veena eagerly.

"This kind of mango is known as 'Imam pasand' a variety of mango that was cultivated during the Mughal reign for the royal family. This is occasionally found in the forest. Even this was picked from the mango grove at the fringes of this forest" said Manimaran. Everyone got into the vehicle and were ready to go.

"Now we are going to see another wonder" said Manimaran and drove the vehicle around a big banyan tree with countless roots around. He travelled



around it for a few minutes and came back to the starting point. "Such a big banyan tree?" exclaimed Ponni and Velan.

"This is a very big banyan tree and is the oldest in this forest. It is the habitat of thousands of birds. It is as famous as the banyan tree in the Indian Botanical Garden in Howrah (Calcutta)," said Manimaran.

"There is another big banyan in Adyar (Chennai). It is as big as that. I saw that when I visited the Theosophical Society and wondered at it." said Ponni.

"Let us now go slowly because there is a herd of elephants climbing the mountains right behind the banyan tree" said Manimaran.

Velan replied at once, "Oh! Aren't the wild elephants ferocious? Are we in danger?".

Manimaran said "First and foremost we are not supposed to trouble the wild animals because the forest is their home. We can admire them without disturbing them."

Manimaran continued "We should know how to safeguard ourselves from the encounters of the wild animals. That is the reason why we try to explore the forests with the guides who belong to the forest tribal community".

"Even though the animals are quite huge, they will not harm you unless you hurt them".

"Let us also climb the hills along with the elephants. There is another surprise waiting for you on the top of the hills" said Manimaran.

After climbing the hill they came across a plain. He parked the vehicle and asked the team to see something using their binoculars. "Look there,"

There was a cone-shaped nest built with dried leaves. Manimaran asked, "Can you guess which animal's nest is that?

I know that birds build nests on the ground, but this seems a bit strange," said Veena.

It is a snake's nest, the nest of king cobra".

"What? Snakes build nests?" said Velan.

"This is the only reptile that builds a nest of its own and reproduces. Thus snake's average length is 18 feet and is the longest of the poisonous snakes" said Manimaran.

"We have explored the forest and climbed the hills but we have not seen a tiger till now" said Ponni.

"Don't worry Ponni. We have come across many wonders. The Tiger is a very shy animal. While descending down the hills we may see one on the rocky area on the slope" said Manimaran.

They had seen many unusual things that day. But they were very disappointed because they had not seen ever a tiger."

"I have visited several forests but they are not identical. I got some new information from Mr. Manimaran and the tribals. I have visited forestes many times regarding my research. But I was not able to see the tiger. Don't worry, we will see a tiger some time later comforted Veena.



## NATURAL NATIONAL SYMBOLS



### Banyan tree-1950

It is a symbol of pride and has many medicinal values.



### Peacock-1963

It is native to Asia and the only bird which has a tail.



### River Ganges-2008

It is a perennial river and many royal capitals flourished on the banks of this river.



### River Dolphin-2010

It is the reliable indicator of the health of the entire river eco-system. It is in the endangered list.



### King cobra- Ophiophagus hannah

It is the world's longest venomous snake and lives in the rain forests and plains of India.



### Lotus-1950

Though it grows in muddy water it blooms with beauty.



### Tiger-1973

It is the largest cat species. India has 70% of tigers population in the world.



### Elephant-2010

It is native to mainland Asia and plays a critical role in maintaining the regions forests.



### Lactobacillus-2012

They are friendly bacteria. They are a major part of the lactic and bacteria group.



### Mango - 1950

It is a rich source of vitamins A,C and D and mainly cultivated in the plains.



They descended down the hill and came to the same place where they had watched the river dolphins. They parked the vehicle and rested for a while. Ponni came out of the vehicle and watched through the binoculars. She noticed something strange. She couldn't control herself she whispered "Uncle, look there." All of them quickly turned to look with their binoculars. They saw a tigress with her three cubs drinking water from the river. Veena captured the beautiful scene with her camera. Nobody dared to see anything other than the tigress, till it left the river bank and vanished away.

"This is the real king of the forest" said Manimaran.

### DO YOU KNOW? Tamil Nadu's Natural Symbols

Animal	Nilgiri Tahr	
Bird	Emerald dove	
Flower	Gloriosa Superba	
Tree	Palmyrah tree	

"It is absolutely true" said Veena.

They all got back to the vehicle and were returning. Veena asked the team a question. "Do you know, there is something common between all the wonders you have seen today?"

"What is common?" asked Velan.

"Please, tell us quickly. We are very eager to know" said Ponni.

"All that we saw today are our natural national symbols" said Veena

"You are right, Veena. This didn't strike me." said Manimaran.

## Other Symbols of our Country

### National flag:

The tricolour flag is our National flag. The three colours are of the same width and are arranged horizontally. The saffron at the top represents valour and sacrifice. The green at the bottom represents fertility and prosperity. The white band in between represents honesty peace and purity. The Ashoka chakra or the wheel in navy blue represents truth and peace.



Our National Flag's length and width proportion is 3:2 respectively and the Ashoka's chakra has 24 spokes in it.

### National Emblem

The four lions on top of the Ashoka

### HOTS:

Who has been given the right to manufacture the National flag?

**DO  
YOU  
KNOW?****Kodi Kaatha Kumaran**

Tirupur Kumaran was born in Chennimalai of Erode district. As a youth, he actively participated in the freedom struggle for India. In 1932, when Gandhiji was arrested, protests were held against the arrest all over the country. When protests were held for Gandhiji's release, Tirupur Kumaran took active part in it. He lost his life when the police attacked violently. He held on to the tricolor flag even when he died. He was honoured with the title, 'Kodi Kaatha Kumaran'. The Government of India has released a postal stamp on his centenary year to remember Tirupur Kumaran's sacrifice and dedication to the nation.



'Satyameva Jayate' has been inscribed at its bottom. It means 'Truth alone triumphs'. The National emblem consists of two parts—the upper and the lower parts.



The upper part has four lions facing the North, South, East and West. This is on a circular pedestal. One can only see three lions at a time.

The lower part has an elephant, a horse, a bull and a lion. The 'Wheel of righteousness' is placed between them. This emblem is found at the top of the government communication, Indian currency and passport.

**DO  
YOU  
KNOW?**

- The National flag was designed by Pingali Venkayya from Andhra Pradesh.
- The first Indian Flag was woven at Gudiyatham in Vellore district of Tamilnadu.
- This flag was hoisted by Pandit Jawaharlal Nehru on 15th August 1947 at Red Fort (Delhi)
- This flag is now an exhibit at the St. George's Fort Museum, Chennai.

Pillar at Sarnath was chosen to be our National emblem. The national emblem was accepted on 26th January 1950,

**DO  
YOU  
KNOW?**

The four lions, chosen from the Sarnath pillar of Ashoka as our emblem, is now placed in the Sarnath Museum.

**National Anthem**

'Jana Gana Mana' is our National anthem. It symbolises the sovereignty and integrity of our nation. This anthem was written by Rabindranath Tagore in Bengali. This was transcribed in Hindi and was accepted by the Constituent Assembly on 24th January 1950.



## The rules to be observed while singing the Anthem

- This anthem has to be sung at a duration of 52 seconds.
- Everyone should stand erect while singing the national anthem.
- One should understand the meaning while singing.



### National song

On 27th December 1911 this National anthem was sung for the first time during the Congress committee meet held at Kolkata.

The song Vande Mataram, composed by Bankim Chandra Chatterjee, was a source of inspiration to the people of India in their struggle for freedom. It has an equal status with Jana Gana Mana. On January 24, 1950, the then President, Dr. Rajendra Prasad came up with a statement in the Constituent Assembly, "the song Vande Mataram, which has played a historic part in the struggle for Indian freedom, shall be honoured equally with Jana Gana Mana and shall have equal status with it."

The song was a part of Bankim Chandra's most famous novel 'Anand Math'.

### National pledge

"India is my country. All Indians are my brothers and sisters" is our national pledge. The pledge was written by Pydimarri Venkata Subba Rao in Telugu.

## National Micro organism



The curd which we consume every day is curdled from milk by a micro organism called *lacto bacillus delbrueckii*. This was accepted as our national micro organism in the year 2012. This micro organism makes the milk undergo a chemical reaction and changes the protein content of the milk. Curd is known for its digestive quality and cooling capacity.

### Currency of India- (INR)

The Indian currency is the Indian Rupees. The currency released by Sher Shah Sur in the sixteenth century was 'Rupiya'. This 'rupiya' has been transformed, into 'Rupees'. The symbol of rupees is ₹. This was designed by D. Udhayakumar from Tamil Nadu in the year 2010.

### National Calender

During the reign of Emperor Kanishka he began following a new calendar in the year 78 CE/AD. The year begins from the spring equinox which falls on March 22nd. During a leap year, it begins on March 21st. Our country follows this calendar. The famous astronomer Meghnad Saha headed the



Calendar Reformation Committee on 22nd March 1957. It was then accepted by the committee as our national calendar.

The National symbols help in uniting the diversified sections of India and to instill patriotism.

## National Holidays

### Independence Day



Every year, August 15 is celebrated as the Independence Day to commemorate India's freedom from British rule. This auspicious day is also marked as a birth of the world's biggest democracy, India.

On the day India gained independence, Mahakavi Bharathiyar's poem "Aaduvome Pallu Paduvome" and it was sung over the AIR (All India Radio) by T.K.Pattammal, a famous singer of Carnatic Music. The celebration of Independence Day continues every year. The Prime Minister unfurls the National Flag on the Independence Day at the Red Fort, New Delhi.

### Republic Day



On 26th January 1950, India was declared as a democratic state. Every year this day is commemorated as the 'Republic Day'. The constitution commenced on 26th January 1950. From August 1947 to 26th January 1950, the Queen of Britain was the honorary head of India. The day India was declared as a democratic state, the President became the first citizen of India. On Republic Day, the President of India hoists the National flag at the Red Fort New Delhi.



On January 29, the third day of the Republic day, the celebrations are brought to an end with the "Beating Retreat" ceremony. This is performed by the bands of Indian Army, Navy and Airforce. The President of India is the chief guest of this day. Rashtrapati Bhavan will be illuminated at 6pm as a part of the celebration.



### Gandhi Jayanthi



The birthday of Mahatma Gandhi, the Father of our Nation, was declared



one of the National festivals. It falls on 2nd October. In 2007, the United Nations declared October 2nd as the 'International Day of Non-violence'.

## A-Z GLOSSARY

Independence	- Freedom from control of another country or organization.
Republic	- A country in which the Head of State is an elected person.
Heritage	- The art, buildings, traditions and beliefs that a society considers important to its history and culture.
Aquatic	- Growing or living in or near water.
Astrophysicist	- An expert in astrophysics

## RECAP

- Tiger, Elephant, River dolphin of Ganges, Peacock, King Cobra, Banyan tree, mango, The Ganges and lotus are the natural national symbols.
- The constitutional Assembly accepted the tricolour flag as the national flag on 22nd July 1947.
- The National Flag, the National emblem, the National Anthem and the National song etc., are the other national symbols.
- Independence Day, Republic day, Gandhi Jayanthi are our important National festivals.

## Exercises

### I. Choose the correct answer

1. The National Song  
Vande Mataram was composed by \_\_\_\_\_
  - a) Pingali Venkayya
  - b) Rabindra Nath Tagore
  - c) Bankim Chandra Chatterjee
  - d) Gandhiji
2. Which is the National Anthem of India?
  - a) Jana Gana Mana
  - b) Vande Mataram
  - c) Amar Sonar Bangla
  - d) Neerarum kaduluduththa
3. Who wrote the most famous novel Anand Math?
  - a) Akbar
  - b) Rabindra Nath Tagore
  - c) Bankim Chandra Chatterjee
  - d) Jawaharlal Nehru
4. \_\_\_\_\_ birthday is celebrated as the International Day of non violence?
  - a) Mahatma Gandhi
  - b) Subash Chandra Bose
  - c) Sardar Vallabhai Patel
  - d) Jawaharlal Nehru
5. The colour of the Asoka chakra found in our National flag is \_\_\_\_\_
  - a) sky blue
  - b) navy blue
  - c) blue
  - d) green
6. The first flag ever flown after the Independence is stored in \_\_\_\_\_
  - a) Chennai fort Museum
  - b) Delhi Museum
  - c) Saranath Museum
  - d) Kolkata Museum





7. The National Anthem was written by \_\_\_\_\_  
a) Devandranath Tagore  
b) Bharathiyar  
c) Rabindranath Tagore  
d) Balagangadhar Tilak
8. The time taken to play the National Anthem is \_\_\_\_\_  
a) 50 seconds b) 52 minutes  
c) 52 seconds d) 20 seconds
9. "Vande Mataram" was first sung by \_\_\_\_\_ at the 1896 session of the National Congress  
a) Bankim Chandra Chatterjee  
b) Rabindranath Tagore  
c) Mahathma Gandhi  
d) Sarojini Naidu
10. \_\_\_\_\_ hoists the flag on Independence day in Delhi  
a) The Prime Minister  
b) The President  
c) Vice President  
d) Any Political leader

#### II. Fill in the blanks.

1. The National emblem was adopted from the Ashoka pillar of \_\_\_\_\_
2. The National fruit of India is \_\_\_\_\_
3. The National Bird of India is \_\_\_\_\_
4. Our National tree is the \_\_\_\_\_
5. The Flag which was flown in 1947 Independence day was weaved in \_\_\_\_\_
6. The Indian National Flag was designed by \_\_\_\_\_
7. \_\_\_\_\_ started the Saka Era
8. The longest river in India is \_\_\_\_\_
9. The Indian Rupee symbol was designed by \_\_\_\_\_

10. The Chakra of the National Flag has \_\_\_\_\_ spokes

#### III. Choose the correct answer

1. The Lion Capital is now in the \_\_\_\_\_ museum (Kolkata/Sarnath)
2. The National Anthem was adopted in \_\_\_\_\_ (1950/1947)
3. \_\_\_\_\_ is declared as our National Micro organism (Lacto bacillus / Rhizobium)

#### IV. Fill in the blanks

1. Saffron – Courage ; White - \_\_\_\_\_
2. Horse – Energy; Bull - \_\_\_\_\_
3. 1947 – Independence day; 1950 - \_\_\_\_\_

#### V. Choose the Correct Option

1. Rabindranath Tagore - a. National Song
2. Bankim Chandra Chatterjee- b. National Flag
3. Pingali Venkayya - c. Astro Physicist
4. Meghnad Saha - d. National Anthem
- |    |   |   |   |
|----|---|---|---|
| 1  | 2 | 3 | 4 |
| a) | a | d | b |
| b) | d | a | c |
| c) | d | a | b |

#### VI. Match and choose the wrong pair:

- |                             |                  |
|-----------------------------|------------------|
| 1. National Reptile         | - Tiger          |
| 2. National Aquatic Animal  | - Lacto bacillus |
| 3. National Heritage Animal | - King Cobra     |
| 4. National Micro organism  | - Dolphin        |



### VII. Choose the wrong sentence:

1. The ratio of our National Flag's length and breadth is 3:2
- e. The Chakra has 24 spokes
- f. The Chakra is Sky Blue in colour
2. The National Flag was designed by Pingali Venkayya
- g. The First ever flown Flag after the Independence is stored in Kolkata Museum
- h. The First National Flag was weaved in Gudiyattam

### VIII. Choose the correct sentence:

- a. August 15 is celebrated as the Independence day
- b. November 26 is celebrated as the Republic day
- c. October 12 is celebrated as Gandhi Jayanti

### IX. Answer the following.

1. What do the colours in our National Flag represent?
2. What are the parts of our National emblem?
3. What are the salient features of the National anthem?
4. Draw and define the Indian Rupee symbol
5. Where do we use our National emblem?

6. Who wrote the National pledge?
7. What are the animals found in the bottom of the emblem?
8. What are the natural national symbols?
9. Where is the peacock sanctuary located in Tamil Nadu?

### X. Activities

1. Draw the natural National symbols as a scenery / Frame a story
2. Prepare a logo for your class/school of your own
3. What should we do to protect the endangered plants and animals – Discuss
4. Celebrate the national events in your school and prepare a news item for a local newspaper.

### XI. Life skill activity:

Why are certain organisms adopted as natural National symbols? Analyse.



## Unit 2

# THE CONSTITUTION OF INDIA



### Learning Objectives

- To know about the Constitution of India
- To recognise the formation of our Constitution
- To know the salient features of our Constitution
- To know the fundamental rights and duties of the citizen of India



ADWLXM

### Pathway

The Lesson speaks about the formation of the constitution of India. It gives guidelines to govern the country, while ensuring the fundamental rights and duties of the citizens and how it protects them.

Yazhinian and Sudaroli are brothers. Yazh is student of standard six and Sudar is in standard four. Yazh was preparing for his class test. Sudar after completing his home assignments was watching an animated series on television. Sudar was watching it but the noise level disturbed Yazh. Sudar was totally engrossed in the series and laughed and clapped loudly. Yazh could not concentrate on his lessons.

So he asked Sudar to reduce the volume. But Sudar was not ready to adhere to his

elder brother's advice. Inspite of Yazh's continuous request Sudar did not reduce the volume.

Yazh complained to his father that Sudar did not decrease the volume of the television in spite of requesting him several times. Yazh made it clear that he had a class test the following day.

"Isn't your brother preparing for his class test? Weren't you wrong in troubling him?" continued his father.



"I was watching the TV. Yazh kept disturbing and stopped me from watching it." said Sudar.

"Studying for the test and watching television are not the same" said his father.

But Sudar was not ready to accept the fact. Sudar was consistent that he had all rights to watch a film as much as Yazh had the right to study.

His father admitted that both had equal rights. But one must not hinder another's freedom. Sudar didn't realise the fact that he was very stubborn.

"Look Sudar. You have all rights to watch the film" said his father.

"Yes dad".

"Similarly, Yazh also has the right to listen to his favourite song on TV Coundn't he?"

"How can that happen? When I watch the television he cannot do that."

"When you can watch a film by increasing its volume, Yazh can also hear music loudly." said father.

"How will I watch the movie?".

"How will Yazh study?" .

"Oh! I didn't think of it. Okay dad, I will

not watch the movie while Yazh studies." .

"No my child. You can watch the movie without causing trouble to anyone," .

"Don't be angry Yazh. You study and I promise I will not disturb you."

Yazh smiled and patted Sudar's back and left the place.

Sudar's mother was watching everything silently. She said, "Even to run a small family don't we need to follow so many rules and regulations? How much more of that will we need to administer a country?" she exclaimed.

"It is an ocean Deepa. In order to administer people who follow different religions, speak different languages and belong to different castes and culture and treat everyone equally, we need to have a good code of laws and guidelines which we call as 'The Constitution of India.'

The next day Sudar and Yazh went to school. It was the Republic Day also.

The celebration was a jubilant. The students and teachers were standing in line around the flag post. Immediately after the hoisting of the flag, a discussion was held with the chief guest for the day, Mr. Arumugam, an expert in social sciences.

"Wish you a happy Republic Day!" wished Mr. Arumugam.

"Wish you the same Sir."

"Do you know why do we celebrate the Republic Day?"

"Our Constitution was framed and came into existence from 26th January 1950. That is why every year we observe this day as the Republic Day." said the history teacher Malarmathi.



"Yes, it is true. There are other reasons why this constitution came into existence on 26th January 1950. When the Congress met at Lahore in 1929, the members of the Congress unofficially declared the same day as the Day of Poorna Swaraj or the Day of complete self governance. The next year, 26th January 1930 was celebrated as the Independence Day. That day has been observed as our Republic Day."

"What do you mean by the "Constitution of India" asked Nathar.

"Before that, let me ask a few questions. You answer me. Then I will explain in detail about the constitution of India."

"All right sir."

(The students were prepared to answer the questions)

"Are you following any rules and regulation at home?"

"Yes sir"

"Are you following any rules at school?"

"Yes sir"

"Are both of them the same or different?"

"Mostly, they are different"

"Is it necessary to follow certain rules in public places?"

"Yes, Sir"

"Why is it necessary?"

"We should not disturb anybody in public" said Tamilselvi.

"It's true. Also no one should disturb us" said Selva

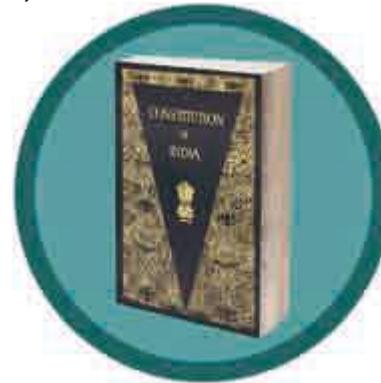
"Yes, I do accept it. But what if someone compels you to follow some rules? How would you feel?"

"It would be difficult to do so."

"How do you feel when you are asked to make your own rules?"

"We would be proud and pleased to obey our own rules."

(Everyone agreed and nodded their heads)



"The Constitution is an authentic document containing the basic ideas, principles and laws of a country. It also defines the rights and duties of citizens. The laws governing a country originate from the constitution. Every country is ruled on the basis of its constitution"

"What are the things that make the constitution of India?" asked Deepika.

"The constitution of India is the ultimate law. We have to abide by it. It explains the fundamental concepts of structure, methods,



powers and the duties of Government bodies. It also lists the fundamental rights and duties of the citizens. Directive Principles are also mentioned in the constitution. So it is holistic in nature."

"When did they begin to frame the constitution?" asked Christopher.



"In 1946, nearly 389 members of the constituent Assembly who belonged to different parties from different places came together to frame the Constitution of India. The Chairman of the committee was Mr. Rajendra Prasad."

"Who were the other significant members in the Constituent Assembly?"

"Jawaharlal Nehru, Sardar Vallabai Patel, Moulana Azad, S. Radhakrishnan, V. J. L. K. Shastri, Pandit and Sarojini Naidu were the members in the Constituent Assembly"



"How many women members were there in the Constituent Assembly?"

"15 women members were in the Constituent Assembly"



'The Father of the Constitution of India' is Dr. B. R. Ambedkar.

"The Drafting committee was formed with eight members and its Chairman was B.R. Ambedkar; B.N. Rao was appointed as an advisor. The committee met for the first time on 9th December 1946. On the same day, the drafting of constitution of India started."

"How did they form the Indian constitution?"

"The constitutions of nearly 60 countries including the UK, USA, former USSR, France, Switzerland etc., were thoroughly examined and their best features have been adopted by our constitution."

"Did they draft it in a short span of time?"

"No, nearly 2000 amendments were made before the draft was finalised"

"When did they complete this work?"

"It took a period of 2 years, 11 months, and 17 days. It was completed on 26th November 1949".

"The constitution was accepted by the Constituent Assembly. So, 26th November is celebrated as the Day of the Constitution. isn't it ?" said Karthikeyan

"Yes" said Mr. Arumugam



"How much was spent to frame the constitution of India?" asked Nathar.

"They spent almost 64 lakhs".

"What are the objectives of the Constitution?"

"The Preamble of our constitution stresses on the justice, liberty, equality and fraternity."

"What is a Preamble?"



"The preface of the constitution is the Preamble. According to it, India is a Sovereign, socialist, Secular democratic republic."

"What does it mean by 'Sovereign'?"

"The constitution has granted the people

the right to rule. The members of the parliament and the legislative assembly are elected by the people. The right to decide is only in the hands of the representatives. Sovereignty refers to the ultimate power of the country."

"What is the meaning of "Secular"?"

"Law allows all the citizens of a country, the right to follow different faith and religious beliefs. All citizens enjoy the freedom of worship. The country does not have a religion of its own. All the religions in our country hold the same status."

"The Government of India rules through the Parliament, doesn't it?"

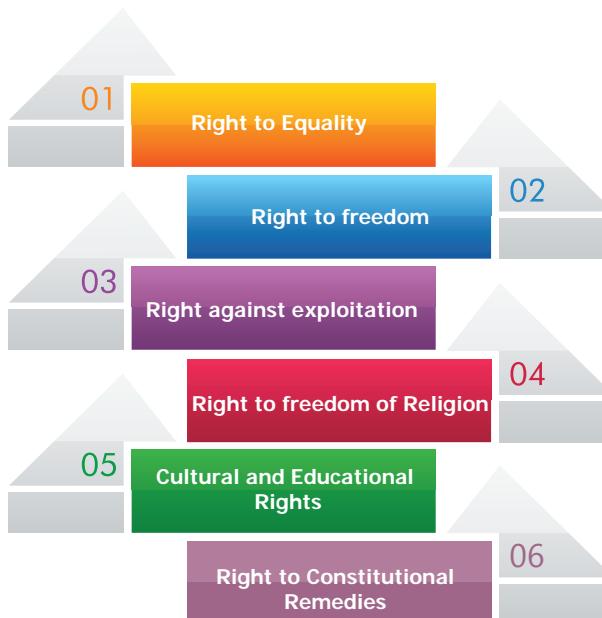
"Yes, the Constitution of India provides a Parliamentary form of Government, both at the centre and the state. In a Parliamentary System, the Executive is collectively responsible to the Legislature. The party which has the majority forms the government."

"What are fundamental rights?"

"Fundamental rights are the basic human rights of all citizens."

"What are they?"

### Fundamental rights





"They are Right to Equality, Right to freedom, Right against exploitation, Right to freedom of Religion, Cultural and Educational Rights and Right to Constitutional Remedies."

"You mentioned about Directive Principles. What do you mean by that?"

"There are certain guidelines to be followed while the governments frame law. Though these are not mandatory, they should be taken into account."

"What is Universal Adult Franchise?"

"Every Indian citizen has the right to vote when they attain 18 years of age, irrespective of any caste, religion, gender or economic status."

"Like fundamental rights, every citizen will have duties too, won't they?"

"Yes, There are duties respecting the National flag and National Anthem, respect and protect the Constitution, follow our great leaders who fought for our freedom, to protect our country, readiness to serve our country if necessary, treating everyone as brothers irrespective of their castes, religions, languages, races etc., to conserve our ancient heritage, and conserve natural elements like forests, rivers and lakes and fauna, to develop science, humanity and feelings of reformation to avoid non-violence and protect government property, parents or guardians providing educational opportunities to children between 6-14 years etc., have been added as our duties" Mr.Arumugam concluded his discussion.



The original copies of the Constitution of India (Hindi, English) are preserved in special Helium filled cases in the Library of the Parliament of India.

## FACTS

- Dr. B.R. Ambedkar, N. Gopalasamy, K.M. Munshi, Syed Ahmed Sadullah, P.L. Mitter, N. Madhava Rao, T.T.K. T.P. Khaitan were the legal experts of the Drafting Committee.
- The Chairman of the Drafting Committee Dr. B.R. Ambedkar was considered the Chief architect.
- When the Constitution was drafted, there were 395 articles in 22 parts and 8 schedules. At present our Indian Constitution contains 448 articles in 25 parts and 12 schedules.
- 101 amendments were made till 16.09.2016.

## HOTS

Prepare a list of your immediate duties?

## A-Z GLOSSARY

1. Democracy - a type of government in which representatives are elected by the people of that country.
2. Drafting Committee - a Committee set up to prepare the draft of the Constitution
3. Preamble - an introduction to a book or a written document.
4. Republic - a country with an elected head of state
5. Secular - a state which does not discriminate anyone on religious grounds



6. Socialist - equal distribution of a country's wealth and equal opportunities in all fields.
7. Sovereign - an independent country not subject to any external power or influence.

## RECAP

- 26th January is observed as our Republic Day.
- The Constitution is an authentic document containing the basic ideas, principles and laws of our country
- The father of the Constitution of India is Dr. B. R Ambedkar.
- The Preamble of our Constitution stresses on justice, liberty, equality and fraternity.
- According to the Preamble, India is a sovereign, socialist, secular, democratic republic
- All citizens enjoy the freedom of worship
- The Executive is collectively responsible for the legislature
- Fundamental rights are the basic human rights of all citizens.
- Directive principles are certain guidelines which are not mandatory
- Universal Adult Franchise is every Indian citizen's right to vote when they attain 18 years of age.
- Every citizen has certain duties too.

## EXERCISES

### I. Choose the correct answer:

1. The Constitution Day is celebrated on  
a) January 26      b) August 15  
c) November 26      d) December 9
2. The Constituent Assembly accepted the Constitution of India in the year  
a) 1946      b) 1950  
c) 1947      d) 1949
3. There are \_\_\_\_\_ amendments made in the Constitution of India till 2016  
a) 101      b) 100      c) 78      d) 46
4. Which of the following is not a fundamental right?  
a) Right to freedom  
b) Right to equality  
c) Right to vote  
d) Right to education
5. An Indian citizen has the right to vote at  
a) 14 years      b) 18 years  
c) 16 years      d) 21 years



### II. Fill in the blanks:

1. \_\_\_\_\_ was selected as the chairman of the Constituent Assembly
2. The farther of the Constitution of India is \_\_\_\_\_
3. \_\_\_\_\_ protects our fundamental rights
4. The Constitution of India came into existence on \_\_\_\_\_



### III. Match the following:

- |                                |                  |
|--------------------------------|------------------|
| 1. Independence day            | - a. November 26 |
| 2. Republic Day                | - b. April 1     |
| 3. Constitutional Day of India | - c. August 15   |
| 4. Right to Education          | - d. January 26  |

1	2	3	4
a.)	c	a	d
b.)	c	d	a
c.)	d	b	a

### IV. Answer the questions given under the caption

#### Constituent Assembly

1. In which year was the Constituent Assembly formed?
2. How many members were in the Drafting Committee?
3. How many women were part of the Constituent Assembly?
4. When was the Constitution of India completed?

### V. Answer the following questions:

1. Why was January 26 adopted as the Republic Day?
2. What is the Constitution of India?

Fundamental rights and duties are guaranteed by the constitution. Look at the picture and share your opinions.



3. List out the special features of the Constitution of India
4. What are the fundamental rights?
5. List out the fundamental duties that you would like to fulfil
6. What is Preamble?
7. What do you understand by Liberty, Equality and Fraternity?
8. Define: Sovereign

### VI. Projects and Activities:

1. Let the students work individually or in a group to prepare rules for their class. From them discuss and a form a list of rules and regulations for their class.
2. List your duties at
  - a) school
  - b) home and
  - c) society
3. Discuss on these topics:
  - a) Equality
  - b) Child labour
  - c) Right to Education
4. Kailash Satyarthi (India) and Malala Yusufsai (Pakistan) have been awarded the Nobel Prize for Peace (2014) Find out the reason why.

#### Life Skill:

Which of the fundamental rights do you like the most? Why?



**GOVERNMENT OF TAMILNADU**

# **STANDARD SIX**

**TERM - III**

**VOLUME - 3**

# **SCIENCE SOCIAL SCIENCE**

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**Department Of School Education**

**Untouchability is Inhuman and a Crime**





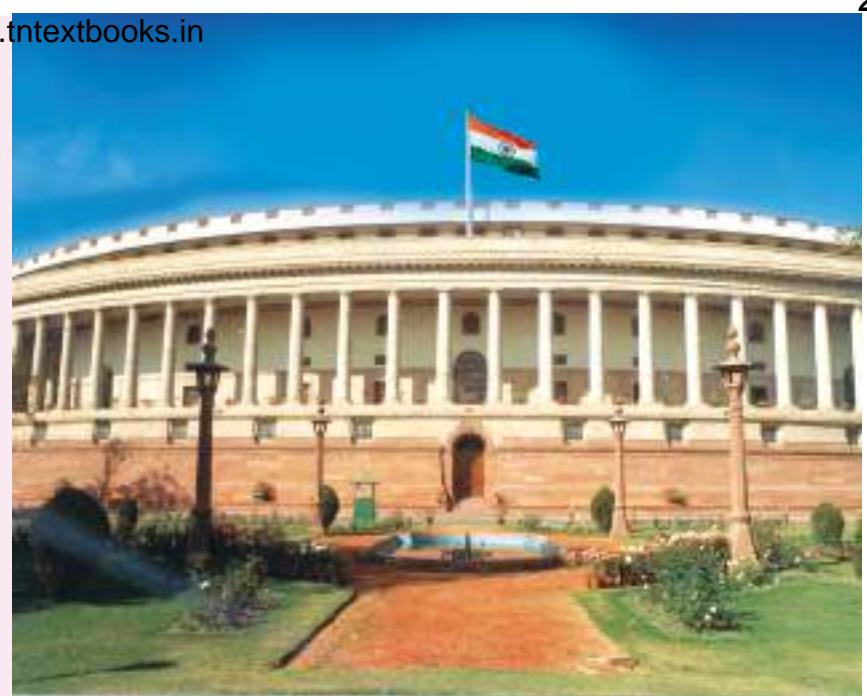
# CIVICS





# Unit 1

## DEMOCRACY



### Learning Objectives

- To know the meaning of democracy
- To know the types of democracy
- To know and appreciate the structure of our constitution
- To know the aims of democracy



‘குடிதழீஇக் கோலோச்சும் மாநில மன்னன்  
அடிதழீஇ நிற்கும் உலகு’

The world will constantly embrace the feet of the great king who rules over his subjects with love.

The teachers of Nallur Government High School were doing the final preparations for the programme 'Let's know the society'. The Singaravelar Hall was filled with students. The Headmaster Mr. Jeeva welcomed the Chief Guest of the day, Advocate Mr. Rajasekaran. When he brought the chief guest to the hall, the students observed silence.

Mr. Britto, the history teacher welcomed the gathering. The chief guest, Mr. Rajasekaran stood up to address the students.

"Beloved brothers and sisters! I thank you for inviting me to this programme. I'm not going to speak on this occasion." When he

said this and paused, everyone looked at him in wonder.

"Democracy should be found everywhere, shouldn't it? So I am going to converse with all of you," he said. He requested to give a microphone to the students. Mr. Rajasekar said,

"First let me ask you a question. Do you know what kind of society did the early man live in?"

"In the beginning, they were hunters and gathered food. Later, they settled near rivers and practised agriculture," said Deepika, a sixth standard student.



"Yes, when man started to live in groups, tribes were formed. Every tribe had its own chief. These groups fought among themselves for land, water and other resources. Those who emerged victorious, formed kingdoms by uniting the other tribal groups. These kingdoms later integrated to form empires."

Arun questioned, "So the chief would have become the king, wouldn't he?"

"Yes, that was how monarchies ruled by kings were formed."

Suganya asked, "Was this how monarchy emerged in our country too?"

"Yes, this was how the system of monarchy formed throughout the world. Also, our country was ruled by kings and emperors and then came under the British rule."

The students answered together, "After centuries of struggle and many sacrifices, we got freedom from British colonialism."

"We adopted democracy as our ruling system when our country got freedom," said Rajasekaran.

Devarajan asked him, "What is democracy?"

"When you start a Sports Club, you'll share the responsibilities. Then you would enjoy its benefits, but share the income and expenditure, wouldn't you?"

"Yes sir"



Democracy is 'Government of the people, by the people, for the people'

– Abraham Lincoln

"Similarly, the citizens of a country select their representatives through elections. Thus, they take part in the direct governance of a country. This is termed **Democracy**. In a democratic form of government, a considerable amount of power lies with the people of that nation. People can participate in the politics of the country and decision making processes. There are different types of democracy."





"Types of democracy!"

"Yes, there are various types of democracy in practice around the world. Among those, **direct democracy** and **representative democracy** are the most popular forms of government."



The birth place of democracy is Greece.

"What is Direct Democracy?" asked Sirajudeen.

"In a Direct Democracy, people have the power to frame laws. If we consider your Sports Club as an example, you all can discuss and amend laws and rules. The perspective of each member is considered and each one expresses his view. But how will you take a final decision?"

"The choice of the majority will be accepted. The others will also give their consent," said Selva.



In a Direct Democracy, only the citizens can make laws. All changes have to be approved by the citizen. The politicians only rule over parliamentary procedure. **Switzerland** has had a long history of a successful direct democracy.

### HOTS

Is it possible to practise Direct Democracy in India?

"Yes, this system is actually known as Direct Democracy," said Rajasekaran.

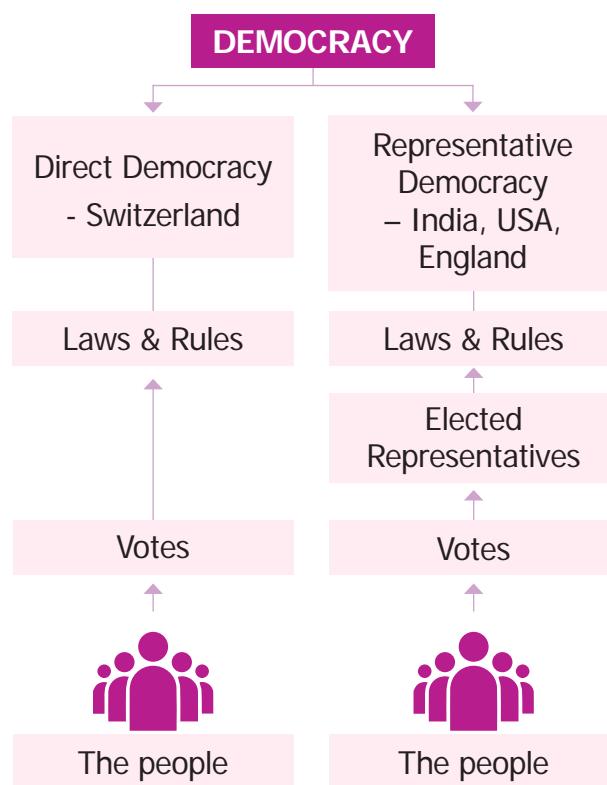
"What do you mean by Representative Democracy?"

"Imagine that your Sports Club has more number of members now. Is it possible for hundreds of them to gather and discuss to take various decisions?"

"No sir"

"In that case, all the members should be represented by a group of representatives, shouldn't they?"

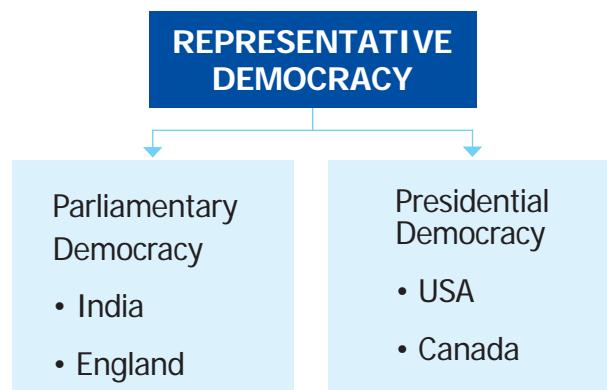
"Yes," agreed the students in union.



"Those group members will administrate the sports club on behalf of all the other members. To select these representatives, elections are held. For example, many contest for the post of the Head, Secretary, Treasurer and members of the administration group."



In the end, those who gain the maximum number of votes will be given the posts. On behalf of the other members, they obtain the power to take decisions in a democratic manner. This is termed as Representative Democracy."



"What is meant by democratic decision making?" questioned Judith.

"In the system of democracy, the power to take decisions does not lie with the Head. On the contrary, a group holds the power, but adheres to the rules and regulations. All the members of the group hold open discussions and take final decisions only when everyone is convinced. This is called democratic way of decision making."

"Are there rules and regulations to govern our country like the rules and regulations of this group?"



Tamil Nadu Legislative Assembly

"Yes. In a highly populated country like India, if people want to live peacefully, they have to follow certain rules and regulations, rights and duties properly. Hence, the constitution of India guides us in all these aspects and plays an important role in maintaining law and order."



In 2007, the UNO General Assembly resolved to observe 15<sup>th</sup> September as the **International Day of Democracy**.

"What are the rights given in our Constitution?"

"Our Constitution ensures freedom, equality and justice to everyone."

"What other features are found in our constitution?"

"It defines the political principles, the structure of the government institutions and methods to follow these rules and regulations, the powers and responsibilities. And also, it fixes the Rights and Duties and the Directive Principles of the citizens. Thus our constitution provides a structure to us."

"Is the constitution of India such a detailed one?" asked Tamizhselvi in amazement.

"Indian Constitution is the longest written constitution in the world. It is drafted by the Drafting Committee of the Constituent Assembly headed by **Dr. B.R. Ambedkar**. That is why we call him the '**Chief Architect of our Constitution**' Rajasekaran concluded.

The students clapped with joy and thanked him for the simple explanation of democracy.



## Aims of Democracy

Democracy is defined as "Government of the people, for the people and by the people."



In a democracy, the power is vested in the hands of the people. For that, the people should have rights to take decisions. Everyone cannot participate in decision making. So, the representative government elected by the people to form a democratic system, all those who attain the age of 18 are given the voting rights to elect the representatives. At the same time, the representatives have the

responsibility to protect the welfare of the people.

## World Democracy

New Zealand is the first country to allow women to vote (1893). Voting rights to women were given in 1918 and 1920 in the UK and USA respectively. At the same time, the wealthy alone were given the voting rights in India. Many leaders like Mahatma Gandhi kept insisting on giving voting rights to all. Now in India, all the people above 18 years of age enjoy Universal Adult Franchise.



The world statistical data on democracy declares that 79% of the Indian citizens have faith in the democratic system. Hence, India ranks first among the democratic countries of the world.

### Oldest Democracies in the World

Sl. No.	Democracy	Period	Location	Significance
1	Greek Democracy	5 <sup>th</sup> century BC (BCE)	Greece	Foundation of political philosophy
2	Roman Empires Democracy	300 BC – 50 BC (BCE)	Italian Peninsula, Rome	Loads of expansions of the growth of civilization
3	San Merinos Democracy	AD (CE) 301	Italy	Earliest written constitution still in effect
4	The Iceland Democracy	AD (CE) 930	Thingvellir	The oldest and longest functioning parliament in the world.
5	The Isle of Man's Democracy	AD (CE) 927	Between Great Britain and Ireland	Self governing possessions of the crown
6	British Democracy	13 <sup>th</sup> Century AD (CE)	England	Magna Carta of 1215
7	US Democracy	AD (CE) 1789	United States of America	The oldest standing democracy





## A-Z GLOSSARY

1. Democracy - a government formed by the people
2. Election - a process by which a representative is chosen
3. Decision - to make up one's mind
4. Government - a group of people with authority to govern a country

## RECAP

- "Government of the people, by the people for the people" is defined as democracy.
- Direct democracy and Representative democracy are the types of democracy.
- Our constitution ensures freedom, equality and justice to everyone.
- Indian constitution is the longest written constitution in the world.
- In India, all the people above 18 years of age enjoy Universal Adult Franchise.

## EXERCISES

### I. Choose the correct answer.

1. Early man settled near \_\_\_\_\_ and practiced agriculture.  
a. plains      b. bank of rivers  
c. mountains      d. hills
2. The birth place of democracy is \_\_\_\_\_  
a. China      b. America  
c. Greece      d. Rome



3. \_\_\_\_\_ is celebrated as the International Democracy Day.  
a. September 15      b. October 15  
c. November 15      d. December 15
4. Who has the right to work in a direct Democracy?  
a. Men      b. Women  
c. Representatives      d. All eligible voters

### II. Fill in the blanks.

1. Direct Democracy is practised in \_\_\_\_\_
2. The definition of democracy is defined by \_\_\_\_\_.
3. People choose their representatives by giving their \_\_\_\_\_.
4. In our country \_\_\_\_\_ democracy is in practice.

### III. Answer the following.

1. What is Democracy?
2. What are the types of democracy?
3. Define: Direct Democracy.
4. Define: Representative Democracy.
5. What are the salient features of our constitution that you have understood?

### IV. HOTs

1. Compare and contrast direct democracy and representative democracy.

### V. Activity.

1. Find out your area's representative's names and write down  
a. MP      b. MLA      c. Local body member
2. Discuss about the merits and demerits of democracy.



## Unit 2

### LOCAL BODIES – RURAL AND URBAN



#### Learning Objectives

- To know about the structure and functions of rural and urban local bodies.
- To know about the Grama Sabha and the purpose of Grama Sabha meeting.
- To understand the special features of Panchayatraj.
- To know about the participation of women in local bodies.
- To know about the election of local body and will observe the forthcoming election.



Nandhini is in standard VI. It was her custom to read the headlines in the newspaper loudly to her parents Mr. Namburajan and Mrs. Manimegalai. They would clear her doubts. Sometimes, children from their neighbourhood would also join her and each one will read an article loudly. As it was a Saturday, Johnson, Maran and Anwar were also in Nandhini's house. Nandhini started to read an article from the newspaper.

"Nagercoil Municipality to become corporation soon"

She was about to read the next heading, but she had a doubt and asked her father.

"Father, what is a corporation?"

"The Government of Tamil Nadu will declare certain municipalities based on population and high revenue. That's how Nagercoil has to be declared as a corporation too", said her father Namburajan.

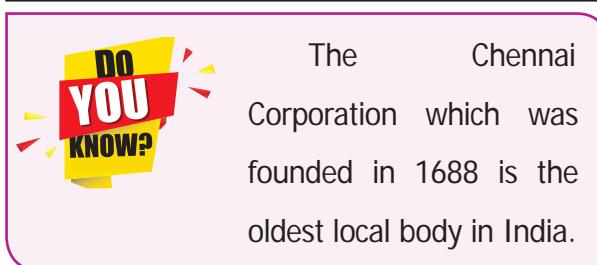
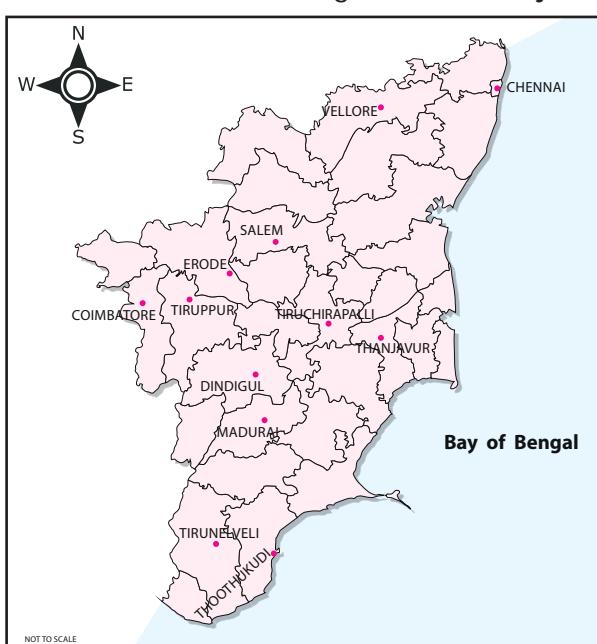
"Oh, if that is so, are there other corporations that exist already?"

"Yes, there are twelve corporations in Tamil Nadu", said Namburajan.



## The List of corporations in Tamil Nadu

1. Chennai
2. Madurai
3. Coimbatore
4. Tiruchirapalli
5. Salem
6. Tirunelveli
7. Erode
8. Thoothukudi
9. Tiruppur
10. Vellore
11. Dindigul
12. Thanjavur



“Father, what about the place we live in” enquired Maran.

“We live in a Panchayat, Maran”.

“What is a Panchayat?”

“There are villages as well as cities in Tamil Nadu, aren’t there?”

“Yes, father”.

“Won’t the needs of villages and cities differ? Our constitution has provided certain structures to fulfill the needs of the people.

Accordingly, the urban local bodies are categorized into City Municipal Corporations, Municipalities and Town Panchayats, while the rural local bodies are categorised into Village Panchayats, Panchayat Unions and District Panchayats. These are together known as local bodies.”

“Oh, are there so many divisions?”

“Yes, I’ll tell you about them. Didn’t I tell you about the City Municipal Corporations?”

“Yes, father”.

“Those areas which have a population of more than one lakh and a high amount of revenue and is found in the level below the City Municipal Corporation is called a **Municipality**.”



- **Walajahpet**

Municipality (Vellore

District) is the first

Municipality in Tamil Nadu.

- **Kanchipuram** District has the most number of municipalities.

“You mentioned something about towns”.

“A Town Panchayat has about 10,000 population. A **Town Panchayat** is between a village and a city.”



There is something special about the Town Panchayat. Can anyone tell me what is it?", asked Namburajan. Everyone was gazing at him. But none answered.

"Well, I'll tell the answer myself.

**Tamil Nadu** was the first state to introduce a town Panchayat in the whole of India".

All were amazed on hearing it.

A City Municipal Corporation has a **Commissioner**, who is an Indian Administrative Service (IAS) officer. Government officials are deputed as **Commissioners** for the municipalities. The administrative officer of a Municipality is an **Executive Officer** (EO).

"You mentioned about Panchayats and Panchayat Unions".

The **Village Panchayats** are the local bodies of villages. They act as a link between the people and the government. Villages are divided into wards based on their population. The representatives are elected by the people.

### The Elected Representatives

1. Panchayat President
2. Ward members
3. Councillor
4. District Panchayat  
Ward Councillor



### Panchayat Union.

Many village Panchayats join to form a **Panchayat Union**. A **Councillor** is elected from each Panchayat, isn't it? Those councillors will elect a Panchayat Union **Chairperson** among themselves. A **Vice Chairperson** is

also elected. A **Block Development Officer** (BDO) is the administrative head, of a Panchayat Union.

The services are provided on the Panchayat Union level.



**Villupuram** District has the highest number of Panchayat Unions (22), while **The Nilgiris** and **Perambalur** Districts have the lowest number (4).

### District Panchayat

A District Panchayat is formed in every district. A district is divided into wards on the basis of 50,000 population. The ward members are elected by the Village Panchayats. The members of the District Panchayat elect the **District Panchayat Committee Chairperson**. They provide essential services and facilities to the rural population and the planning and execution of development programmes for the district.

The local bodies are governed by the representatives elected by the people. The constituencies are called wards. People elect their ward members.

The **Mayor** of the City Municipal Corporation and the **Municipal Chairperson** are the elected representatives of the people. The people elect them. The Corporation **Deputy Mayor** and the Municipal **Vice Chairperson** are elected by the ward councillors" finished Namburajan.

"What are the benefits of local bodies, uncle?"



"There are many benefits. The services provided can be divided as obligatory functions and discretionary functions. These are provided by the local bodies.

### Functions of the village Panchayat

#### Obligatory Functions

- Water supply
- Street lighting
- Cleaning roads
- Drainage & sewage pipes system
- Laying down roads
- Activation of Central and State Government schemes

#### Discretionary Functions

- parks
- Libraries
- Playgrounds, etc.

### Functions of the City Municipal Corporation

- Drinking water supply
- Street Lighting
- Maintenance of Clean Environment
- Primary Health Facilities
- Laying of Roads
- Building flyovers
- Space for markets
- Drainage System
- Solid waste management
- Corporation schools
- Parks
- Play grounds
- Birth and Death registration, etc.

"So, who does all these works?"

"As per the decisions taken in the city Hall meetings, the commissioner or officers

assign these works to their subordinate officers or other servants. Thus, they all work in various levels to get these public works done".

"Will the Government provide funds for these services, father?"

"The Government directly allots funds for these works. The local bodies also collect revenue".

### Revenue of the Village Panchayat

- House tax
- Professional tax
- Tax on shops
- Water charges
- Specific fees for property tax
- Specific fees for transfer of immovable property
- Funds from Central and State Governments, etc.

### Revenue of the City Municipal Corporation

- House Tax
- Water Tax
- Tax on shopping complexes
- Professional Tax
- Entertainment Tax
- Vehicle Charges
- Funds by Central and State Government, etc.

#### Activity

- Distinguish between rural and urban revenue and functions.
- Find out from your home: The taxes paid by your family.



"How are the Grama Sabha meetings held, uncle?" asked Maran.

"Grama Sabha meetings? In movies, I have seen elders sitting under trees and discussing important matters and take decisions," said Johnson.

"No, no, both are different. A Grama Sabha is formed in every Village Panchayat. It is the only permanent unit in the Panchayat Raj System. Grama Sabha meetings are held even in smaller villages. The Grama Sabha is the grass root level democratic institution in a Village Panchayat".



Those who have attained the age of 18 years and whose names are found in the electoral roll of the same Panchayat can take part in a Grama Sabha meeting. The Grama Sabha meetings are conducted four times a year. Officers like the District Collector, the Block Development Officer, teachers etc., also participate in this meeting. The people can freely express their needs and grievances".

When are these meetings convened?

**January 26, May 1, August 15 and October 2.**

Apart from these days, the meetings can be convened as per need or during emergency.

These are called Special Grama Sabha meetings.

### Activity

The teacher guides the student to visit the Grama Sabha meeting.

"Mahatma Gandhi advocated Panchayat Raj as the foundation of India's political system, as a form of government, where each village would be responsible for its own affairs. The Panchayat Raj Act was enacted on April 24, 1992".



April 24 is National Panchayat Raj Day.

### Special features of Panchayat Raj

- Grama Sabha
- Three tier local body governance
- Reservations
- Panchayat Elections
- Tenure
- Finance Commission
- Account and Audit, etc

"Thank you very much, uncle. We really learnt a lot about local bodies", said the children gratefully.

"I'm very happy that I could share so much with you today. That's enough of reading newspapers. Go out and play now", said Namburajan.

The children ran out to play joyously.

### Activity

The Central Government gives awards to the best performing Village Panchayats. Find out if your village has received such awards.



## Role of women in the Local Self Government

All local bodies have a reservation of 33% for women. In the 2011 Local Bodies election, 38% seats were won by women. As per the Tamil Nadu Panchayats (Amendment) Act, 2016, 50% reservation for women is being fixed in Panchayat Raj institutions.

### Activity

Find out about the ward members of your area. Talk to the women members and discuss about their participation and experiences.

## Local Body Election



The tenure for the representatives of local self Government is 5 years. The election to the Local Bodies is held once in five years by the State Election Commission. Every state has a State Election Commission. The Tamil Nadu State Election Commission is situated in Koyambedu, Chennai.

### Tamil Nadu

Village Panchayats	-	12,524
Panchayat Unions	-	385
District Panchayats	-	31
Town Panchayats	-	561
Municipalities	-	125
City Municipal Corporations	-	12

### Think it over

- Do you think the above numbers are stable? Find out about the recent changes.
- What is the number of votes cast by rural and urban voters in a local body election?

### HOTS

Why are there only 31 district panchayats, but 32 districts?

**Works carried out by local bodies durings natural disasters and out break of diseases.**





**GLOSSARY**

Corporation	- மாநகராட்சி
Municipality	- நகராட்சி
Town Panchayat	- பேரூராட்சி
Village Panchayat	- கிராம ஊராட்சி
Panchayat Union	- ஊராட்சி ஒன்றியம்

**RECAP**

- Local bodies are structures to fulfill the needs of people.
- Panchayat, Panchayat Union and District Panchayat are rural local bodies.
- Town Panchayat, Municipality and Corporation are urban local bodies.
- Grama Sabha is the only permanent unit in a village Panchayat.
- Panchayat Raj System strengthened the local bodies.
- The election of local bodies take place in every five years.

**Exercises**

**I. Choose the correct answer.**

1. \_\_\_\_\_ is set up with several village panchayats
- Panchayat Union
  - District Panchayat
  - Taluk
  - Revenue village



2. \_\_\_\_\_ is National Panchayat Raj Day.

- January 24
- July 24
- November 24
- April 24

3. The oldest urban local body in India is \_\_\_\_\_.

- Delhi
- Chennai
- Kolkata
- Mumbai

4. \_\_\_\_\_ District has the highest number of Panchayat Unions.

- Vellore
- Thiruvalloore
- Villupuram
- Kanchipuram

5. The head of a corporation is called a \_\_\_\_\_.

- Mayor
- Commissioner
- Chair Person
- President

**II. Fill in the blanks.**

- \_\_\_\_\_ is the first state in India to introduce town Panchayat.
- The Panchayat Raj Act was enacted in the year \_\_\_\_\_.
- The tenure of the local body representative is \_\_\_\_\_ years.
- \_\_\_\_\_ is the first municipality in Tamil Nadu.



### III. Match

1. Grama Sabha - Executive Officer
2. Panchayat Union - State Election Commission
3. Town Panchayat - Block Development Officer
4. Local body election - Permanent Unit

### IV. Answer the following.

1. Is there any corporation in your district? Name it.
2. What is the need for local bodies?
3. What are the divisions of a rural local body?
4. What are the divisions of a Urban local body?
5. Who are the representatives elected in a Village Panchayat?
6. List out a few functions of corporations.

7. List out a few means of revenue of village Panchayats.
8. When are Grama Sabha meetings convened? What are the special on those days?
9. What are the special features of Panchayat Raj system?
10. What is the importance of Grama Sabha?

### V. HOTs

1. Local bodies play an important role in the development of villages and cities. How?

### VI. Activities

1. Prepare a questionnaire to interview a local body representative.
2. Discuss; If there is a contribution to the improvement of your school by local body representatives
3. If I were a local body representative, I would.....
4. Find out the number of local bodies in your district and list them.

Name of the District	Village Panchayat	Panchayat Union	District Panchayat	Town Panchayat	Municipality	Corporation





GOVERNMENT OF TAMIL NADU

# STANDARD SEVEN

TERM - I

VOLUME - 3

SCIENCE  
SOCIAL SCIENCE

A publication under Free Textbook Programme of Government of Tamil Nadu

Department of School Education

Untouchability is Inhuman and a Crime





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E - Book



Assessment



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# CIVICS





## Unit -I

### Equality



#### Learning Objectives

- ❖ To understand the meaning of Equality
- ❖ To know the importance of Equality
- ❖ To learn the different types of Equality
- ❖ To know the various Articles of our constitution that have guaranteed Equality





## Introduction:

Nature has made man unequal in colour, height, talent, physical strength etc., and the natural inequalities can never be rectified. Even the twins looking like the similar are not equal in their abilities. Man made inequalities on the basis of caste, money religion etc can be rectified. It is universally accepted that people are differed in their capacity, ability, attitude etc but at the same time, it is also accepted that they should be given equal opportunities for the development of their skills and talents.

## What is Equality?

Equality is ensuring individuals or groups that are not treated differently or less favourably on the basis of specific protected characteristic, including areas of race, gender, disability, religion or belief, sexual orientation and age.

According to Prof Laski “Equality does not mean identity of treatment, the sameness of reward. It means first of all absence of social privilege, on the second it means that adequate opportunities are laid upon to all”.

## Importance of Equality

Equality is a powerful moral and political ideal that has inspired and guided human society for many centuries. The concept of equality invokes the idea that all human beings have equal worth regardless of their caste, colour, gender, race or nationality. The democratic ideals such as liberty, equality etc are meaningful and effective only when they are implemented with justice.

## Kinds of Equality

### Social equality



Social equality means that all citizen are entitled to enjoy equal status in society. There should not be any discrimination of caste, creed, colour and race. All should have equal opportunity to develop their personality and to complete goals.

### Civil Equality

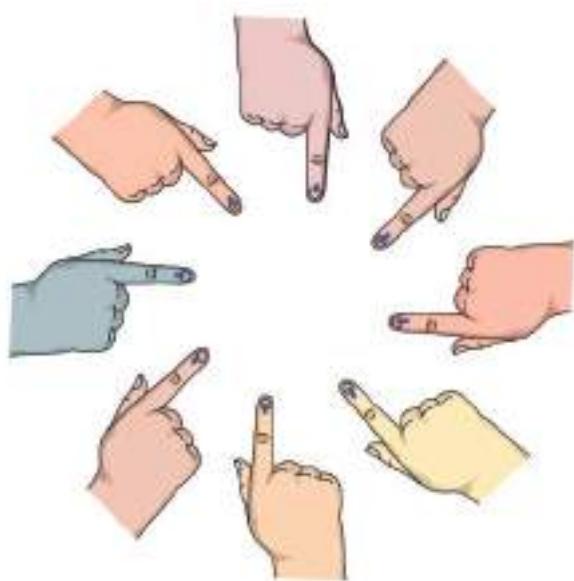
Civil equality is enjoyment of civil rights by all citizen. There should not be any discrimination of superior or inferior, the rich or the poor, caste or creed. Equal rights should be available to all the persons and nobody should be denied enjoyment of any rights. Rule of law is in force in England and in the eyes of law all are equal and equal treatment is given to all by the rule of law. In India the same rule of law is followed.

Rule of law was advocated by  
A.V.Dicey, the British legal luminary.

## Political Equality

All the democratic countries including India have guaranteed the political rights to all citizens. It includes

- ❖ Right to vote
- ❖ Right to hold public Office
- ❖ Right to criticise the government



Citizens should have equal opportunity to actively participate in the political life. These rights can be enjoyed through the Universal Adult Franchise. In India the voting right is given to all the citizens who has attained 18 years of age without any discriminations. India is the first country to give right to vote to women from the very first general election held in the year 1952. In Switzerland the right to vote is given to women in 1971. Any person who has completed the age of 25 years can contest in the election. Right to criticise the government is also very important right and the people can express their resentment through demonstrations. The value of the vote of the Prime Minister and value of vote of common man in general election is same which denotes political equality.

### Gender Equality

All human beings, both men and women, are free to develop their personal abilities and make choices without any limitations. woman were not given equal rights and they were considered as weak as compared to man and they were placed in a secondary position to men. They should be treated equally. It does

not mean that women and men have to become the same, but that their rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender Equality is the equal right of both men and women to have access to opportunities and resources. They have right to participate in the economic sphere and make important decisions. Women with their talent and hard work have proved that their ability is not less than men in any aspect. Nowadays, women are successfully working in many fields like Border security force, Indian Air Force, etc. For the uplift of women 50% reservation has been given for women in local bodies.

UNICEF says Gender Equality “means that women and men, and girls and boys, enjoy the same rights, resources, opportunities and protections. It does not require that girls and boys, or women and men, be same, or that they be treated exactly alike.”

As of 2017, gender equality is the fifth of seventeen sustainable development goals of the United Nations.

Efforts were made by many social activists from the 19th century onwards. The noted champions of this cause were Raja Rammohan Roy, Ishwar chandra Vidyasagar, Dayanand Saraswati, Mahadev Govind Ranade, Tarabai Shinde, Begum Rokeya Sakhawat Hussain. They worked hard to get equal status to the women.

### Human dignity

Dignity means self – respect. Human dignity is the most important human right from which all



other fundamental rights derive. Dignity is the quality of being honourable, noble and excellent. Every human being should be regarded as a very valuable member of the community.

### Equality of Opportunity and Education

All the individuals should have similar chances to receive education. They should have similar opportunities to develop their personality. We need equality to get equal treatment in society. If we treat equality we can earn respect and dignity.

### Equality in Indian constitution

Almost the constitution of all the countries in the world have guaranteed equality. Likewise, the constitution of India has also guaranteed equality to all citizens by providing Articles 14-18.

Article 14 – guarantees to all the people equality before law.

Article 15 – deals with the prohibition of discrimination.

Article 16 – provides equality of opportunity in matters relating to employment.

Article 17 – abolishes the practice of untouchability.

Article 18 - abolishes the titles conferred to citizen.

Equality before law and equal protection of law have been further strengthened in the Indian constitution under Article 21.

### We can promote equality by

- ❖ Treating all fairly
- ❖ Creating an inclusive culture
- ❖ Ensuring equal access to opportunities
- ❖ Enabling to develop full potential
- ❖ Making laws and policies
- ❖ Education.

### Conclusion

India is the largest democratic country in the world. Equality and justice are the pillars of democracy. Justice can be achieved when people are treated equally. Equality is so important because it preserves the dignity of an individual. Equality is an important principle for a society to function.

### Summary

- ❖ Liberty and Equality are the two fundamental concepts of democracy.
- ❖ All people should be equal before law and everybody should be given equal chance and opportunity to participate in political life.
- ❖ Civil equality implies equality of all before law.
- ❖ Gender equality means both the men and women should be treated equally.
- ❖ The various laws and programmes of the government aim at gender equality.



## Glossary

1.	Equality	absence of any privilege to anybody	சமத்துவம்
2.	Rule of law	rule based on law	சட்டத்தின் ஆட்சி
3.	Monarchy	government by a single person	முடியாட்சி
4.	Privileges	special concessions	சலுகைகள்
5.	Discrimination	difference	பாகுபாடு



### Evaluation



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4. Inequality created by man on the basis of caste, money, religion etc is called as \_\_\_\_\_

- a. Natural inequality
- b. Manmade inequality
- c. Economic inequality
- d. Gender inequality

5. In Switzerland, the right to vote is given to women in the year

- a. 1981
- b. 1971
- c. 1991
- d. 1961

### I. Choose the correct answer

1. Which one of the following does not come under Equality?
  - a. Non discrimination on the basis of birth, caste, religion, race, colour, gender.
  - b. Right to contest in the election.
  - c. All are treated equal in the eyes of law.
  - d. Showing inequality between rich and poor.
2. Which one of the following comes under political Equality?
  - a. Right to petition the government and criticize public policy.
  - b. Removal of inequality based on race, colour, sex and caste.
  - c. All are equal before the law.
  - d. Prevention of concentration of wealth in the hands of law.
3. In India, right to vote is given to all the citizens at the age of \_\_\_\_\_
  - a. 21
  - b. 18
  - c. 25
  - d. 31

### II. Fill in the blanks

1. Civil equality implies equality of all before \_\_\_\_\_.
2. The Indian constitution deals about the Right to equality from Article \_\_\_\_\_ to \_\_\_\_\_.
3. Right to contest in the election is a \_\_\_\_\_ Right.
4. Equality means, absent of \_\_\_\_\_ privileges.

### III. Give short answer

1. What is Equality?
2. Why is gender Equality needed?
3. What is civil Equality?



## IV. Answer in detail

1. Write about the importance of Equality.
2. What is political Equality?
3. How does the Constitution of India protect the Right to Equality?

## HOTs

How can we eliminate inequality at school level?

## I. Life Skills

Write the correct answer.

Enumeration of Different types of equality	Type of equality
1. There should not be any discrimination among the citizens on the basis of status, caste, colour, creed and rank, etc.	
2. Equality of all before the law.	
3. Right to vote, right to hold public office and right to criticize the government.	
4. My ability is not less than men in any aspect.	

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## Unit -II

### Political Parties



#### Learning Objectives

- ❖ To define what political party is and to understand the importance of the political party
- ❖ To know the role and function of a political party
- ❖ To understand the party system in India and the role of opposition party



JENXYK

- Student Siva :** Good morning Mam. May I come in?
- Teacher Ms.Aadhi:** Good morning Siva. Always you will be on time. Why are you so late today?
- Siva:** Sorry mam. I was delayed due to a procession.
- Ms. Aadhi:** What is it about? Who arranged this procession?
- Siva :** My uncle said “That is the work of the political party”.
- Ms. Aadhi:** Oh. I see!
- Siva :** What is political party mam? Why are they doing so?
- Ms. Aadhi:** Wait. Today I am going to teach about political parties. Let us know all about that.

In earlier times, emperors and kings ruled India. The king was the supreme head of the Legislative, Executive and Judiciary branches. Governance was in the hands of one person. The welfare of the people depended on the ruler. People had no rights to do against the ruler. Later foreign powers made India as their colonies. The colonies became states after Independence was declared.

In 1950 India became a democratic country. A vibrant democracy needs a strong political party system. Party System is a modern phenomenon. In a democracy people are able to voice their opinions on any subject.



## What are Political Parties?

Political parties are the voluntary associations of individuals with broad ideological identity who agree on some policies, formulate an agenda and programme for the society. Political parties seek to implement their policies by winning people's support through election. Parties vary in size and in the ways they organize themselves as well as in their policies.

Any political party has three basic components

- ❖ the leader
- ❖ the active members
- ❖ the followers

## Importance of political parties

Political parties are the backbone of democracy. Parties are not part of the formal arrangement of a government but they are essential elements to form the government. They formulate public opinion. They serve as intermediaries between the citizen and the policy makers.

A party is recognized if

- ❖ it has been engaged in political activity for five years.
- ❖ its candidates secure at least six percent of total votes in the last general election.

## Characteristics of Political Parties

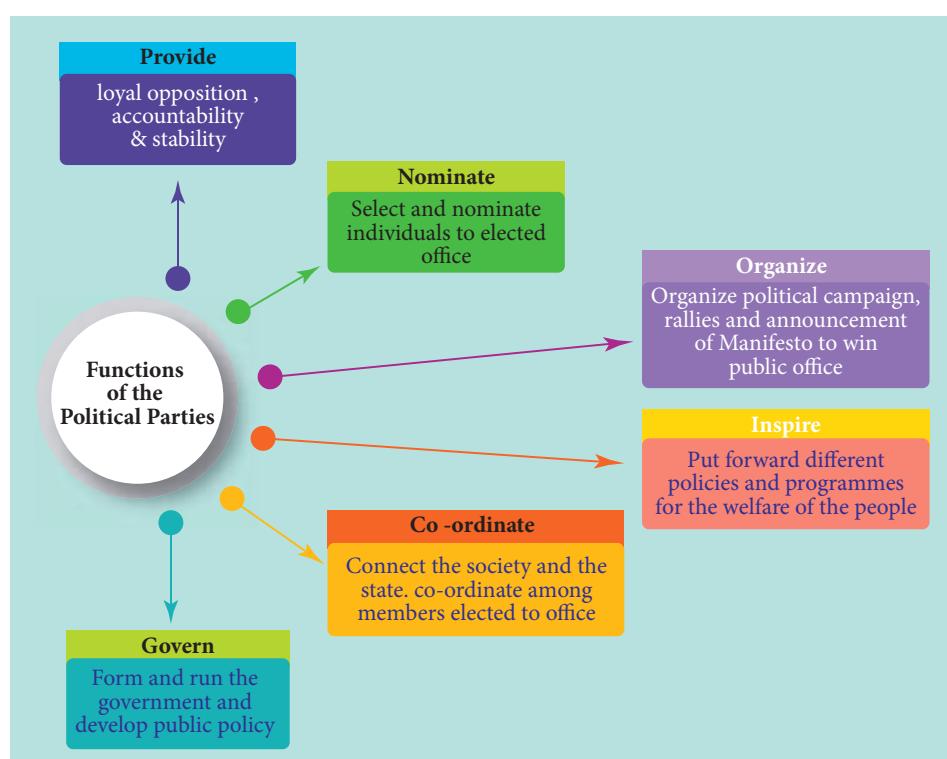
Political parties

- ❖ consist a group of persons of common goals and shared values.
- ❖ have its own ideology and programme.
- ❖ capture power only by constitutional means.
- ❖ endeavour to promote the national interest and national welfare.

### Party 'manifesto'



During the campaign before election, the candidates announce the programmes and policies that their party will undertake if voted to power.





## Types of Party System

There are three major types of party system.

**Single Party System:** a system in which a single political party has the right to form the government. Single party is existed in the communist countries such as China, North Korea and Cuba.

**Bi – Party System:** In Bi –Party system the power is usually shared between two parties. Of the two parties one becomes the ruling party and the other becomes opposition. eg Bi-Party system can be seen in U.K. (the Labour Party and the Conservative Party) and in U.S.A (the Republican Party and the Democratic Party)

### Multi – Party System

When the competition for power is among three or more parties, the system is known as multi party system. This type of party system is in existence in India, France, Sweden and Norway etc.

## Party system in India

Countries that follow a federal system have two kinds of parties. India's party system originated in the late 19th century. In fact India has the largest number of political parties in the world. In India we find the existence of political parties at three levels. They are National parties, Regional parties, and Registered but unrecognised parties (independent candidates). Every party in the country has to register with Election Commission.

### Election Commission –

Statutory body

The  
Election



Commission of India is an autonomous, constitutional authority responsible for administering elections. Its head quarter is located in New Delhi.

## HOW TO FORM A POLITICAL PARTY?

Must get registered with  
Election Commission  
of India



Must have atleast  
100 members. Each member  
needs to hold a  
voting card.



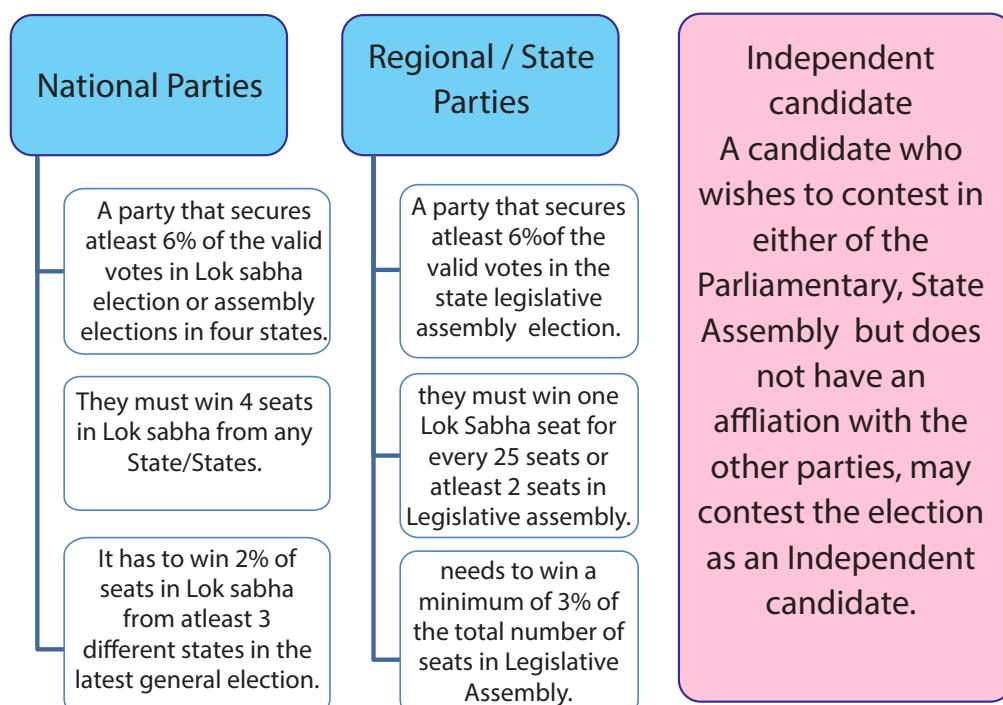
Must write a  
Party Constitution





## Criteria for Recognition

The Election Commission of India has some criteria for the recognition of political parties in India.



### Recognized parties

Parties that fulfill these criteria are called recognized parties. They are given a unique symbol by the Election Commission.

A registered but unrecognized political party cannot contest election on its own symbol. This party has to choose one symbol from free symbol 'poll panel' announced by the Election Commission.

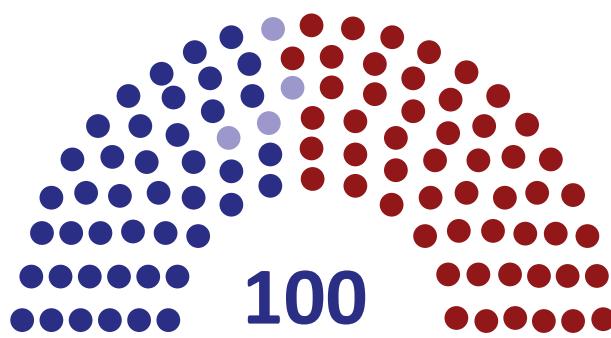
#### Free symbols 'Poll panel'

As per the Election Symbols order 1968, symbols are either reserved or free.

- A reserved symbol is meant for a recognized political party.
- A free symbol is reserved for unrecognized party.

### Majority Party

The Political Party whose number of candidates elected is more than the others is called the majority party. The Majority Party forms and runs the government. They select and appoint their ministers to run the government. They play a decisive role in making laws for the country.



### Minority Party

Those with lesser number of elected candidates are called the minority party.



## Opposition Party

The party which gets second largest number of seats next to the majority party in the election is called the Opposition party. An effective opposition is very essential for the successful operation of the democracy. They are as important as that of ruling party. They check the autocratic tendencies of the ruling party. They critically examine the policies and bills introduced by the government. They raise their voice on the failures and wrong policies. They highlight important issues which are not acted upon the Government. The leader of the opposition party enjoys the rank of Cabinet Minister.

## Coalition Government



In a Multiparty system a single party sometimes may not secure the majority required to form the government. In such a case, some parties join together to form the government. Such government is called Coalition Government.

## Electoral Symbols and its importance

An electoral symbol is a standardised symbol allocated to a political party. They play an important role in elections. They can be easily identified, understood, remembered and recognized by the voters. The Election commission has stopped allotting animals as symbols. The only exceptions are the lion and the elephant. The symbol of nationally recognized parties is standard throughout India. That symbol will not be allotted to any other party or individual.

State parties are allotted to certain symbols that no other party can use the symbol in that particular state but which different parties in different states can use the same symbol. (e.g. Shiv Sena in Maharashtra and Jharkhand Mukti Morsha in Jharkhand use bow and arrow as their symbol).

National Party	Regional /State Party
❖ National parties are political parties which participate in different elections all over India.	❖ Regional parties are political parties which participate in different elections but only within one state.
❖ It should be strong enough in at least four states.	❖ It should be strong enough in at least one or two states.
❖ It has an exclusive symbol throughout the country.	❖ A symbol is reserved for it in the state in which it is recognized. But the same symbol can be allotted to different parties in different states.
❖ It resolves State, National and International issues.	❖ It promotes regional and state interest.

Both National and Regional parties trigger the growth of the nation and work for the welfare of the people.



## Summary

- ❖ Modern age is an age of mass society and of large population and party system is a modern phenomenon.
- ❖ A group of people with broad common interest who organize to win elections, control government and thereby influence government policies.
- ❖ There are three major types of party system (i.e.) single party system, Bi - party system, and Multi - party system.
- ❖ In India we have Multi – party system.
- ❖ Individual citizen who are not members of a party may also be elected. They are known as Independents.
- ❖ Election Commission is responsible for free and fair elections in India.

## Glossary

1.	Democracy	Government by the people	ஜனநாயகம்
2.	Election manifesto	a public declaration of policies and aims by political parties	தேர்தல் அறிக்கை
3.	Opposition party	a party opposing to the other parties	எதிர்க்கட்சி
4.	Federal system	system of government in which several states form a unity but remain independent in internal affairs	கூட்டாட்சி அமைப்பு
5.	Election commission	a body for implementation of election procedures	தேர்தல் ஆணையம்
6.	Electoral symbols	symbols allocated to a political party	தேர்தல் சின்னங்கள்
7.	Cabinet Minister	member of a parliament or legislative assembly cabinet	அமைச்சர்



### Evaluation



2. Which system of government does India have?
  - a) Single-party system
  - b) Bi-party system
  - c) Multi-party system
  - d) None of these

### I. Choose the correct answer:

1. What is meant by Bi-party system?
  - a. Two parties run the government.
  - b. Two members run a party.
  - c. Two major political parties contest election.
  - d. None of these.
3. Recognition of a political party is accorded by \_\_\_\_\_.
  - a) The Election commission
  - b) The president



- c) The supreme court  
d) A committee
4. Political parties are generally formed on the basic of \_\_\_\_\_.  
a) Religious principles  
b) Common interest  
c) Economic principles  
d) Caste
5. Single-party system is found in \_\_\_\_\_.  
a) India  
b) U.S.A  
c) France  
d) China

## II Fill in the blanks:

- \_\_\_\_\_ form the back bone of democracy.
- Every party in our country has to register with \_\_\_\_\_.
- Political parties serve as intermediaries between the -----and-----
- A registered but ----- political party cannot contest election on its own symbol.
- The leader of the opposition party enjoys the rank of \_\_\_\_\_.

## III Match the following:

A	B
1. Democracy	criticize the government policies
2. Election commission	forms the government
3. Majority party	rule of the people
4. Opposition party	free and fair election

## IV Consider the following statements:

**Tick ( ✓ ) the appropriate answer**

- Which of the following statement is/are correct?
  - Every party in the country has to register with the election commission.
  - The commission treats all the parties equally.
  - Election commission allots a separate symbol for recognized parties.
  - All the above.

- Assertion:** Majority party plays a decisive role in making laws for the country.

**Reason:** The number of candidates elected is more than the others in the election.

- a. R is the correct explanation of A.
- b. R is not the correct explanation of A.
- c. R is wrong A is correct.
- d. A and R are wrong.

## V Answer in one or two sentences:

- What are the basic components of a political party?
- Name the three major types of party system.
- Name the countries which follow Bi – party system.
- Write a note on Coalition Government.

## VI Answer the following :

- Write any four functions of political party?
- When is a political party recognized as a National Party?



GOVERNMENT OF TAMIL NADU

# STANDARD SEVEN

TERM - II

VOLUME - 3

SCIENCE  
SOCIAL SCIENCE

A publication under Free Textbook Programme of Government of Tamil Nadu

Department of School Education

Untouchability is Inhuman and a Crime



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## Unit -II

## Media and Democracy



## Learning Objectives

- ❖ Understand media and its classification
  - ❖ Analyse the role of media in facilitating interaction between the government and citizen
  - ❖ Know the ethic and responsibility of media
  - ❖ Gain a critical sense of the impact of media on people's lives and choices.



*"Let noble thoughts come to us from every side"*

## Introduction:

Traditionally, India has many folk forms of communicating with people in rural areas. Harikatha, and koothu are originally a religious media from in which the stories were propagated. It is a collective form of music, dance, speech, storytelling with comic interludes. It has tremendous effect in communicating the messages straight into the hearts of the people. Then socially relevant messages were passed through this medium. Modern methods to address small and medium gatherings include seminars, dramas, public meetings and workshops etc. Print media has been referred to as Peoples University because they perform the role of

public informer, educate and custodian of public interest. Let us discuss about Media and its role.

## What is Media?

Every individual person is a medium of expression. An individual interacts through the media to reach other individual and institutions. Media is generally the agency for inter-personal communication. Media includes every broadcasting and narrowcasting medium. Media is the plural of the word medium. Such a medium or media allows to communicate messages, thoughts, ideas, views, etc.



## Classification of Media

Narrowcast Media	Cable Television, Direct mail, Seminar
Broadcast Media	Films, Television, Radio
Print Media	Newspapers, Magazine, Journals, Books, Posters, Reports
Web Media	Google website and Blogs
Social Media	Twitter, Facebook, WhatsApp and Instagram

This communication can be classified into:-

**Personal communication** – these are meant for personal use, like letters, telephone, cell phone, E-mail and fax.

**Mass communication** –these are used for communicating with the masses. Newspapers, Radio, TV, Collectively they are termed as media.

Printing press was invented by Johannes Gutenberg in 1453

## Fourth Pillar of Democracy



The four pillars of democracy are Legislature, Executive, Judiciary, and Media. Media ensures the transparency in the

working of all the above three systems. This fourth pillar of democracy ensures that all people living in far off areas of country are aware of what's happening in rest of the country. In fact, mass media is the most important vehicle for information, knowledge and communication in a democratic polity.

### Importance of the Media

Media is very powerful entity on the earth. It is a mirror which shows various social, political and economic activities around us. People depend on the media for various needs including entertainment and information. Media keeps the people awakened and it has become one of the major instruments of social change. Media not only bring out the day to day happenings in the world, but also exposes the strength and weakness of the government. It also advertises the various products produced by the private companies. It creates the awareness. All the TV channels broadcasts national and international news. Social problems are portrayed in many cinemas. Media provide a balanced report on any matters. It fights against the socio-political evils and injustice in our society while bringing empowerment to the masses and facilitating development.



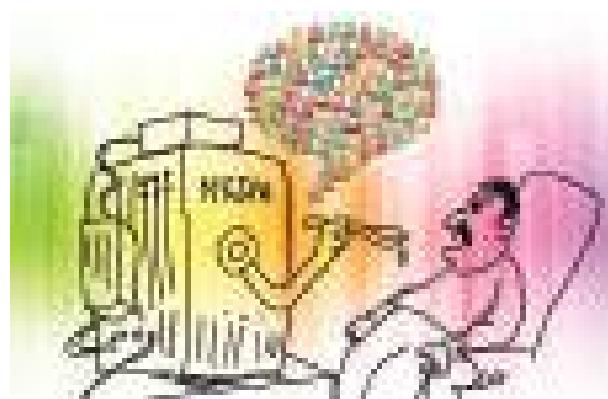


### All India Radio (AIR)

Officially known as Akashvani since 1956 (voice from the sky) is the radio broadcaster of the Government of India launched in 1936.

## Media and public opinion

The media plays a prominent role in the formation of public opinion (general opinion of the public on particular issue). It is the powerful tool in contemporary times. It has become a part of the everyday life of the people. They play a significant role in shaping a person's understanding and perception about the events occurred in our daily lives. The mass media play a significant role in providing honest, intelligent and usually unbiased accounts of events. The newspaper reflects the response of the people to the government policies. Thus print media and electronic media helps the people to express their opinion on important social issues.



## Ethics and Responsibility

Ethics is a code of values which govern our lives. So they are very essential for moral and healthy life. In the context of media ethics may be described as a set of moral principles. The media is expected to follow a

code of conduct which should be reflected in their reporting and writing. Sensational and distorted news should be avoided.



The fundamental objectives of media are to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased and decent manner and language. An awakened and free media is very much essential for the function of the government.

It has right to collect information from any primary authentic sources which are important to the society and then report the same with the aim to inform not to create sensation. The media has a massive responsibility in providing factual coverage.

## Role of Media in Democracy

Media is the back bone of democracy. In our democratic society mass media is the driving force of public opinion. Media strengthens the democratic value. It enlightens and empowers the people. It can educate the voters and ensures that government is transparent and accountable. Media carry every report of action of administration of the government. Based on the information, the citizen can learn about the functioning of the government and day to day happenings taking place around them.



### Theory of Democracy

Democracy means rule by the people. It combines two Greek words. Demos refers to citizen. Kratos means either power or rule.

It arranges the debate on current affairs so that we can get the different views for the same issue. Media reminds the government of its unfulfilled promises to the public. It educates masses in rural areas. Parliamentary democracy can flourish only under the watchful eyes of media. Media not only reports but acts as a bridge between the state and public. Thus the media acts as a watch dog of the democratic government. A democracy without media is like vehicle without wheel.

### Local Media



Usually the media reports the news which of national and global importance whereas local media addresses public locality.

Name some local media of your locality.

### Conclusion

The media, in the contemporary world of information and technology plays a very significant role in educating masses. The media should always keep in mind, that it should not publish anything which corrupts the public mind and disturbs social peace. For healthy society sharing of views, free flow of information, free communication and expression plays a crucial role. Media, being powerful and important instruments of expression have got lot to contribute. Mass media have made the world smaller and closer.

### Summary

- ❖ A medium is a means or way of communication; media is the plural of medium.
- ❖ Modern media such as TV, radio, newspaper, and the internet reach millions of people all over the world. So the common term used for them is mass media.
- ❖ Changing technology helps media to reach more people.
- ❖ Media has brought the world closer to us. It brings the news and happenings from across the world to the public in a fair and realistic way.
- ❖ In a democracy, the media plays a very important role in providing news.
- ❖ It is working out to be an effective tool to create public opinion on issues by improving awareness among the masses.



## Glossary

1.	Broadcast	transmit by radio or television	ஒளிபரப்பு
2.	Polity	system of government	ஆட்சி அமைப்பு
3.	Contemporary	present -day	சமகாலத்தில்
4.	Ethics	moral principles	நெறிமுறைகள்
5.	Unbiased	impartial	நாடாங்களையான
6.	Authentic	genuine/original	உண்மையான



### Evaluation



Z9G5T2

### I. Choose the correct answer

- Which one of the following comes under print media?  
a. Radio      b. Television  
c. Newspaper      d. Internet
- Which one of the following is the broadcast media?  
a. Magazines      b. Journals  
c. Newspaper      d. Radio
- Which invention has brought the world closure?  
a. Typewriter      b. Television  
c. Telex      d. none of these
- Which is mass media?  
a. Radio      b. Television  
c. Both a & b      d. None of these
- why is it necessary for media to be independent?  
a. to earn money  
b. to encourage company  
c. to write balanced report  
d. none of these

### II Fill in the blanks

- \_\_\_\_\_ have made the world smaller and closer.
- Every individual person is a medium of \_\_\_\_\_.
- Printing press was invented by \_\_\_\_\_.
- \_\_\_\_\_ is a code of values which govern our lives.
- \_\_\_\_\_ is the radio broadcast of the Government of India.

### III. Match the following

Narrowcast media	-	films
Social media	-	posters
Print media	-	seminar
Web media	-	google web site
Broadcast media	-	facebook

### IV. Consider the following statements: Tick the appropriate answer

- Assertion:** Print media has been referred to as peoples University  
**Reason:** They perform the role of public informer, educate, custodian of public interest.  
a. A is correct and R is the correct explanation of A



- b. A is correct and R is not the correct explanation of A
  - c. A is wrong and R is Correct
  - d. Both are wrong
2. Find the odd one
- a. newspapers b. magazine c. journals d. twitter e. posters
3. consider the following statements and choose the correct answer form the codes given below.
- a. Media is generally the agency for interpersonal communication.
  - b. Media is very powerful entity on the earth.
  - c. Media plays a prominent role in the formation of public opinion.
  - d. Media does not have any responsibility
    - i. a,b and c are correct
    - ii. a,c and d are correct
    - iii. b,c and d are correct
    - iv. a,b and d are correct

## V. Answer in one or two sentences

1. What is media?
2. How does the public get the news about the decision that are taken in the Legislative Assembly?
3. What are the importance of local media?
4. Media is the fourth pillar of democracy. Justify
5. State any two responsibility of media.

## VI. Answer the following in detail

1. How can we classify media?
2. In what ways does the media play an important role in a democracy?
3. What are the advantages of media?

## VII. HOTs

1. Is Media necessary? Why?
2. What do you know about the term press conference?
3. In what ways media affects our daily lives?
4. Media is a boon or bane.

## VIII. Activity

1. Focus on a particular news. Collect information about that news from various media. Compare and write down the similarity and differences
2. Prepare an album – ‘the growth of media’ (from early period to till now).
3. Prepare a newspaper and circulate in your class.



## Unit -I

### State Government



#### Learning Objectives

- ❖ Recognise the difference between Parliament and State Legislature
- ❖ Understand the election procedures
- ❖ Know the powers and functions of Governor and Chief Minister
- ❖ Wonder how the Government works
- ❖ Identify the three main organs of the government – the legislative, executive, and judiciary



D6L9L6



**Teacher:** Good Morning my dear students.

**Students:** Good morning teacher / sir.

**Teacher:** (after taking attendance) All are present today. Very good. Coming Monday we have a function in our school. All Should be present on that day without fail.



- Yogitha:** Do we have any cultural programme?
- Teacher:** Yes. We are going to open the new building of our school.
- Students:** Yeah! We are going to a new class room!
- Muthu:** Who will be the Chief guest?
- Teacher:** We have invited our MLA as the chief guest for the opening ceremony.
- Rahim:** MLA. I have heard. But I don't know who is he?
- Teacher:** MLAs are representatives of the people. He is one among us. He is the Member of Legislative Assembly.
- Saran:** What is Legislative Assembly? Will you explain in detail?
- Teacher:** Sure. (showing pictures of fort St. George, Assembly session, Chief Minister and other ministers)
- Meena:** What is that building? Where is it? It looks like a fort.
- Teacher:** Yes. You are correct. It is a fort in Chennai. First English fortress in India. The fort currently houses the Tamil Nadu legislative assembly and Secretariat of Tamilnadu.
- Legislative Assembly has the lower house where all the MLAs meet to discuss various matters related to the welfare of the state.
- Kayal:** Who will be there in that Legislative Assembly?
- Teacher:** Listen! India has separate system of administration for the Union, States and Union territories. Do you know how many states and union territories are there in India?
- Ravi:** Shall I tell? 29 states and 7 union territories including our capital territory Delhi? Am I right teacher?
- Teacher:** Exactly. As I said already power is divided between two sets of governments one at the central in Delhi and separate governments for all the states. This is called as federal system.
- India is a Parliamentary democratic republic where the President of India is the Head of Indian Union and the Prime Minister and all the Ministers are responsible for smooth running of the government. This is called central government.





**Nila:** Do we have a separate government for states?

**Teacher:** Yes. All the states and union territories have separate governments to run its own administration. Governor, Chief Minister and all the ministers constitute the Government. The member of the Parliament is called MP whereas the member of the Legislative Assembly is called MLA. Both the Central and State Governments work according to our constitution.

**John:** Oh! Is MLA going to inaugurate the function? Who appoints him?

**Teacher:** No my child. MLAs are not appointed. They are elected by the people through general election. In the previous lesson we have studied about the political parties. Do you remember? These political parties play a vital role in election. For election, the entire state is divided into several constituencies on the basis of the population. Political parties nominate their candidates to each constituency. All the people residing in that constituency who has completed 18 years of age cast their vote. The candidate who gets the more number of votes is declared as elected and becomes MLA. The Election Commission of India conducts and monitors the elections. After the election the party which gets the more number of MLAs is declared as the majority party. The Governor calls the leader of the majority party to form the state government. In simple words a party whose MLAs has won more than half the number of constituencies in the state are called ruling party and forms the government. And the party which gets the total number of seats next to the majority party, acts as an opposition party in the legislature. But all the MLAs of other political parties who do not belong to the ruling party are called opposition party.

**Shanmi:** It's very interesting to hear. Who are all included in the State Government?

**Teacher:** The Governor, the Chief Minister, Council of Ministers. The Governor is appointed by the president of India for the term of five years. The leader of the majority party is appointed as the Chief Minister by the Governor. The Chief minister in consultation with the Governor, constitutes a cabinet which includes members of his party as ministers. The term of the office is five years.

**Laya:** Teacher! Shall I become the Governor? Or Chief Minister?

**Teacher:** Why not? My child! That is very simple. To become a Governor, you

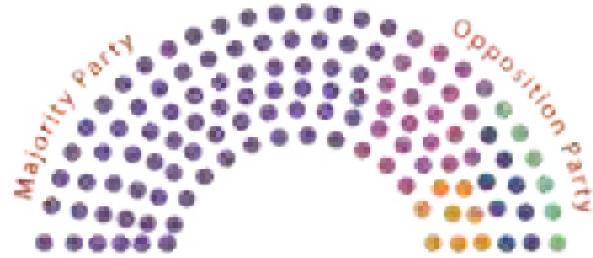


Electronic Voting Machine





should be the citizen of India and should have completed 35 years of age and should have sound mind. And should not hold any public office of profit.



To become a Chief Minister, you should have completed 25 years of age and should be an MLA or in case of an MLC should have completed 30 years of age.

**Arya:** Who is an MLC? I never heard.

**Teacher:** Usually a state Legislature has two houses. Upper House and Lower House. This is called Bi-cameral Legislature. Upper House is called Legislative Council. The members are called MLCs and they are not elected directly by the people. The Lower House is called Legislative Assembly. The members are called MLAs. As I said earlier they are directly elected by the people.

In India some of the states have two houses in their state legislature. But in Tamil Nadu we have Lower House only. This is called unicameral Legislature.

**Ammar:** Oh! Now can you please tell me the powers and functions of Governor and Chief Minister?

**Teacher:** Sure. The Governor is an integral part of the State Legislature. Governor is the head of the state executive and he has enormous powers. All the administration is carried on in his name. He is the chancellor of Government universities in the state. All bills become law only after his assent. He appoints important officials of the state government such as advocate General, Chairman and members of State Public Service Commission, State Election Commissioner, Vice chancellors of state universities etc.

The Chief Minister is the real executive head of the state administration. He allocates the portfolios among the ministers. The Council of Ministers are collectively responsible to the State Legislature. All the ministers work as a team under the Chief Minister. The Chief Minister formulates programmes and policies for the welfare of the people of the state. The council of Ministers is collectively responsible to the Legislative Assembly of the state.

The three main organs of government are the legislative, executive and judiciary. The legislative branch makes laws, the executive branch enforces the laws, and the judiciary interprets the laws.

**Nandhu:** Judiciary. Are you saying about the courts teacher?

**Teacher:** Yes. The High courts are the highest judicial organ at the State level. It is an independent



body. As per the constitution there shall be a High Court in each state. The state high court consists of a Chief Justice and other judges. The number of Judges in the high court is not uniform and fixed. President appoints the Chief Justice and can hold the office until he completes the age of 62 years. Apart from High court there are district courts and tribunals. They ensure justice to the people without any bias. Apart from this, Family Courts are established to settle the disputes relating to marriages and family affairs.



Lok Adalat (people's court) also have been established by the Government of India to settle dispute through conciliation and compromise.

**Children:** This topic is very interesting to hear. Thank you very much teacher.

**Teacher:** Thank you children. A cultural programme is being allotted to our class for the inaugural function. So let us think. We have to practice and perform well.

## Summary

- ❖ India is divided into 29 states and 7 Union territories. Each state has a legislative assembly.
- ❖ State executive comprises the Governor and the Chief Minister with his Council of Ministers.
- ❖ The head of the state is the Governor. And he is appointed by the President for a period of five years. He is an integral part of the State Legislature.
- ❖ The real executive power in a state in India vests with the Chief Minister. The leader of the majority party is appointed as Chief Minister.
- ❖ The Chief Minister and the Council of Ministers are collectively responsible to the State Legislature.
- ❖ The High courts are the highest judicial organ at the state level. State High courts have jurisdiction over the whole state.

## Glossary

1.	Legislative	law making body	சட்டமன்றம்
2.	Cabinet	the committee of senior ministers	மந்திரிசபை
3.	Executive	administrative	நிர்வாகம் சார்ந்த
4.	Judiciary	a system of courts of law	நீதித்துறை



## Evaluation



V8Q5C9

### I Choose the correct answer

1. What is the minimum age for becoming a member of the State Legislative Council?  
a. 18 years      b. 21 years  
c. 25 years      d. 30 years
2. How many states does India have?  
a. 26      b. 27      c. 28      d. 29
3. The word State government refers to
  - a. Government departments in the states
  - b. Legislative Assembly
  - c. both a and b
  - d. none of the above
4. The overall head of the government in the state is the \_\_\_\_\_.  
a. President      b. Prime Minister  
c. Governor      d. Chief Minister
5. Who appoints the Chief Minister and other Ministers?  
a. President      b. Prime Minister  
c. Governor      d. Election Commissioner
6. Who becomes the Chief Minister?  
a. Leader of the Majority party  
b. Leader of the opposition party  
c. Both  
d. None
7. What are the three branches of the state government?  
a. Mayor governor, MLA  
b. Panchayat, municipality, corporation  
c. Village, City, State  
d. Legislative, executive and judiciary

### II Fill in the blanks

1. The Governor is appointed by the \_\_\_\_\_.
2. The leader of the majority party is appointed as \_\_\_\_\_ in the state assembly.
3. \_\_\_\_\_ is the highest judicial organ of the state.
4. MLA stands for \_\_\_\_\_.
5. \_\_\_\_\_ is a particular area form where all the voters living there choose their representatives.
6. The elected representatives who are not the member of ruling party are called \_\_\_\_\_.

### III. Match the following

MLAs	-	Secretariat
Governor	-	7
Chief Minister	-	Head of the state
Union territories	-	Legislative Assembly
Fort St. George	-	leader of the Majority party

### IV. Consider the following statements:

#### Tick the appropriate answer

1. Which of the following statement is/are not correct?  
To become a governor, one  
a. should be the citizen of India  
b. should have completed 25 years of age  
c. should have sound mind  
d. should not hold any office of profit.  
i. a&b      ii. c&d      iii. a      iv. b
2. Consider the following statements and state true or false.  
a. MLAs are together responsible for the working of the government.



- b. All the MLAs of other political party who do not belong to the ruling party are called opposition.
- c. MLAs are not the representatives of people.
3. Find out the correct meaning of bicameral legislature.
- It means that there are cameras in the legislature.
  - It means that the legislature has men and women members.
  - It means that there are two houses like upper house and lower house.
  - It means that the governor is the leader over the members of the legislature.
4. **Assertion:** India has a federal system of government.

**Reason:** According to our constitution the power is divided between central and state governments.

- A is correct and R explains A
- A is correct and R does not explain A
- A is correct and R is wrong
- Both are wrong

## V. Answer in one or two sentences

- What are the qualifications to become the Governor of a state?
- Who are called oppositions?
- Write a note on Lok Adalat.
- What is a constituency?
- Who appoints the chief minister and other ministers?

## VI. Answer the following in detail

- Describe the powers of the Governor.
- Who is an MLA?
- What is the role of Chief Minister and other Council of Ministers at the state level?

## VII. HOTs

- Name some departments of the government.
- Tabulate: qualification, appointment and any two powers of governor, Chief Minister and MLAs.

## VIII. Activity

- Make a list of the name of the Governor, Chief Minister and other Ministers with their departments.
- Write an essay on 'If you were the Chief Minister of the state'.
- Make a student Legislative body in your class. (allocate the departments and do periodical review).



GOVERNMENT OF TAMIL NADU

# STANDARD SEVEN

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## Unit -1

# Women Empowerment



### Learning Objectives

- ❖ To know the sociological perspectives of gender.
- ❖ To understand about various role played by women in society.
- ❖ To know the importance of woman's education.
- ❖ To understand the role played by women in economic development.
- ❖ To understand the idea of women's rights.



### Introduction

“Feminism is not about making women stronger. Women are already strong. It's about changing the way the world perceives that strength”.

“The story of women's struggle for equality belongs to no single feminist nor to any one organisation but to the collective efforts of all who care about human rights”.

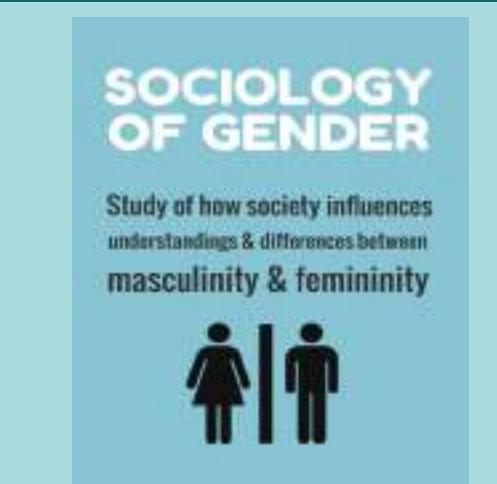
“You educate a man; you educate a man. You educate a woman; you educate a generation”.

To call woman the weaker sex is a libel; it is man's injustice to woman –Mahatma Gandhi.

The empowerment and autonomy of women and the improvement of their political, social, economic and health status is a highly important end in itself. In addition, it is essential for the achievement of sustainable development.

Women's empowerment and achieving gender equality is essential for our society to ensure the sustainable development of the country.

### Social Aspects of Gender



In sociology, we make a distinction between sex and gender. Sex is the biological trait that societies use to assign people into the category of either male or female. When people



talk about the differences between men and women they are often drawing on sex – on rigid ideas of biology – rather than gender, which is an understanding of how society shapes our understanding of those biological categories.

Gender is more fluid – it may or may not depend upon biological traits. More specifically, it is a concept that describes how societies determine and manage sex categories; the cultural meanings attached to men's and women's roles; and how individuals understand their identities including, but not limited to, being a man, woman, transgender, and other gender positions. Gender involves social norms, attitudes and activities that society views as more appropriate for one sex over another. Gender is also determined by what an individual feels and does.

The sociology of gender examines how society influences our understandings and perception of differences between masculinity (what society views appropriate behaviour for a “man”) and femininity (what society views appropriate behaviour for a “woman”). We examine how this, in turn, influences identity and social practices.

#### The essential factors for empowerment are :

- 1. Education:** Education gives one the ability to think wisely and take thoughtful decisions.
- 2. Gender Discrimination:** A Society which discriminates between the two genders can never be empowered.
3. Discrimination based on caste, creed, religion etc.

#### Woman's Education



Education is one of the most important means of empowering women with the knowledge, skills and self-confidence necessary to participate fully in the development process. More than 40 years ago, the Universal Declaration of Human Rights asserted that “everyone has the right to education”.

Educating the girl child produces mothers who are educated and who will, in turn, educate their children care for their families and provide their children care and support. The girl child needs to be educated to acquire knowledge and skills needed to advance her status for social interactions and self-improvement.

The sustainability and progress of all regions depend on the success of women across the globe. As the former President Barrack Obama said while addressing the United Nations General Assembly in 2012, “the future must not belong to those who bully women. It must be shaped by girls who go to school and those who stand for a world where our daughters can live their dreams just like our sons.”



## The Unmatched Importance of Female Education

1. **Increased Literacy:** Of the illiterate youth across the globe, nearly 63 percent are female. Offering all children education will prop up literacy rates, pushing forward development in struggling regions.
2. **Human Trafficking:** Women are most vulnerable to trafficking when they are undereducated and poor, according to the United Nations Inter-Agency Project on Human Trafficking. Through providing young girls with opportunities and fundamental skills, Human Trafficking can be significantly undermined.
3. **Political Representation:** Across the globe, women are under represented as voters and restricted from political involvement. The United Nations Women's Programmes on Leadership and Participation suggest that civic education, training and all around empowerment will reduce this gap.
4. **Thriving Babies:** According to the United Nations Girls' Education Initiative, children of educated mothers are twice as likely to survive past the age of five.



5. **Later Marriage:** As suggested by the United Nations Population Fund, in underdeveloped countries, one in every

three girls is married before reaching the age of 18. In a region where a girl receives seven or more years of education, the wedding date is delayed by four years.

6. **Income Potential:** Education also increases a woman's earning capabilities. According to the United Nations Educational, Scientific and Cultural Organisation, (UNESCO) a single year of primary education has shown to increase a girl's wages later in life by 20 percent.
7. **Prospering GDP:** Gross Domestic Product also rises when both girls and boys are being offered educational opportunities. When 10 percent more women attend school, GDP increases by three percent on average.
8. **Poverty Reduction:** When women are provided with equal rights and equal access to education, they go on to participate in economic activity. Increased earning power leads to reduction in poverty level.

Savitribai Phule as a tradition breaker, the first female teacher at the first girls' school. When we talk about the girls' education only Jyotirao Phule is remembered as the champion of women's education in India. He, along with his wife Savitribai Phule, opened the first school for girls in 1848.





## First in the World – Woman

First woman	Name	Country
Prime Minister	Sirimavo Bandaranaike	Sri Lanka
In space	Valentina Tereshkova	USSR
To scale Mt Everest	Junko Tabei	Japan
To win the Olympic gold	Charlotte Cooper	England

## First in India - Woman

First Women's University Maharshi Karve starts SNDT University in Pune with five students in 1916.
First Women to hold a Union Cabinet post Vijaya Lakshmi Pandit
First Women to hold a Union Foreign Minister's post Sushma Swaraj (2014)
First Women youngest minister of a state Sushma Swaraj (She became the cabinet minister of Haryana when she was only 25 yrs old)
First Women governor of Independent India Sarojini Naidu, in charge of United Provinces
First Women president of UN General Assembly Vijaya Lakshmi Pandit (1953)
First Women Prime Minister of India Indira Gandhi (1966)
First Women IPS Officer of India Kiran Bedi (1972)
First Women to win Nobel Peace Prize Mother Teresa (1979)
First Indian Women to climb Mount Everest Bachendri Pal (1984)
First Indian Women to win Booker Prize Arundhati Roy (1997)
First Women President Pratibha Patil (2007)
First Women Speaker of Lok Sabha Meira Kumar (2009)
First Women judge in Supreme Court Meera Sahib Fatima Bibi
First Women President of the Indian National Congress Annie Besant
First Women Chief Minister of an Indian State Sucheta Kripalani
First Women Director General of Police (DGP) Kanchan Chaudhary Bhattacharya
First women defencse Minister of India Nirmala Sitharaman
First woman Finance Minister of India Nirmala Sitharaman

## Factors Responsible for Poor Female Literacy Rate

1. Gender based inequality.
2. Social discrimination and economic exploitation.
3. Occupation of girl child in domestic chores.
4. Low enrolment of girls in schools.
5. Low retention rate and high dropout rate.

## Male Female literacy rate in India: 1951-2011

Census year	Persons	Males	Females	Male-Female gap in literacy rate
				1
1951	18.33	27.16	8.86	18.30
1961	28.3	40.4	15.35	25.05
1971	34.45	45.96	21.97	23.98
1981	43.57	56.38	29.76	26.62
1991	52.21	64.13	39.29	24.84
2001	64.83	75.26	53.67	21.59
2011	74.04	82.14	65.46	16.68



## Role of woman in the economic development

Importance of women's economic empowerment in society is inevitable. Empowerment is one of the main procedural concerns when addressing human rights and development. Women's empowerment and achieving gender equality is essential for our society to ensure the sustainable development of the country.

## Benefits of Economic Empowerment of Woman

1. Women's economic empowerment is central to realising women's rights and gender equality.
2. Empowering women in the economy and bridging gender gaps in the world of work are key to achieving the agenda for Sustainable Development
3. When more women work, economies grow.
4. Increasing women's and girls' educational attainment contributes to women's economic empowerment and more inclusive economic growth.
5. It is estimated that companies with three or more women in senior management functions score higher in all dimensions of organisational performance.

## The need for Economic Empowerment of Woman.

1. Gender differences in laws affect both developing and developed economies, and women in all regions.
2. Women remain less likely to participate in the labour market than men around the world.
3. Women are more likely to be unemployed than men.
4. Women are over-represented in informal and vulnerable employment.
5. Globally, women are paid less than men.



6. Women bear disproportionate responsibility for unpaid care and domestic work.
7. Unpaid care work is essential to the functioning of the economy, but often goes uncounted and unrecognised
8. Women are less likely to be entrepreneurs and face more disadvantages starting businesses.
9. Women are less likely than men to have access to financial institutions or have a bank account.
10. Women are still less likely to have access to social protection.
11. Violence and harassment in the world of work affects women regardless of age, location, income or social status.

Indian society is known for its unity in diversity. Social inequality also prevails in this society which has given birth of weaker section of society which is as diverse as Indian society itself, women, Scheduled caste, scheduled tribes, children, poor, landless farmers are considered as weaker sections. They have faced socio-economic and political discrimination in hands of dominating section since ancient time and their fight for rights and access to justice is almost as old as the discrimination against these marginalised and weaker group.

## Summary

Women empowerment and issues related, nowadays gained its importance worldwide. Personal rights, Social equality, Political power, and Economic opportunity are the important aspects of woman empowerment. World governments, both developed and developing countries are sincerely working towards achieving the goal of Women empowerment. Almost the women population shared 50% of the total population of the world; we can't imagine world peace and prosperity without empowering each and every woman on this planet. It is everyone's responsibility to make each woman into an independent and empowered woman.



## Glossary

1. bully	to hurt or frighten someone, terrorise	பலவீனனைக் கொடுமைப்படுத்துவார், கொடுமைக்காரர்
2. trafficking	the act of buying or selling people	மனித கடத்தல், ஆள் கடத்தல்
3. thriving	very lively and profitable, successful	வெற்றிகரமான
4. chores	task, duty	வேலை, பணி
5. retention	the act of retaining something, with holding	தேக்கி வைத்தல், வைத்திருத்தல்
6. entrepreneur	a person who sets up a business or businesses	தொழிலதிபர்
7. harassment	aggressive pressure, irritation	துன்புறுத்தல், தொல்லை கொடுத்தல்



## Evaluation



### I. Choose the correct answer:

- Which of the following is NOT a consequence of gender inequality?
  - Poor maternal health
  - Greater insecurity for men
  - The spread of HIV/AIDS
  - Lower literacy rates for women
- Gender equality is an issue that is relevant to
  - Girls and women; it's a women's issue
  - All societies, women and men alike
  - Third world countries only
  - Developed Countries only
- Which of the following strategies will help women become more socially and economically empowered?
  - Women working together to challenge discrimination
  - More income sources for women
  - Improved access to education
  - All of the above
- Why are girls more likely than boys to miss out on secondary education in the developing world?
  - Because of high school fees, only boys are sent to school
  - Girls are expected to help out at home

- Child Marriage restricts girls mobility and freedom
- All of the above

### II. Fill in the blanks:

- Jyotirao Phule is remembered as the champion of women's education in India. He, along with his wife \_\_\_\_\_, opened the first school for girls in 1848.
- \_\_\_\_\_ is the first Woman to hold a Union Foreign Minister's post.
- \_\_\_\_\_ is the first Woman Director General of Police (DGP)
- \_\_\_\_\_ is the first Indian Woman to win Booker

### III. Match the following:

1.	Sirimavo Bandaranaike	England
2.	Valentina Tereshkova	Japan
3.	Junko Tabei	Sri Lanka
4.	Charlotte Cooper	USSR

### IV. Consider the following statements:

#### 1. Tick the appropriate answer:

**Assertion :** Now women are being integrated at all steps of humanitarian operations.

**Reason:** Women and girls suffer the most from any kind of conflict in the society.

- Both, A and R, are true and R is the correct explanation of A



## Unit - 2

# Market and Consumer Protection



### Learning Objectives

- ❖ To identify four different types of market structures.
- ❖ To know the differences between each type of market structure.
- ❖ To understand why consumers need protection.
- ❖ To understand the rights of consumers.



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### Introduction

When we talk about a market we generally visualise a crowded place with a lot of shops and consumers. People are buying different types of goods like groceries, clothing, electronics, etc in the market.

And the shops are also selling a variety of products and services as well. So in a traditional sense, a market is where buyers and sellers meet to exchange their goods and services.

But what is a market in economics? In economics, we do not refer to a market as a physical place. Economists described a market as coming together of the buyers and sellers, i.e. an arrangement where buyers and sellers come in direct or indirect contact to sell/buy goods and services. For example, the market for books will constitute all the sellers and buyers of books in an economy. It does not necessarily refer to a geographic location.

A set up where two or more parties engaged in exchange of goods, services and information is called a market. Ideally a market is a place where two or more parties are involved in

buying and selling. The two parties involved in a transaction are called seller and buyer. The seller sells goods and services to the buyer in exchange of money. There has to be more than one buyer and seller for the market to be competitive.

### Features of a Market

In economics, the term market refers to the shops for one commodity or a set of commodities. For example a market for rice, a market for cloth, a market for electronics goods, etc.



1. A market is also not restricted to one physical or geographical location. It covers



a general wide area and the demand and supply forces of the region.

2. There must be a group of buyers and sellers of the commodity to constitute a market. And the relations between these sellers and buyers must be business relations.
3. Both the sellers and buyers must have access to knowledge about the market. There should be an awareness of the demand for products, consumer choices, and preferences, fashion trends, etc.
4. At any given time only one price can be prevalent in the market for the goods and services. This is only possible in the existence of perfect competition.

## Classification of Markets



Broadly there are two classifications of markets – the product market and the factor market. The factor market refers to the market for the buying and selling of factors of production like land, capital, labour, etc. The other classification of markets are as follows,

## I. On the Basis of Geographic Location

**Local Markets:** In such a market the buyers and sellers are limited to the local region or area. They usually sell perishable goods of daily use since the transportation of such goods can be expensive.

**Regional Markets:** These markets cover a wider area than local markets like a district, or a cluster of few smaller states

**National Market:** This is when the demand for the goods is limited to one specific country. Or the government may not allow the trade of such goods outside national boundaries.

**International Market:** When the demand for the product is international and the goods are also traded internationally in bulk quantities, we call it as an international market.

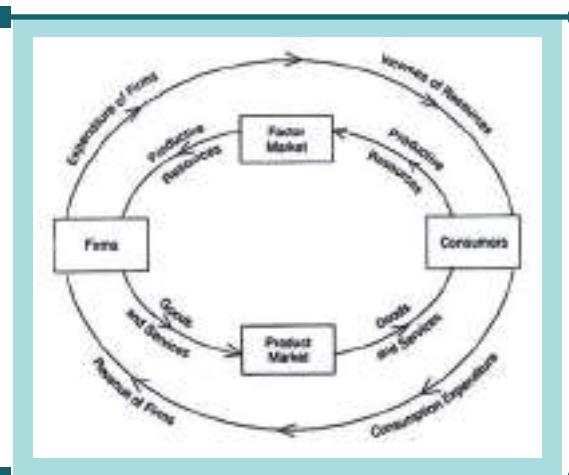
## II. On the Basis of Time

**Very Short Period Market:** This is when the supply of the goods is fixed, and so it cannot be changed instantaneously. Say for example the market for flowers, vegetables, Fruits etc. The price of goods will depend on demand.

**Short Period Market:** The market is slightly longer than the previous one. Here the supply can be slightly adjusted. Example:

**Long Period Market:** Here the supply can be changed easily by scaling production. So it can change according to the demand of the market. So the market will determine its equilibrium price in time. Example:

## III. On the Basis of Nature of Transaction



**Spot Market:** This is where spot transactions occur, that is the money is paid immediately. There is no system of credit.



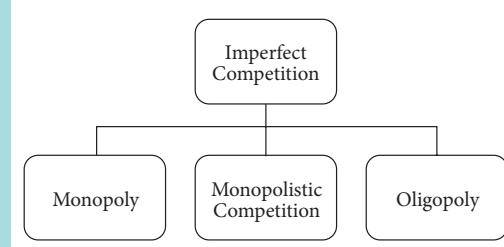
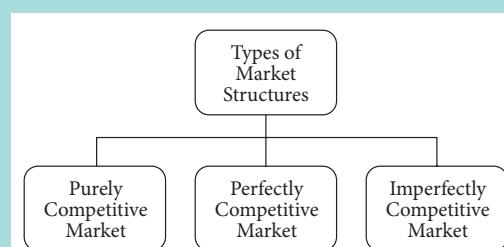
**Future Market:** This is where the transactions are credit transactions. There is a promise to pay the consideration sometime in the future.

#### IV. On the Basis of Regulation

**Regulated Market:** In such a market there is some oversight by appropriate government authorities. This is to ensure there are no unfair trade practices in the market. Such markets may refer to a product or even a group of products. For example, the stock market is a highly regulated market.

**Unregulated Market:** This is an absolutely free market. There is no oversight or regulation, the market forces decide everything. Example:

#### V. On the basis of nature of competition



#### Monopoly:

Monopoly refers to a market structure in which there is a single producer or seller that has a control on the entire market. This single seller deals in the products that have no close substitutes.

#### Monopolistic Competition:

The term monopolistic competition was given by Prof Edward H. Chamberlin of Harvard University in 1933 in his book Theory of Monopolistic Competition. The term monopolistic competition represents

the combination of monopoly and perfect competition. Monopolistic competition refers to a market situation in which there are a large number of buyers and sellers of products. However, the product of each seller is different in one aspect or the other.



#### Oligopoly:

The term oligopoly has been derived from two Greek words, Oligoi means few and poly means control. Therefore, oligopoly refers to a market form in which there are few sellers dealing either in homogenous or differentiated products.

#### 1. Who is a Consumer?

A Consumer is a person who purchases a product or avails a service for a consideration, either for his personal use or to earn his livelihood by means of self employment.

The consideration may be:

- ✓ Paid
- ✓ Promised
- ✓ Partly paid and partly promised.

It also includes a beneficiary of such goods/services when such use is made with the approval of such person.

#### 2. Who is not a Consumer ?

A person is not a consumer if he/she:

- ✓ Purchases any goods or avails any service free of charge;
- ✓ Purchases a good or hires a service for commercial purpose;
- ✓ Avails any service under contract of service.



## What is Unfair Trade Practice?



An “unfair trade practice” means a trade practice, which, for the purpose of promoting any sale, use or supply of any goods or services, adopts unfair method, or unfair or deceptive practice. Some of these practices include:

- ◆ False representation
- ◆ When goods and services are not of stated standard, quality or grade;
- ◆ When second hand, renovated goods are sold as new ones;
- ◆ When goods and services do not have the claimed use, usefulness or benefit;
- ◆ When products / services do not have the claimed warranty / guarantee;
- ◆ When the price of product or service is misleading.
- ◆ False and misleading advertisement of selling at bargain price.
- ◆ Offering gifts, prizes, etc. to lure customers with no intention of providing them.
- ◆ Selling goods which do not fall within the safety standards set up by competent authority.
- ◆ Hoardings or destroying goods with the intention of raising the cost of these or similar goods manufactured in greater number so as to manipulate higher prices.
- ◆ Manufacturing or offering spurious goods or adopting deceptive practices in the provision of services.

**DO YOU KNOW?**  
“Goods once sold will not be taken back”  
or  
“No exchange”,  
or  
“No refund under any circumstances”

It amounts to Unfair Trade Practice and does not carry any legal weight.

## Consumer protection

Consumer protection is a group of laws enacted to protect the rights of consumers, fair trade, competition and accurate information in the market place. The laws are designed to prevent the businesses that engage in unfair practices from gaining an advantage over competitors. They may also provide additional protection for those most vulnerable in society. Consumer protection laws are a form of government regulations that aim to protect the rights of consumers. For example, a government may require businesses to disclose detailed information about products—particularly in areas where safety or public health is an issue, such as food.



Consumer protection is linked to the ideas of consumer rights and to the formation of consumer organisations, which helps consumers make better choices in the marketplace and get help with consumer complaints. Other organisations that promote consumer protection include government organisations and self-regulating business organisations.



**Example:**

Telecom Regulatory Authority of India – **TRAI**.  
Insurance Regulatory and Development Authority of India – **IRDAI**.

**The Eight Basic Consumer Rights**

1. The Right to Basic Needs.
2. The Right to Safety.
3. The Right to Information.
4. The Right to Choose.
5. The Right to Representation.
6. The Right to Redress.
7. The Right to Consumer Education.
8. The Right to a Healthy Environment.

**The Consumer Protection Act, 1986 (COPRA)**

This Act enacted in 1986 in the Parliament of India to protect the interests of consumers. It makes for the establishment of consumer councils and other authorities for the settlement of consumer's grievances and for matters connected there with it. The act was passed in Assembly in October 1986 and came into force on December 24, 1986.

COPRA is regarded as the 'Magna Carta' in the field of consumer protection for checking unfair trade practices, 'defects in goods' and 'deficiencies in services' as far as India is concerned. It has led to the establishment of a widespread network of consumer forums and appellate courts all over India. It has significantly impacted how businesses approach consumer complaints and has empowered consumers to a great extent.

Consumer Protection Councils are established at the national, state and district level to increase consumer awareness. To increase the awareness of consumers, there are many consumer organisations and NGOs that have been established.

**Consumer Disputes Redressal Agencies**

National Consumer Disputes Redressal Commission (NCDRC): Established by the

Central Government. It deals with matters of more than 10 million.

State Consumer Disputes Redressal Commission (SCDRC): Also known as the "State Commission" established by the State Government in the State. It is a state level court that takes up cases valuing less than ₹10 million.

District Consumer Disputes Redressal Forum (DCDRF): Also known as the "District Forum" established by the State Government in each district of the State. The State Governments may establish more than one District Forum in a district. It is a district level court that deals with cases valuing up to ₹2 million.

**Consumer protection Act of 2019**

Indian Parliament, in August 2019, passed the landmark Consumer Protection Bill, 2019 which aims to provide the timely and effective administration and settlement of consumer disputes in this Digital Age. The New Act will come into force on such date as the Central Government may so notify. The New Act seeks to replace more than 3 (three) decades old Consumer Protection Act, 1986 (Act).

**Highlights of the New Act:**

1. **E-Commerce Transactions:** The New Act has widened the definition of 'consumer'. The definition now includes any person who buys any goods, whether through offline or online transactions, electronic means, teleshopping, direct selling or multi-level marketing.



2. **Enhancement of Pecuniary Jurisdiction:** Revised pecuniary limits have been fixed under the New Act. Accordingly, the district forum can now entertain consumer complaints where the value of goods or services paid does not exceed INR 10,000,000 (Indian Rupees Ten Million). The State Commission can entertain disputes where such value exceeds INR 10,000,000 (Indian Rupees Ten Million) but does not exceed INR 100,000,000 (Indian Rupees One Hundred Million), and the National Commission can exercise jurisdiction where such value exceeds INR 100,000,000 (INR One Hundred Million).
3. **E-Filing of complaints:** The New Act contains enabling provisions for consumers to file complaints electronically and for hearing and/or examining parties through video-conferencing.
4. **Establishment of Central Consumer Protection Authority:** The New Act proposes the establishment of a regulatory authority known as the Central Consumer Protection Authority (CCPA), with wide powers of enforcement. The CCPA will have an investigation wing, headed by a Director-General, which may conduct inquiry or investigation into consumer law violations.
5. **Unfair Trade Practices:** The New Act introduces a specific broad definition of Unfair Trade Practices, which also includes sharing of personal information given by the consumer in confidence, unless such disclosure is made in accordance with the provisions of any other law.
6. **Penalties for Misleading Advertisement:** The CCPA may impose a penalty of up to INR 1,000,000 on a manufacturer or an endorser, for a false or misleading advertisement. The CCPA may also sentence them to imprisonment for up to two years for the same. In case of a subsequent offence, the fine may extend to INR 5,000,000 and imprisonment of up to five years. The CCPA can also prohibit the endorser of a misleading advertisement from endorsing that particular product or service for a period of

up to one year. For every subsequent offence, the period of prohibition may extend to three years.



### Consumer courts in India

**National Consumer Disputes Redressal Commission (NCDRC):** A national level court works for the whole country and deals compensation claimed exceeds rupees one core. The National Commission is the Apex body of Consumer Courts; it is also the highest appellate court in the hierarchy. The National Consumer Disputes Redressal Commission (NCDRC), is a quasi-judicial commission in India which was set up in 1988 under the Consumer Protection Act of 1986. Its head office is in New Delhi. The commission is headed by a sitting or retired judge of the Supreme Court of India.

**State Consumer Disputes Redressal Commission (SCDRC):** A state level court works at the state level with cases where compensation claimed is above 20 lakhs but up to one core. The State Commission also has the appellate jurisdiction over the District Forum.

**District Consumer Disputes Redressal Forum (DCDRF):** A district level court works at the district level with cases where the compensation claimed is up to 20 lakhs.

#### Important Acts

- ✓ The Consumer Protection Act, 1986
- ✓ The Legal Metrology Act, 2009
- ✓ The Bureau of Indian Standards Act, 1986
- ✓ The Essential Commodities Act, 1955
- ✓ The prevention of Black Marketing and maintenance of supplies of essential
- ✓ Commodities Act, 1980



Website of the Department: <http://consumeraffairs.nic.in>  
 Website of the NDRC :<http://ncdrc.nic.in/>  
 State Commission :<http://ncdrc.nic.in/statelist.html>  
 District Forums :<http://ncdrc.nic.in/districtlist.html>

### Wrap up

- ❖ This is dummy text\_ dummy text.
- ❖ This is dummy text\_ dummy text.

### Glossary

1.	Commodities	trade goods, supplies	வியாபாரப் பொருள்கள்
2.	Prevalent	very common, frequent	எங்குமிருக்கும், வழக்கமான
3.	Cluster	a grouping of a number of similar things, bunch	தொகுப்புக் குழு, திரள்
4.	Instantaneously	immediately, without hesitation	உடனடியாக, கணப்பொழுதில்
5.	Spurious	invalid, fake	போலியான, பொய்யான
6.	Vulnerable	attacked either physically or emotionally, helpless	பாதிக்கப்படக்கூடிய ஆபத்தான
7.	Redress	compensate, remedy, rectify	குறை நிவர்த்தி குறை தீர்க்கும்
8.	Pecuniary	relating to money, financial	பொருள் சார்ந்த பணவகையான



### Evaluation

#### I. Choose the correct answer:

1. In which case a consumer cannot complain against the manufacturer for a defective product?
  - a) Date of expiry unspecified
  - b) Price of the commodity
  - c) Batch number of the commodity
  - d) Address of the manufacturer
2. Consumers face various problems from the producer's end due to
  - a) Unfair trade practices
  - b) Wide range of goods
  - c) Standard quality goods
  - d) Volume of production



3. Consumers must be provided with adequate information about a product to make
  - a) Investment in production
  - b) Decision in sale of goods
  - c) Credit purchase of goods
  - d) Decision in purchase of goods
4. The system of consumer courts at the national, state, and district levels, looking into consumers grievances against unfair trade practices of businessmen and providing necessary compensation, is called
  - a) Three tier system
  - b) One tier system
  - c) Two tier system
  - d) Four tier system
5. Mixing other extraneous material of inferior quality with a superior quality material is called
  - a) Purification
  - b) Adulteration
  - c) Refinement
  - d) Alteration



**GOVERNMENT OF TAMILNADU**

**STANDARD EIGHT**

**TERM - I**

**VOLUME 3**

**SCIENCE**  
**SOCIAL SCIENCE**

A publication under Free Textbook Programme of Government of Tamil Nadu

**Department of School Education**

**Untouchability is Inhuman and a Crime**





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E - book



Assessment



DIGI links



# **STANDARD EIGHT**

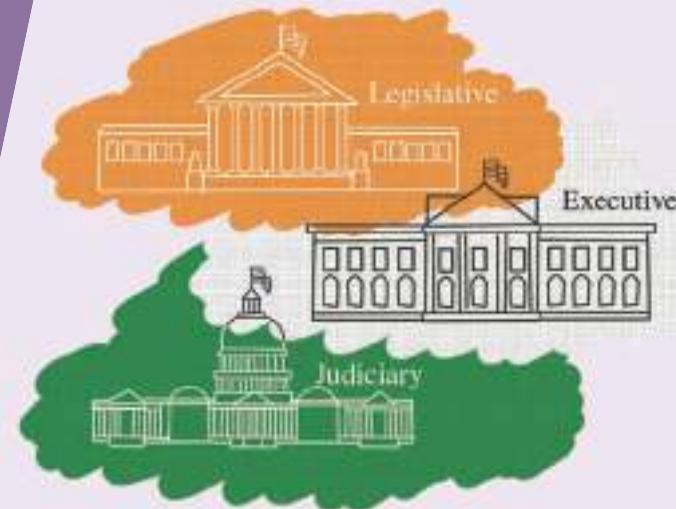
# **CIVICS**

# **ECONOMICS**



## Unit - 1

# How The State Government Works



## Learning Objectives

Students acquire knowledge in

- ▶ The State executive.
- ▶ Powers and functions of the Governor.
- ▶ Powers and functions of the Chief Minister.
- ▶ Legislative Assembly and Council.
- ▶ State Judiciary.



## Introduction

There are two sets of government in our country – the central government and the state government. There are 29 state governments in our country; every State has a government to run its own administration. The States have their own executive and legislature and Judiciary. The state executive consists of the Governor and the Council of Ministers headed by the Chief Minister. The Governor is an integral part of the State legislature.

## The State Executive

### The Governor

The Constitution provides for the post of the Governor as the Head of a State in India. He is appointed by the President of India. He is the constitutional Head of a State. The Governor is appointed for a term of five years. But before the



expiry of his full term, the President can dismiss him from office. The Governor may also resign on his own interest. His term of office may be extended and he may be transferred to another State. However, the State Government cannot remove the Governor from his post. To be the Governor, a person must be a citizen of India and should have completed 35 years of age. And he cannot be a member of the Parliament or the State legislature. He should not hold any office of profit.



While appointing the Governor, the President acts as per the advice of the Union Cabinet. The State Government is also consulted when the appointment is to be made. Generally, a person is not appointed Governor in his own State.

### Powers and functions

- ▶ The Governor is the Chief Executive in a State. All the executive powers of the State are



vested upon him and decisions are taken in his name. He appoints the Chief Minister and Council of Ministers.

- He makes some important appointments of the State Government, such as, the Advocate general, Chairman and members of the State Public Service Commission and others.
- The President imposes emergency in a State under Article 356 on the basis of the report of the Governor. The Governor also acts as the Chancellor of State Universities.
- He summons and prorogues the sessions of the State legislature and he can dissolve the Legislative Assembly.
- Money bills can be introduced in the State Legislative Assembly only with the approval of the Governor. The Governor may promulgate ordinances when the Legislative Assembly or both the Houses of the legislature (when there are two Houses) are not in session.
- The Governor may nominate one member from the Anglo- India Community to the Legislative Assembly if there are Anglo-Indian people in a State and when they are not duly represented in the State legislature. He may also nominate 1/6 members of the Legislature Council from among persons who are experts in the fields of science, literature, arts, social service and co- operative movement.
- The annual budget of the State Government is laid before the legislature with the approval of the Governor. The Governor must give his assent to all the bills passed in the legislature including money bills. The Contingency fund of the State is also placed at the disposal of the Governor.

### Position of the Governor

The position of the Governor of a State is compared to the President of India as a nominal executive. But the Governor is not always a nominal executive. He can exercise his powers in the real sense on some occasions. He acts as an agent of the Central Government

in a State. Therefore, he is responsible for maintaining relation between the Central Government and the State Government. The Governor may advise the Council of Ministers when faces difficult situations. The President declares emergency in a State on the basis of the report of the Governor regarding the law and order situation in the State. The Governor takes independent decisions while exercising discretionary powers. He may seek information from the Council of Ministers regarding various activities of the Government.

### The Chief Minister

The Governor appoints the leader of the majority party in the State Legislative Assembly as the Chief Minister. He is the head of the State Council of Ministers. The Chief Minister has no fixed term of office. He remains in office so long as he gets support of the majority members of the Legislative Assembly. When he loses support in the legislature, he has to resign. The resignation of the Chief Minister means the resignation of the whole Council of Ministers in the State.

The Chief Minister must be a member of the State Legislature. If he is not a member of the State legislature at the time of his taking over charge, he must be so within a period of six months.

### Powers and Functions

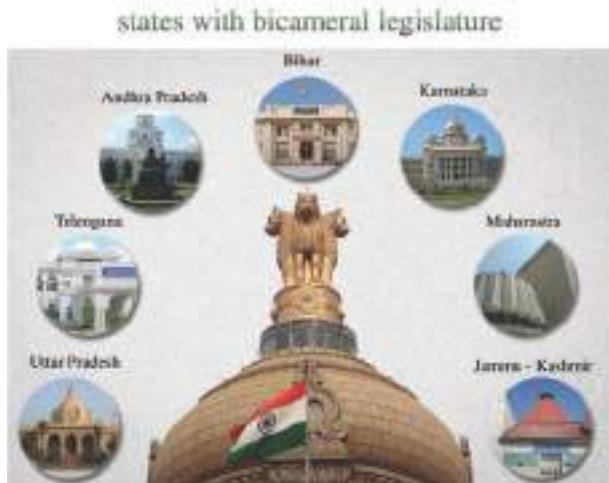
- The Chief Minister is the chief administrator of the State. All major decisions of the State Government are taken under his leadership.
- The Chief Minister plays an important role in the formation of the Council of Ministers. On the advice of the Chief Minister, the Governor appoints the other Ministers.
- The Chief Minister supervises the activities of different ministries and advises them accordingly. He also coordinates the activities of different ministries.



- The Chief Minister plays an important role in making policies of the State Government. He has to ensure that the policies of the government do not go against public interest. His voice is final in policy decisions of the State Government.
- He plays an important role in making higher appointments of the State Government. The Governor appoints different higher officials of the State Government on the advice of the Chief Minister and his Council of Ministers.

## The Legislature

In India, the State Legislature consists of the Governor and one or two houses. The upper house is called the Legislative Council while the lower house is called the Legislative Assembly.



### Legislative Council

The Constitution provides that the total strength of the Legislative Council must not be less than 40 and not more than 1/3 of the total strength of the Legislative Assembly of the State. The members of the Legislative Council are elected indirectly. One third of its members are elected by the local government bodies like the District Panchayat and Municipalities. Another one third is elected by the members of the Legislative Assembly. One twelfth is elected by the graduates of the constituency and another one twelfth by the teachers of secondary schools, colleges and universities. One sixth



At present, only seven states in India have Legislative Council in their legislature. They are Bihar, Uttar Pradesh, Maharashtra, Karnataka, Jammu & Kashmir, Andhra Pradesh and Telengana

of the members of the Legislative Council are nominated by the Governor of the State.

The Legislative Council is a permanent house. One-third of its members retire every two years and elections are held to fill the vacant seats. The members are elected for a term of six years. To be a member of the Legislative Council, one must be a citizen of India and should have completed 30 years of age. He cannot be a member of the Legislative Assembly or either of the houses of the Parliament. The Chairman is the presiding officer of the Legislative Council. In his absence, the Deputy Chairman presides over its meetings. They are elected from among the members of that house.

### Legislative Assembly

The people who make the laws of a state government are called 'Members of the Legislative Assembly' (MLA). MLAs are chosen from different constituencies. For the election of MLAs the entire state is divided into different constituencies. These constituencies are called the legislative constituencies. One legislative constituency may have one lakh or even more people. One MLA is chosen from each legislative constituency to represent that legislative assembly.

### Election to the Assembly

Different political parties compete in the elections to the legislative assembly. These parties nominate their candidates from each constituency. The candidate is that person who contests for the election and asks people to vote for him. A person has to be at least 25 years old to contest for election to the legislative assembly. One person can stand for election in more than one constituency at the same time. Even if a person does not belong to any political



party, he can contest election; such candidate is called an independent candidate. Every party has its own symbol. Independent candidates are also given election symbol. The members of legislative assembly (MLA) are elected directly by the people. All people residing in the area of a legislative constituency who are 18 years of age can cast a vote in the legislative assembly elections.

According to the Constitution, a Legislative Assembly cannot have more than 500 members and not less than 60 members. Some seats in the Legislative Assembly are reserved for Scheduled Castes and Scheduled Tribes. The Governor can nominate one member from the Anglo-Indian community. The members of the Legislative Assembly are elected for a term of five years. But the Governor can dissolve the house before the expiry of its term and can call for fresh elections. The meetings of the Assembly are presided over by the Speaker who is elected from among the members of the Assembly. In his absence, the Deputy Speaker conducts its meetings.

### **The States Council of Ministers**

The leader of the majority party in the election is chosen as Chief Minister. In Tamil Nadu there are 234 legislative constituencies. The party with more than 118 elected candidates (MLA) are invited by the governor to form the Government. The Chief Minister (who also should be an MLA) chooses his ministers from the MLAs of his party. Ministers for various departments headed by the Chief Minister is called the State Government. So it is said that the party which got majority seats in the election forms the government.

### **The working of the State Government**

After being elected to the legislative assembly the MLAs are expected to regularly participate in its sittings. The legislative assembly meets 2 or 3 times in a year. The main duty of the Legislative Assembly is to make laws for the state. It can make law on the subjects mentioned in the state list and the concurrent

list. However, during state emergency, it cannot exercise its legislative power.

The assembly has control over the State council of Ministers. The State council of ministers are responsible or answerable to the Assembly for its activities. The Assembly may pass a no confidence motion against the council of Ministers and bring its downfall if it is not satisfied with the performance of the council of Ministers. The legislative Assembly has control over the finances of the state. A money bill can be introduced only in the Assembly. The government cannot impose, increase, lower or withdraw any tax without the approval of the Assembly. The elected members of the Legislative Assembly can take part in the election of the president of India and all members can take part in the election of the members of the Rajya Sabha from the state. The Assembly also takes part in the amendment of the Constitution on certain matters. So the government has three basic functions: making laws, executing laws and ensuring justice.

### **How laws are made in State Government?**

Several kinds of rules and laws have been made for all people of our country. For instance, there is a law that you cannot keep a gun without having a licence for it. Or that woman cannot marry before the age of 18 years old and men cannot marry before the age of 21 years. These rules and laws have not been made just like that. People elected their government who thought carefully before making such laws. A lot of such laws are made by the state and central government.

In the legislative assembly meetings, MLAs discuss a number of topics like public works, education, law and order and various problems faced by the state. The MLAs can ask questions to know the activities of ministries, which the concerned ministers have to answer. The legislative assembly makes laws on certain issues. The process of law making as follows:



**DO YOU KNOW?**

The State legislature follows the same procedure for passing an ordinary or a money bill like that of the Parliament. In State legislatures also, the Legislative Assembly which is the lower house is more powerful than the Legislative Council which is the upper house.

### Executing Laws

It is the job of the state's council of ministers to execute the law. The legislative assembly of Tamilnadu is located at Chennai. The place where a state's legislative assembly is located and where its council of ministers function is called the capital of that state.

The state government has several lakhs of government employees to execute the laws

made by the legislative assembly- Collectors, Tahsildars, Block Development Officers, Revenue officers, Village Administrative Officers, Policemen, Teachers and Doctors, etc. All of them are paid salaries by the state government. They have to follow the orders of the state government.

### Judiciary of State

#### High Courts

The High court stands at the apex of the State Judiciary. As per the constitution there shall be a High Court in each state. But there may be a common High Court for two or more states and Union Territories. The State High Court consists of a Chief Justice and such other Judges as the President may appoint from time to time it necessary. The number of judges in



the High Courts is not uniform and fixed. The President appoints the Chief Justice of High Court in consultation with the Chief Justice of India and the Governor of the state.

A Judge of High Court must have the following qualification:

- He must be a citizen of India
- He must have at least ten years' experience as head of the judicial office in the territory of India.
- He must have at least ten years' experience as an advocate in one or more High Courts.

A Judge of High Court holds the office until he completes the age of 62 years. A Judge of the High Court can be removed from office only for proven misbehaviour or incapacity and only in the same manner in which a Judge of the Supreme Court is removed.

### Power and Functions of the High Court

- The High Court has been empowered to issue writs of Habeas corpus, Mandamus, Prohibition, Certiorari and Quo Warranto for the enforcement of the fundamental rights and for other purposes.
- Every High Court has a general power of superintendence over all the lower courts and tribunals within its jurisdiction except military courts and tribunals.
- If a case is pending before a sub - ordinate court and the High Court is satisfied that it involves a substantial question of the

constitutional law, it can take up the case and decide it itself.

- The High Court controls all the subordinate courts in the State.
- Like the Supreme Court, the High Court also acts as a Court of Record.

For the purpose of judicial administration, each state is divided into a number of districts, each under the jurisdiction of a district judge. The district court Judges were appointed by the Governor. In the exercise of the above mentioned powers, the High Court enjoys full powers and freedom to act within its jurisdiction. The constitutional safeguards have ensured its independent working.

### Recap

- There are 29 state governments in our country. Every State has a government to run its own administration.
- The Constitution provides for the post of the Governor as the Head of a State in India.
- The Chief Minister plays an important role in making higher appointments of the State Government.
- The people who make the laws of a state government are called 'members of the Legislative Assembly' (MLA).
- The High court stands at the apex of the State Judiciary. As per the constitution there shall be a High Court in each state.

### GLOSSARY

Constituency	the body of voters who elect a representative for their area	தொகுதி
Jurisdiction	power or authority to interpret and apply the law	அதிகார வரம்பு
Legislature	an organized body having the authority to make laws for a political unit	சட்டமன்றம்
Promulgate	announce widely known	பிரகடனம்
Prorogues	to suspend or end a legislative session	தள்ளிவை



## Evaluation



### I. Choose the correct answer.

1. The Governor of a state is appointed by
  - a) President
  - b) Vice President
  - c) Prime Minister
  - d) Chief Minister
2. The State Council Ministers is headed by
  - a) The Governor
  - b) Chief Minister
  - c) Speaker
  - d) Home Minister
3. Who can summon and prorogue the sessions of the State legislature?
  - a) Home Minister
  - b) President
  - c) Speaker
  - d) The Governor
4. Who does not participate in the appointment of the High Court Judge?
  - a) Governor
  - b) Chief Minister
  - c) Chief Justice of the High Court
  - d) President of India
5. The age of retirement of the Judges of the High Court is
  - a) 62
  - b) 64
  - c) 65
  - d) 58

### II. Fill in the blanks.

1. \_\_\_\_\_ States are there in India at present.
2. The tenure of the Governor is normally \_\_\_\_\_ years.
3. The District Judges are appointed by \_\_\_\_\_.
4. The Governor is the \_\_\_\_\_ Head of the State.
5. Minimum age for elections as MLA \_\_\_\_\_ years.

### III. Match the following.

1.	Governor	Lower House
2.	Chief Minister	Nominal Head
3.	Legislative Assembly	Upper House
4.	Legislative Council	Real Head

### IV. State true or false.

1. Chief Minister is the chief administrator of the State.
2. The Governor nominates two members of the Anglo- Indian Community to Legislative Assembly.
3. The number of judges in the High Courts is not uniform and fixed.

### V. Choose the correct statement.

1. The State Legislative Assembly participates in the election of
  - i) President
  - ii) Vice – President
  - iii) Rajya Sabha members
  - iv) Members of the Legislative Council of the State
- a) i, ii & iii are Correct
- b) i & iii are Correct
- c) i, iii & iv are correct
- d) i, ii , iii & iv are correct

### VI. Answer the following in one or two sentences.

1. Name the two houses of the State legislature?
2. Write the qualifications of the members of the Legislative Assembly?
3. How is the Chief Minister appointed?
4. How is the Council of Ministers formed?

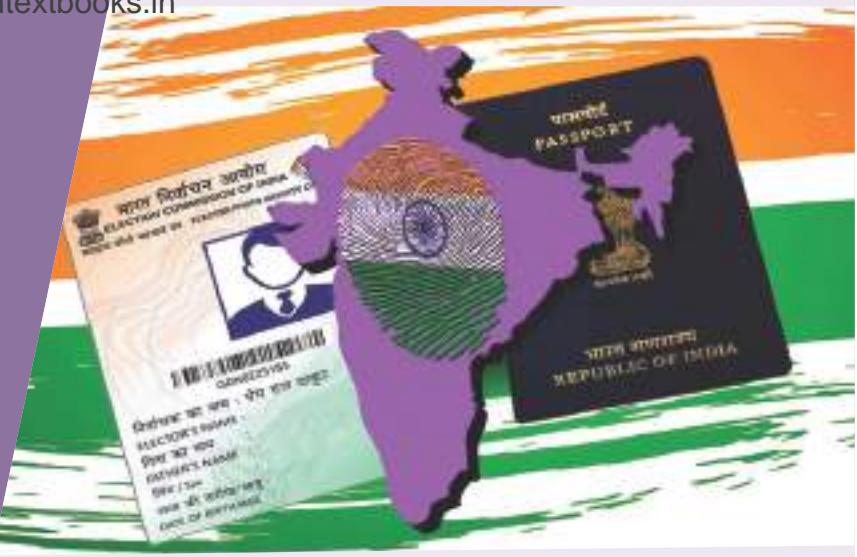
### VII. Answer the following in detail.

1. Discuss the powers and functions of the Chief Minister.
2. Discuss the powers and functions of the Legislative Assembly.?



## Unit - 2

# Citizens and Citizenship



### Learning Objectives

Students acquire knowledge in

- ▶ Meaning, definition of citizens and citizenship
- ▶ The Constitutional Provisions of India
- ▶ Acquisition and termination of Indian citizenship
- ▶ Nature of overseas citizenship of India
- ▶ Rights and responsibility of a citizen



### Introduction

Civics is the study of government. The word 'Citizen' is derived from the Latin word 'Civis' which means resident of a City State of Ancient Rome. After the disappearance of City-State system, it has been used to mean a member of the State. The citizens of a state enjoy full civil and political rights.

### Citizen and Citizenship

Citizen is a person of a country who is entitled to enjoy all the legal rights and privileges granted by a state and is obligated to obey its laws and to fulfill his duties.

Citizenship is the status given to the citizens which provide them the right to legally live in a country as long as they want.

### Types of Citizen

There are two types of citizens, Natural and Naturalised citizens.

1. Natural citizens: are the citizens by birth.
2. Naturalised citizens: are the one who acquires citizenship.

### Indian Citizenship Act, 1955



This act is to provide for the acquisition and termination of Indian citizenship.

### Acquisition of citizenship

The citizenship Act of 1955 prescribes five ways of acquiring citizenship. They are by birth, descent, registration, naturalisation and incorporation of territory.

#### 1) By Birth

- a. A person born in India on or after 26th January 1950 but before 1st July 1987 is a citizen of India by birth irrespective of the nationality of his Parents.
- b. A person born in India on or after 1st July 1987 is considered as a citizen of India only if either of his Parents is a citizen of India at the time of his birth.



4PX87L



- c. Those born in India on or after 3rd December 2004 are considered citizens of India or one of whose parents is a citizen of India and the other is not an illegal migrant at the time of their birth.

## 2) By Descent

- a. A Person born outside India on or after 26th January 1950 but before 10th December 1992 is a citizen of India by descent, if his father was a citizen of India at the time of his birth.
- b. A person born outside India on or after 10th December 1992 is considered as a citizen of India if either of his parents is a citizen of India at the time of his birth.
- c. From 3rd December 2004 onwards, a person born outside India shall not be a citizen of India by descent, unless his birth is registered at an Indian consulate within one year of the date of birth.

## 3) By Registration

- a. A Person of Indian origin who is ordinarily resident in any country or place outside undivided India.
- b. A Person of Indian origin who is ordinarily resident in India for seven years before making an application for registration.
- c. A Person who is married to a citizen of India and is ordinarily resident in India for seven years before making an application for registration

## 4) By Naturalisation

The Central Government may, on an application, grant a certificate of naturalization to any person

- a. if he is not a citizen of any country where citizens of India are prevented from becoming subjects or citizens of that country
- b. a citizen of any country, renounce the citizenship of that country
- c. he has either resided in India or been in the service of a Government in India or throughout the period of twelve months

- d. he is a good character and has an adequate knowledge of a language specified in the Eighth Schedule to the Constitution. (presently 22 languages)

## 5) By incorporation of Territory

- a. If any foreign territory becomes a part of India, the Government of India specifies the persons who among the people of the territory shall be the citizens of India. Such persons become the citizens of India from the notified date. For example, when Pondicherry became a part of India, the Government of India issued the citizenship (Pondicherry) order, 1962.

## Loss of Indian Citizenship

Part II of the Constitution of India (Article 5-11) prescribes three ways of losing citizenship.

**Renunciation:** (is a voluntary act) when a person after acquiring the citizenship of another country gives up his/her Indian citizenship.

**Termination:** (takes place by operation of law) When an Indian citizen voluntarily acquires the citizenship of another country; he/she automatically ceases to be an Indian citizen.

**Deprivation:** (is a compulsory termination) The citizenship is deprived on the basis of an order of the Government of India in cases involving acquisition of Indian citizenship by fraud, false representation or being disloyal to the Constitution.



### Nationality and citizenship

Nationality is the status of belonging to a particular nation by origin, birth basically, it's an ethnic and racial concept.

Nationality of a person cannot be changed.

Citizenship is granted to an individual by the government of the country when he/she complies with the legal formalities. Citizenship can be changed.



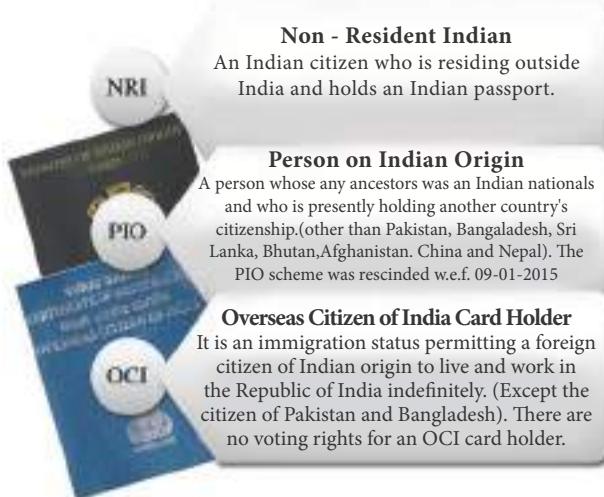
## Single citizenship

Our Indian Constitution provides for only Single citizenship, that is, the Indian citizenship. But federal states like USA and Switzerland has dual citizenship. (National citizenship and the State citizenship). In India, all citizens irrespective of the state in which they are born or reside enjoy the same political and civil rights of citizenship all over the country.



As per the order precedence President is the first citizen of our country.

## Overseas Citizenship of India



## Rights and Duties of Citizen

Our Constitution confers the following rights for the citizen of India.

- Fundamental Rights
- Right to vote in the election to the Lok Sabha and the State Legislature
- Right to hold certain public offices
- Right to become the Member of Parliament and State Legislature.

According to 42 Amendment of our Constitution, a set of Fundamental Duties are prescribed for all citizens of India. (For e.g. paying taxes honestly, respecting the rights,

beliefs and opinions of others, defending the country, respect and obey state and local laws and so on)

Alien and immigrant are two terms that are used to refer to non-nationals of a country.

Alien refers to all non-citizens or non-nationals residing in a country. e.g. tourists, foreign students

Immigrant refers to alien who has been granted the right to reside and work permanently without restriction in a particular country.

## Qualities of a good citizen

- Loyalty to the Constitution.
- Obeys laws.
- Contributes to society and community and performs civic duty.
- Quality of goodness and justice.
- Respecting diversity.

## Global Citizenship

Global citizenship is an idea that everyone, no matter where they live is part of a worldwide community rather than as the citizen of particular nation or place. All people have rights and civic responsibilities. It is fundamental in enabling young people to access and participate in shaping modern society.





**Overseas Indians' Day**

**DO YOU KNOW?**

Pravasi Bharatiya Divas (PBD) Sponsored by Ministry of External Affairs of Government of India is celebrated once in every two years, to "mark the contributions of Overseas Indian Community in the development of India". The day commemorates the arrival of Mahatma Gandhi in India from South Africa.

## Conclusion

Our Constitution of India has introduced Single citizenship and provides uniform rights

for the people of India to promote the feeling of fraternity and unity among them to build an integrated Indian nation.

## Recap

- Citizen is a person of a country who is entitled to enjoy all the legal rights and privileges granted by a State.
- Part II of the constitution of India, Articles 5 – 11 deals with the Citizenship of India.
- Indian Citizenship Act of 1955 provides for the acquisition and termination of Indian citizenship.
- Our Indian Constitution provides for Single Citizenship.

Glossary		
acquisition	act of acquiring	முயன்று அடைதல்
amendment	a minor change	திருத்தம்
Constitution	Law determining the fundamental political principles of a government	அரசியலமைப்பு
fraternity	brotherhood	சகோதரத்துவம்
Resident	inhabitant	குடியிருப்பவர்



## Evaluation



GLJ2WH

### I. Choose the correct answer.

1. Which of the following is not a condition for becoming the citizen of India?
  - a. Birth
  - b. acquiring property
  - c. descent
  - d. naturalization
2. \_\_\_\_\_ of the Constitution of India deals with the Citizenship.
  - a. Part II
  - b. Part II Article 5-11
  - c. Part II Article 5-6
  - d. Part I Article 5-11
3. Who is called the first citizen of India?

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

### II. Fill in the blanks.

1. \_\_\_\_\_ of a state enjoy full civil and political rights.
2. Our Indian Constitution provides for only \_\_\_\_\_ citizenship.
3. An Indian citizen who is residing outside India and holds an Indian passport are called \_\_\_\_\_.
4. All have right and \_\_\_\_\_ responsibility citizens.
5. \_\_\_\_\_ is an idea enabling young people to access and participate in shaping modern society.

### III. State true or false.



1. USA has single citizenship.
2. OCI card holder has voting rights in India.
3. Citizen of India can enjoy Fundamental Rights guaranteed by our constitution.
4. Nationality can be changed and citizenship can not be changed.

#### IV. Consider the following statements.

**Tic ( ✓ ) the appropriate answer.**

1. Indian Citizen of a person can be terminated if
  - a person voluntarily acquires the citizenship of some other country.
  - a person who has become a citizen through registration.
  - the Government of India is satisfied that citizenship was obtained by fraud.
  - a citizen who is by birth indulges in trade with an enemy country during war.
2. **Assertion:** When Pondicherry becomes the part of India in 1962, the people lived there became Indian citizens.  
**Reason.** It was done by one of the provisions of the Act of 1955 - by incorporation of Territory.
  - a. R is the correct explanation of A
  - b. R is not the correct explanation of A
  - c. A is wrong but R is correct.

- d. Both A and R are wrong.

#### V. Answer the following in one or two sentences.

1. Name the types of citizens?
2. What are the Rights that a citizen can enjoy in our country?
3. Mention any three qualities of a good citizen.
4. Name the five ways of acquiring citizenship?
5. What do you know about the citizenship Act of 1955?

#### VI. Answer the following:

1. On what grounds that the citizenship of a person is cancelled?

#### VII. Student Activity.

- a. Tabulate: How will you be a good citizen inside the classroom and outside the classroom.
- b. My responsibility as a Good Citizen (write any three points)

At Home	At School
To myself	To the Environment



## ICT CORNER

### Steps

### CITIZENS AND CITIZENSHIP

- Enter the following URL or scan the QR code to land in Ministry of Home Affairs official website.
- Select “Act/Rules/Regulations” tab to explore constitutional procedures to become an Indian citizen.
- Select “Required Documents” tab from bottom section to know about important documents.
- Click “Sample Forms” and explore the format to apply for citizenship.

#### Website URL:

<https://indiancitizenshiponline.nic.in/Home.aspx>



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GOVERNMENT OF TAMIL NADU

**STANDARD EIGHT**  
**TERM - II**  
**VOLUME 3**

**SCIENCE**  
**SOCIAL SCIENCE**

A publication under Free Textbook Programme of Government of Tamil Nadu

**Department of School Education**

**Untouchability is Inhuman and a Crime**



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E - book



Assessment



DIGI links



## Unit - 1

# Understanding Secularism



### Learning Objectives

- ▶ To understand the meaning of secularism
- ▶ To know the importance of secularism
- ▶ To develop the appreciation of the rights guaranteed in the Constitution
- ▶ To analyse the importance of secular education
- ▶ To discuss the constitutional provisions related to secularism



U7Q7I2

*India will be a land of many faiths, equally honoured and respected, but of one national outlook.*

- Jawaharlal Nehru

### Introduction

India is a land of multi-religious faith and multi-cultural beliefs. It is the birth place of four major religions; Hinduism, Jainism, Buddhism and Sikhism. In our country people of diverse religions and beliefs have been living peacefully for a long time. Modern nation-states are multi-religious states, hence there is a need for tolerance of all religions. The concept of secularism is aimed at creating a society in which people of religious beliefs or people who do not belong to any religion can live together in harmony and peace.

Rajaram Mohan Roy, Sir Syed Ahmad Khan, Rabindranath Tagore, Mahatma Gandhi and B.R. Ambedkar were some of the noted individuals held high in public regards who contributed towards the spread of secularism in the various spheres of Indian society. Secularism is invaluable for a society like India which is characterised by religious diversity.



- The term secularism is derived from the Latin word 'saeculum' meaning 'an age' or 'the spirit of an age'.
- George Jacob Holyoake a British newspaper editor coined the term secularism.



## What does Secularism mean?

Secularism means an attitude of tolerance towards other religions and peaceful co-existence of citizens belonging to different faiths. It is a policy of neutrality and equality by the state towards all religious communities.

Secularism is the principle of separation of state and religion or more broadly no interference of the state in the matters of religion and vice-versa. This means that every citizen is free to propagate, practice, and profess their faith, change it or not have one, according to their conscience.

**Atheism** - is a lack of belief in god and gods.

**Secularism** - is non-interference of the state in religious affairs and vice-versa.

## Objectives of Secularism

- One religious group does not dominate another.
- Some members don't dominate other members of the same religious community.
- The state does not enforce any specific religion nor take away the religious freedom of individuals.

A simple statement by poet Iqbal illustrates the secular view "Religion does not teach us animosity; We are Indians and India is our home!"

### 12th Rock Edict, Ashoka



Emperor Ashoka was the first great emperor to announce as early as 3rd century BC (BCE) that the state would not prosecute any religious sect. In his 12th Rock Edict, Ashoka made an appeal not only for the tolerance of all religious sects but also to develop a spirit of great respect towards them.

## The Characteristic Features of a Secular State

**Principle of Liberty** - the state permits the practice of any religion.

**Principle of Equality** - the state does not give preference to any religion over another.

**Principle of Neutrality** - the state remains neutral in religious matter.

A secular state is the one in which the state does not officially promote any one religion as the country's official religion and every religion is treated equally. It gives to every citizen not only the equal right to freedom of conscience but also the right to profess, practice and propagate any faith of their own choice. The state observes an attitude of neutrality and impartiality towards all religions. In a secular state no one is given preferential treatment and the State does not discriminate any person on the basis of their religious practices and beliefs. All citizens are eligible to enter government service irrespective of their faith. There should be absolutely no religious instructions in educational institutions and no taxes to support any particular religion.

## Importance of Secularism

The concept of secularism evolved in India as equal treatment of all religions. We need secular state to maintain peace and harmony between people of various religious ideologies. It is a part of democracy, which grants equal rights



The Mughal emperor Akbar followed the policy of religious toleration. His propagation of Din-i-Illahi (Divine Faith) and Sulh-e-Kul (Peace and harmony among religions) were advocated for religious toleration.

## Constitution and Secularism

Secularism is the part of Indian Constitution. The makers of the Indian Constitution were



aware that a strong and united nation could be built only when all sections of people had the freedom to practice their religion. So secularism was accepted as one of the fundamental tenets for the development of democracy in India.

The word secularism was not mentioned in our Constitution when it was adopted in 1950. Later on in 1976, the word secular was incorporated in the Preamble through the 42nd Amendment of the Indian Constitution. (India is a Sovereign, Socialist, Secular, Democratic, Republic) The basic aim of our Constitution is to promote unity and integrity of the nation along with individual dignity.

There is no state religion in India. The state will neither establish a religion of its own nor confer any special patronage upon any particular religion. The freedom of religion guaranteed under the Indian Constitution is not confined to its citizen alone but extends to aliens also. This was pointed out by the Hon'ble Supreme Court in the case Ratilal Panchand V State of Bombay in 1954.



A 19th century Hindu temple in Khajuraho, India incorporates a Hindu spire, a Jain cupola, a Buddhist stupa and Muslim style dome in place of usual shikara.

### The Constitution of India has the following distinguishing features

- The state will not identify itself with or be controlled by any religion
- The state guarantees to everyone the right to profess any religion of their own.

c. The state will not accord any preferential treatment any of them.

d. No discrimination will be shown by the state against any person on account of his religious faith.

a. It creates fraternity of the Indian people and gives assurance the dignity of the individual and the unity of the nation.



The secular Indian state declares public holidays to mark the festivals of all religions.

### Mosaic of Constitutional Provisions

**Article 15** – prohibition of discrimination on grounds of religion, caste, sex or place of birth etc.,

**Article 16** – equality of opportunity in public employment.

**Article 25(1)** – guarantees the freedom of conscience and the right to profess, practice and propagate religion individually.

**Article 26** – Freedom to manage religious affairs

**Article 27** – The state shall not compel any citizen to pay any taxes for the promotion of any particular religion.

**Article 28** – on religious instruction or religious worship in certain educational institution.

**Article 29(2)** – A ban on discrimination in state-aided educational institution .

### Why do we need secular education?

Secularism in education means making public education free from any religious dominance. Children as future citizens must get education which should aim at their development of character and moral behavior irrespective of religious affiliation.

Secular education is needed

- to remove narrow mindedness and makes dynamic and enlightened view;
- to develop moral and humanistic outlook;



- to train the youth to be good citizen;
  - to strengthen democratic values like liberty, equality, and fraternity and co-operative living;
  - to give wider vision towards life;
  - to develop an attitude of appreciation and understanding of others point of view;
  - to develop the spirit of love, tolerance, co-operation, equality and sympathy;
  - to synthesise materialism and spiritualism.

## Conclusion

The Indian State is secular and works in various ways to prevent religious domination. Secularism undoubtedly helps and aspires to enable every citizen to enjoy fully blessings of life, liberty and happiness. The Indian Constitution guarantees fundamental rights that are based on secular principles. It is one of the glowing achievement on Indian democracy. Secularism

## Akbar's tomb at Sikandara near Agra, India



Akbar's instruction for his mausoleum was that it would incorporate elements from different religions including Islam and Hinduism

allows us to live in civility. It compels people to respect other religion. It grants equal rights to the people in respect of their religious faith. It is desirable for a country like India.





## Recap

- India is the land of multi – religious country. Hence there is a need for tolerance of all religions.
- Secularism is the belief that no one should be discriminated on the basis of religion.
- Secularism is very essential for the smooth functioning of a democratic country.
- A secular state is one in which the state does not officially promote any one religion as state religion.
- The Indian Constitution allows individuals the freedom to live by their religious beliefs and practices.
- The Indian state works in various ways to prevent religious domination.

## Glossary

<b>diversity</b>	the state of being diverse	பன்முகத்தன்மை
<b>propagate</b>	spread and promote widely	பரவச்செய்
<b>liberty</b>	freedom	சுதந்திரம்
<b>equality</b>	fairness	சமத்துவம்
<b>neutrality</b>	impartially	நடுநிலைமை
<b>ideology</b>	doctrine	சித்தாந்தம்



## Evaluation

### I. Choose the correct answer

1. Secularism means
  - State is against to all religions
  - State accepts only one religion
  - An attitude of tolerance and peaceful co-existence on the part of citizen belonging any religion
  - None of these
2. India is a land of \_\_\_\_\_.
  - multi - religious faith
  - multi - cultural beliefs
  - Both (1) & (2)
  - None of these
3. The Preamble of the Constitution was amended in \_\_\_\_\_.
  - 1951
  - 1976
  - 1974
  - 1967



4. Which one of the following describes India as a secular state?
  - Fundamental Rights
  - Fundamental Duty
  - Directive Principles of State Policy
  - Preamble of the Constitution
5. Right to freedom of religion is related to
  - Judiciary
  - Parliament
  - Directive principles of State Policy
  - Fundamental rights
6. According to Article 28, which type of education is restricted in state aided educational institutions?
  - religious instruction
  - Moral education
  - Physical education
  - None above these



7. The country will be considered as a secular country, if it \_\_\_\_\_
- gives importance to a particular religion
  - bans religious instructions in the state – aided educational institutions.
  - does not give importance to a particular religion
  - bans the propagation of any religious belief.

### II. Fill in the blanks.

- Religion does not teach us \_\_\_\_\_.
- Secularism is a part of democracy which grants \_\_\_\_\_.
- \_\_\_\_\_ is a lack of belief in god and gods.
- The basic aim of our constitution is to promote \_\_\_\_\_ and \_\_\_\_\_.
- Article 15 prohibits \_\_\_\_\_ on the grounds of religion, caste, sex or place of birth.

### III. Match the following

- |                      |                              |
|----------------------|------------------------------|
| 1. Atheism           | - coined the word secularism |
| 2. Children          | - social reformer            |
| 3. Din-i-Illahi      | - lack of belief in god      |
| 4. Constitution      | - future citizen             |
| 5. Holyoake          | - Divine faith               |
| 6. Rajaram Mohan Roy | - 1950                       |

### IV. State true or false

- There is state religion in India
- The term secularism has been derived from the Greek word.
- The Mughal emperor Akbar followed the policy of religious toleration.
- Jainism originated in China.
- Government of India declares holidays for all religious festivals.

### V. Consider the following statements and tick the appropriate answer

- i) Secularism is invaluable for a society like India which is characterized by religious diversity.

- The word secularism was not mentioned in the Constitution when it was adopted in 1950.
- Article 26 deals with payment of taxes for the promotion of any particular religion.
- Akbar's tomb situated at Sikandara near Agra.

  - i, ii only
  - ii, iii only
  - iv only
  - i, ii and iv only

2. **Assertion (A):** A foreigner can practice his own religious faith in India.

**Reason (R):** The freedom of religion is guaranteed by the constitution not only for Indians but also for the aliens also.

- A is true but R is false.
- Both A and R are true and R is the correct explanation of A.
- A is false but R is true.
- Both A and R are true. R is not the correct explanation of A.

3. **Assertion (A):** Secularism is invaluable in India.

**Reason (R):** India is a multi-religious and multi-cultural country.

- A is correct and R is the correct explanation of A.
- A is correct and R is not the correct explanation of A.
- A is wrong and R is correct.
- Both are wrong.

### 4. Find out the wrong pair.

- Din-i-Illahi - A book
- Khajuraho - Hindu temple
- Ashoka - Rock Edict
- Iqbal - Poet



## VI. Answer the following in one or two sentences

1. Name some of the Indians who contributed to spread of secularism.
2. What does secularism mean?
3. State the objectives of secularism.
4. Why is it important to separate religion from the state?
5. What are the characteristic features of a secular state?
6. Mention any three Constitutional provisions related to secularism?

## VII. Answer the following in detail

1. Why we need secular education?
2. Secularism is necessary for a country like India. Justify.

## VIII. Hots

1. Will the Government intervene if some religious group says that their religion allows them to practice human sacrifice?

## IX. Project and Activity

1. Look at the holidays of your school calendar. How many of them pertain to different religions? List them based on religions. What does it indicate?

2. How can you develop religious tolerance?

At home	At school
In your locality	At National level



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1. <http://legislative.gov.in/constitution-of-india>
2. <http://legislative.gov.in/sites/default/files/part1.pdf>



## Unit - 2

# Human Rights and UNO



### Learning Objectives

- ▶ Understand what human rights are.
- ▶ Understand the relationship between rights and responsibilities.
- ▶ Know the importance of Human rights.
- ▶ Understand that human rights belong to everybody.
- ▶ Appreciate the meaning and significance of the Universal Declaration of Human Rights, 1948.



Z7F6S7

### Introduction

Everybody is born equal. Each individual in the world has the right to lead a dignified life of his or her own choice. Human rights are related to individuals and society. Human rights denotes all those rights that are inherent and ensure that we live as free people and exercise our choices. The state's role is to ensure that people have equal rights.

### What are Human Rights?

Human Rights are rights inherent to all human beings regardless of race, sex, nationality, ethnicity, language and religion. Human rights include freedom from slavery and torture, freedom of opinion and expression and fair trial, the right to life work and education.



### Where do Human Rights come from?

A set of basic rights and freedoms has deep roots in European and American countries.

#### a. Written Precursors of Human Rights Documents

**The Magna Carta of 1215(England)** – gave people new rights and made the king subject to the law.

**The Petition of Right 1628(England)** – set out the rights of the people.

**The Habeas Corpus Act of 1679(England)** – an act for the better securing liberty of the subject.

**The English Bill of Rights of 1689** – set out certain basic civil rights.

**The French Declaration on the Rights of Man and Citizen 1789** – a document of France, stating that all citizens are equal under the law.

**The US Constitution and Bill of Rights 1791** - safeguards the rights of the citizens.

#### b. The Birth of United Nations

The idea of human rights emerged stronger after the Second World War. This War led to



unimaginable violation of human rights. During the times of war, human lives lost its value and those affected by war had to struggle till the end of their life. Atrocities during the Second World War made clear that previous efforts to protect individual rights from government violations were inadequate. The rights of man were prevented or eliminated in several parts of the world due to several factors. It is proved that the government of some countries alone could not protect human rights. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter, and nationality. These voices played a critical role in the San Francisco meeting in which the United Nations Charter was drafted in 1945. At this juncture, an International body, the United Nations Organisation (UNO) which was established on 24th October 1945 took up the issue. Human Rights is an important theme in all UN policies and programmes in the areas of peace and security, development, humanitarian assistance and economic and social affairs.

### c. The Universal Declaration of Human Rights (UDHR)

One of the greatest achievements of United Nations is the creation of human rights law. To advance this goal, the UN established a Commission on Human Rights. The Commission guided by Eleanor Roosevelt's (wife of former US president Franklin D Roosevelt) forceful leadership captured the world's attention. Finally, the Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly in 1948. It is a milestone document in the history of Human rights. The Declaration was proclaimed by the UN General Assembly in Paris, France on 10th December 1948 (General Assembly resolution 217A). In remembrance of every year 10th December is observed as the Human Rights Day and its

#### Preamble of UDHR

All men are born free and all are equal in status and rights. They are endowed with intelligence and conscience and obliged to promote the spirit of common brotherhood amongst all men.

regular observance commenced from 1950. It is also known as modern International Magna Carta of Human Rights. Its principles have been incorporated into the Constitutions of most of the (more than 185) nations. UDHR has been translated into more than 500 languages. It is the most translated document in the world.

### The Cyrus Cylinder 539 BC (BCE)



Cyrus the Great, the first king of ancient Persia, freed the slaves and declared that all people had the right to choose their own religion and established racial equality. These and other decrees were recorded on a baked-clay cylinder in the Akkadian language in cuneiform script. It is translated into all six official languages of the United Nations and its provisions parallel the first four Articles of the Universal Declaration of Human Rights.

### Human Rights are based on the values of

- Dignity – The right to life, the right to integrity, the prohibition of enforced labour, slavery and degrading punishment.
- Justice – The right to fair trial, proportional punishment to crime, the right not to be trialed more than once for the same crime
- Equality – Equality before law. No discrimination on race, religion, gender, age, ability/disability etc.

### Basic Characteristics of Human Rights

**Inherent** – they are not granted by any person or authority.

**Fundamental** – they are fundamental rights because without them, the life and dignity of man will be meaningless



<b>Inalienable</b>	- they cannot be taken away from the individual.
<b>Indivisible</b>	- they can't be denied even when other rights have already been enjoyed.
<b>Universal</b>	- they are universal. They apply irrespective of one's origin or status. They are enforceable without national border.
<b>Interdependent</b>	- they are interdependent because the fulfillment or exercise of one human right cannot be had without the realization of the other.

Human Rights Day is celebrated annually on 10th December every year. It is to honour the United Nations General Assembly for declaring the human rights universally.

### Kinds of Human Rights

There are 30 Articles incorporated in the Universal Declaration of Human Rights.

These rights are broadly classified into Five primary categories. They are as follows

#### a. Civil Rights

The term civil rights refers to the basic rights afforded by laws of the government to every person. This is the right to be treated as an equal to anyone else. It includes the rights to life, liberty, freedom from slavery and arbitrary arrest.

#### b. Political Rights

Political rights are exercised in the formation and administration of a government. The Civil and Political rights are directly related to modern democracy. They protect the individual from the misuse of political power and recognise every individual's right to participate in their country's political process. It includes the freedom of expression, and peaceful assembly, the right to take part in the government of one's country, the right to vote, the freedom of speech and obtain information.

#### c. Social Rights

It is necessary for an individual to fully participate in the society. Social rights are those rights necessary for an adequate standard of living including the right to education, health care, food, clothing, shelter and social security.

#### d. Economic Rights

The right to participate in an economy that benefits all and to desirable work. Economic rights guarantee every person to have condition under which they are able to meet their needs. This includes the rights to employment and fair wage, the reasonable limitation of working hours, shelter, education and adequate standard of living, and the right to property.

#### e. Cultural Rights

The right to freedom of religion and to speak the language and to practice the cultural life of the community, the right to share in scientific advancement, and right to the protection of moral and material interest.

### The Difference between Human Rights and Civil Rights

Human Rights	Civil Rights
Human rights belong to everyone, everywhere, regardless of <i>nationality, sexuality, gender, race, religion or age</i> .	Civil rights are those rights that one enjoys by virtue of citizenship in a particular nation or state.
Human rights are considered universal to all human beings and universal in all countries.	Civil rights vary greatly from country to the country's or government to government. It is related to the Constitution.
No nation may rightfully deprive human rights to an individual.	Different nations can grant or deny different civil rights and liberties.
Human rights are basic rights inherent with birth.	Civil rights are creation of the society.



## Human Rights Commission

The Economic and Social Council (ECOSOC), a principal organ of the United Nations was empowered to setup a commission for the promotion of human rights. National level and State level human rights commissions were established to ensure the protection of human rights.

### a. National Human Rights Commission

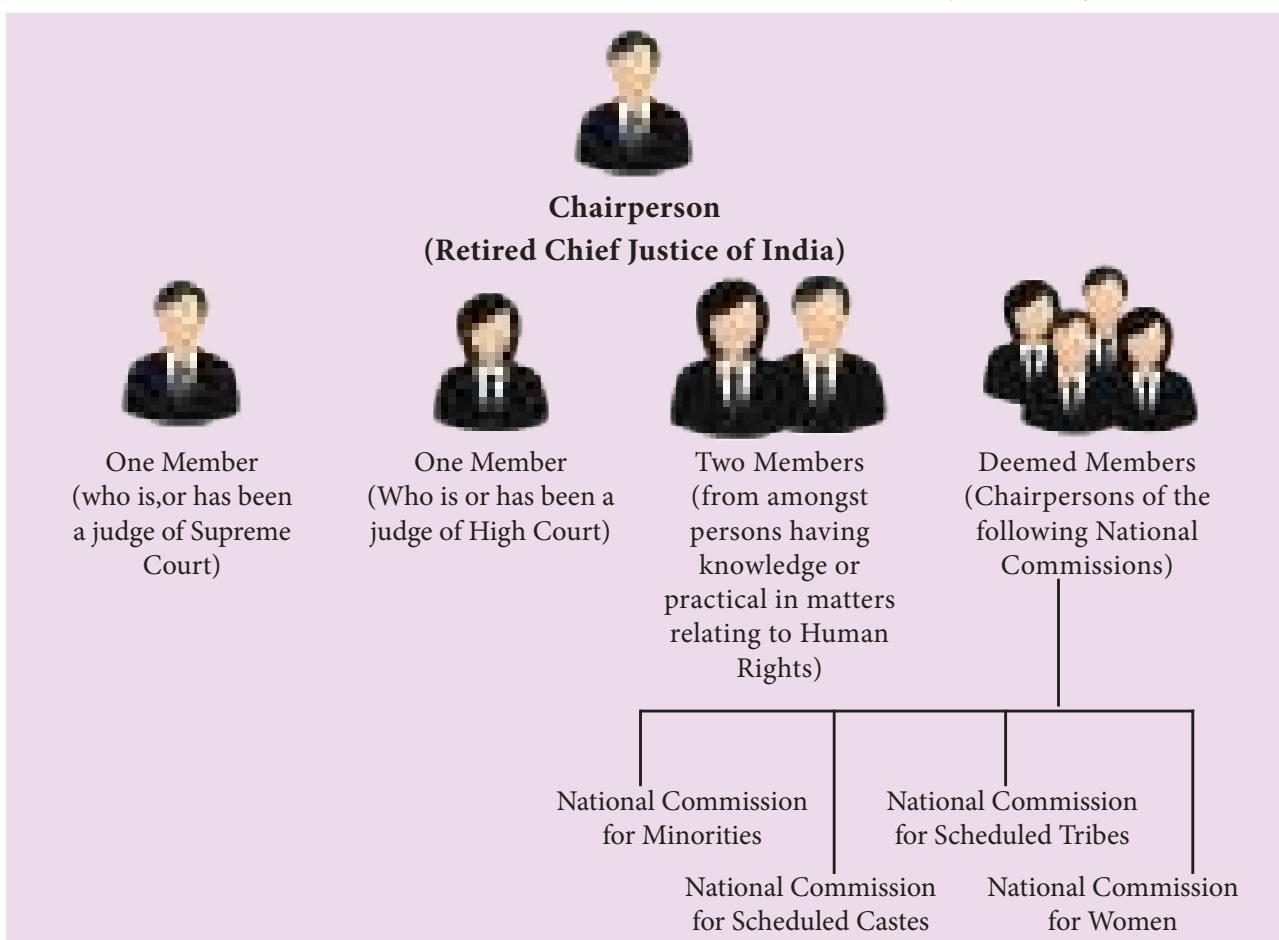
The National Human Rights Commission (NHRC) of India was established on 12th October, 1993. It is an independent statutory, and non-constitutional body. Its headquarter is located in New Delhi. NHRC is a multi-member body which consists of a Chairperson



and other members. The President appoints the Chairperson and other members. They are appointed for 5 years or till the age of 70 years whichever is earlier. NHRC has five divisions. Law Division, Investigation Division, Policy Research & Programmes Division, Training Division and Administrative Division. The National Human Rights Commission is responsible for the protection and promotion of human rights in India.

### b. State Human Rights Commission

The state Human Rights Commission of Tamil Nadu was formed on 17th April, 1997. It functions at the state level. It consists of three members including a Chairperson. A state Human Rights Commission can inquire into violation of human rights related to subjects covered under State list and Concurrent list in the seventh schedule of the Indian Constitution. (not if NHRC already enquiring)





## Human Rights Organisations

Many organisations around the world have taken their efforts to protect human rights and for ending human rights abuses. These Non-governmental organisations monitor the actions of governments and pressure them to act according to human right principles. Some of these organisations are Amnesty International, Children's Defense Fund, Human Rights Watch.



### Indian Constitution Article

24 - prohibits child labour.  
39(f) - provides for children to develop in healthy manner.  
45 - provides that the state shall endeavor to provide early childhood care and education for all children until they complete the age of six years.

## Child Rights

According to Article 1 of the United Nations Convention on the Rights of the Child 1989, 'a child means every human being below the age of eighteen years'. The Convention on the Rights of the Child was proclaimed by UN on 20th November 1989.



The child is considered as an important national asset. The future of a nation depends on how its children mature and develop. So protection of children from all kinds of exploitation and abuses has become the main objective of our society. There are laws in India protecting the rights of the children.

### UNO has declared

1978 as International year of women.  
1979 as the International year of children.

#### a. Right to Education Act

Article 21A provides that the state shall provide free and compulsory education to all children aged six to fourteen years.



#### b. The Child Labour Act (Prohibition and Regulation Act 1986)

It provides no child who has not completed 15 years of age can be employed

#### c. The Juvenile Justice Act 2000 (Care and Protection of Children)

This Act tries to protect children deprived of adequate care and to reform the children by adopting child friendly approach.

#### d. POCSO Act 2012

Protection of Children from Sexual Offences Act regards the best interest of the child as being paramount importance in every state.



#### 1098 Child Line

This is India's first 24 hours' free emergency phone service for children in need of assistance. Special care is given for vulnerable children those affected by child labour, child marriage and children affected by any abuse.





## Women Rights

Women and girl's rights are human rights. Women are entitled to the full and equal enjoyment of all of their human rights and to be free from all forms of discrimination. This is fundamental to achieve human rights, peace and security and sustainable development. The Charter of the United Nations guarantees equal rights to both women and men.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is described as an International bill of rights for women.

In 1995 the Fourth World Conference of Women, held in Beijing, developed a Platform for Action to recognise women's rights and improve women's livelihood worldwide, and follow-up meetings monitored progress towards meeting these goals. The United Nations Development Fund for Women (UNIFEM), has worked since

1995 to implement the Beijing Platform for Action. Only when women and girls have full access to their rights will true equality exist.

## Maintenance and Welfare of Parents and Senior Citizen Act 2007

This Act makes it legal obligation for children and heirs to provide maintenance to senior citizens and parents. Protection and support during old age are envisaged as human rights.



## Conclusion

Human rights are about equality and fairness for everyone and it ensures that everyone is treated with dignity and respect. The protection of human right is everyone's responsibility. An understanding and respect for human rights provides the foundation for peace, harmony, security and freedom in our community.

Legislations	Provisions
The Hindu Widow Remarriage Act 1856	Legalised widow remarriage.
The Hindu Marriage Act 1955	States that the marriageable age for women is 21.
The Hindu Succession Act 1956	Ensures the right to women to inherit their parental property.
The Dowry Prohibition Act 1961	Provides drastic punishments for those ill-treating the bride in the name of dowry.
The Eve Teasing Act 1997	Gives relief to women.
Indecent Representation Act 1999	Prohibits the indecent representation of women in magazine, newspapers etc.
The Factory Act 1948, The Plantation Labour Act 1951, The Mines Act 1952 The Maternity benefit Act 1961	Protects the women workers.
Protection of Women from Domestic Violence Act 2005	Protects women from harassment by husband and family members.

## Recap

- Human rights are freedoms that all human beings are entitled to enjoy. They include civil, political, economic, social and cultural rights.
- Human rights are inherent, inalienable, interdependent and indivisible.
- One of the greatest achievements of the United Nations is the creation of comprehensive body of human rights law.
- The Universal Declaration of Human Rights was adopted by the UN General Assembly in 1948.



- Human rights are based on dignity, justice and equality.
- National level and State Level Human Rights Commissions were established to ensure the protection of human rights.
- The protection of human rights is everyone's responsibility.

## GLOSSARY

Nationality	People having common origin	தேசிய இனம்
humanitarian	seeking to promote human welfare	மனிதாபிமானம்
brotherhood	state of being brothers	சகோதரத்துவம்
fair trial	justify with legal	நியாயமான விசாரணை
harmony	agreement of opinions	இசைவு
heir	a person legally entitled to the property	வாரிசு/வழித்தோன்றல்



### I. Choose the correct answer

1. After the Second World War \_\_\_\_\_ has taken several measures to protect the human rights.
  - a) UNO
  - b) Supreme Court
  - c) International Court of Justice
  - d) none
2. In 1995 women from all over the world gathered at \_\_\_\_\_.
  - a) Beijing
  - b) New York
  - c) Delhi
  - d) none
3. The National Human Rights Commission was constituted in \_\_\_\_\_.
  - a) 1990
  - b) 1993
  - c) 1978
  - d) 1979
4. The UNO declared 1979 as the International year of \_\_\_\_\_.
  - a) Girl Child
  - b) Children
  - c) women
  - d) none
5. When is Human Rights Day observed?
  - a) 9th December
  - b) 10th December
  - c) 11th December
  - d) 12th December



V4L3X8

6. Which one is known as modern International Magna Carta of Human rights?
  - a) UDHRC
  - b) NHRC
  - c) SHRC
  - d) International year for women
7. Who can be appointed as the chairperson of the National Human Rights Commission?
  - a) Retired judge of high court
  - b) Any retired Chief Justice of the Supreme Court.
  - c) Any person appointed by the president.
  - d) Retired Chief Judge of any court.
8. How many articles does the Universal Declaration of Human Rights contain?
  - a) 20
  - b) 30
  - c) 40
  - d) 50
9. What is the tenure of the Chairperson of the National Human Rights Commission?
  - a) 5 years or upto 62 years of age
  - b) 5 years or upto 65 years of age
  - c) 6 years or upto 65 years of age
  - d) 5 years or upto 70 years of age
10. Where is the headquarters of the National Human Rights Commission?
  - a) Delhi
  - b) Mumbai
  - c) Ahmedabad
  - d) Kolkata



### II. Fill in the blanks

1. Each individual has \_\_\_\_\_ to lead a dignified life.
2. Human Rights are \_\_\_\_\_ rights.
3. The State Human Rights commission was formed on \_\_\_\_\_.
4. Article 24 of Indian Constitution prohibits \_\_\_\_\_.
5. United Nations Organisation was established in the year \_\_\_\_\_.

### III. Match the following

- |                       |   |
|-----------------------|---|
| 1. Eleanor Roosevelt  | - world's first charter of human rights |
| 2. The Cyrus Cylinder | - 1997                                  |
| 3. Eve Teasing Act    | - freedom from slavery                  |
| 4. Child help line    | - Human Rights Commission               |
| 5. Civil right        | - right to vote                         |
| 6. Political right    | - 1098                                  |

### IV. State true or false

1. Human rights and civil rights are the same.
2. Declaration of the Rights of Man and of the Citizen was proclaimed in India.
3. The Human Right Act of 1993 provides the creation of National Human Rights Commission.
4. National Human Rights Commission has empowered to give punishment to the victims.
5. \_\_\_\_\_ was empowered to setup commission for the promotion of Human rights at National and State level.

### V. Consider the following statements and tick the appropriate answer

1. Find the wrong statement
  - a) National Human Rights Commission is a statutory body.
  - b) National Human Rights Commission is a constitutional body.
  - c) National Human Rights Commission is an independent body.

d) National Human Rights Commission is a multilateral institution.

2. Which of the following statement is not correct about the National Human Rights Commission?

a) It was established in 1993.

b) In the cases of human rights violation, the Commission has no rights to punish the culprit.

c) The Chairperson and members are of this Commission are appointed by the Supreme Court of India.

d) The Commission sends its annual report to the Central Government and State Governments.

3. **Assertion :** Human Rights day is observed on 10th December

**Reason :** It commemorates Eleanor Roosevelt's birthday.

a) A is correct but R does not explain A

b) A is correct but R explains A

c) A and R are correct

d) A and R are Wrong

4. Consider the following statements

1. The State Human Rights commission is a multi-member body.

2. The State Human Rights Commission consists of a chairperson and three members.

Which of the statements given above is /are correct?

a) 1 only

b) 2 only

c) Both a and b

d) None

### VI. Answer the following in one or two sentences

1. What are Human Rights?

2. Bring out the importance of UDHR.

3. What does Article 45 of Indian Constitution provide?

4. Write about Right to Education Act.



GOVERNMENT OF TAMIL NADU

**STANDARD EIGHT**  
**TERM - III**  
**VOLUME 3**

**SCIENCE**  
**SOCIAL SCIENCE**

A publication under Free Textbook Programme of Government of Tamil Nadu

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Untouchability is Inhuman and a Crime



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E - Book



Assessment



DIGI links



## Unit - 1

# Defence & Foreign Policy



### Learning Objectives

Students acquire knowledge about

- ▶ The Indian Armed Forces
- ▶ Paramilitary Defence Forces
- ▶ Foreign Policy of India
- ▶ India's relation with neighbouring countries



S1R4L8

### I. Defence

#### Introduction

India is a peace loving country. India has always maintained cordial relationship with all the other countries in general and with its neighbours in particular. At the same time, it has to strengthen its security to defend its border from any foreign aggression. So the Government of India has given higher priorities to the defence sector. Let us understand the various defence forces of our country.

#### Need for Defence System

National Security is very essential for the political, social and economic development of any country. It is also important for the growth of a country's peace and prosperity.

#### Indian Defence Services

The President of India being the head of the State occupies the highest position in our defence organisation. He is the supreme commander of the Armed forces in India.

#### Security Forces in India can be divided into

**Indian Armed Forces** – They are primary forces consist of country's Army, Navy, Air Force and Coast guard. They serve under the Ministry of Defence.

**Paramilitary Forces** – They are Assam Rifles and Special Frontier Force.

**Central Armed Police Forces** – They are BSF, CRPF, ITBP, CISF and SSB. They serve under the authority of Ministry of Home Affairs. CAPF work along with both Army and Police in different roles assigned to them.

#### Indian Armed Forces

##### Army

The Indian Army is the land-based branch and it the largest volunteer army in the world. It is commanded by the Chief of Army Staff



M8K8J9



The National War Memorial is a monument built by the Government of India to honour the Indian Armed Forces. The memorial is spread over 40 acres of land and is built around the existing chhatri (canopy) near India Gate, New Delhi. The names of armed forces personnel martyred during the conflicts are inscribed on the memorial walls.



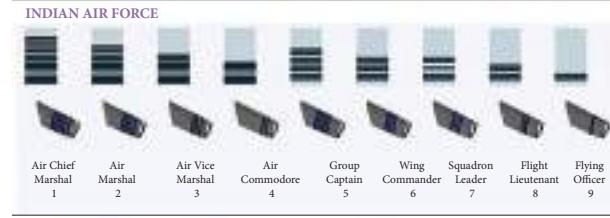
(COAS), who is a four-star general. The primary mission of the Indian Army is to ensure national security, national unity, defending the nation from external aggression, internal threats and maintaining peace and security within its borders. It conducts humanitarian rescue operations during natural disaster and calamities. The Indian Army has a regimental system. It is operationally and geographically divided into seven commands.

### Navy

The primary objective of the navy is to safeguard the nation's maritime borders, and in conjunction with other Armed Forces of the union, act to deter or defeat any threats or aggression against the territory, people or maritime interests of India. The Chief of Naval Staff, a four-star Admiral, commands the navy. It has three Naval Commands.

### Air Force

The Indian Air Force is the air arm of the Indian armed forces. Its primary



mission is to secure Indian airspace and to conduct aerial warfare during armed conflict. The Chief of Air Staff, an air chief marshal, is a four-star officer and is responsible for the bulk of operational command of the Air Force. It has seven commands.

### Indian Coast Guard (ICG)

The Indian Coast Guard was established in 1978 by the Coast Guard Act, 1978 of the Parliament of India as an independent Armed force of India. It operates under the Ministry of Defence. The Coast Guard works in close cooperation with the Indian Navy, the Department of Fisheries, the Department of Revenue (Customs) and the Central and State police forces.

### Paramilitary Defence Forces

The Forces which help in maintaining internal security, protecting the coastline and assisting the army are known as "Paramilitary Forces". The responsibility is the security of important places like Railway stations, Oil fields and refineries, water reservoirs lines. They also participate in the management of natural or

**Field Marshal** – is a Five Star General officer rank and the highest attainable rank in the Indian Army.



**Sam Manekshaw** was the first Field Marshal of India and the second Field Marshal was **K. M. Cariappa**.



**Arjan Singh** was the first and the only officer of the Indian Air Force to be promoted to Five Star Rank as Marshal.



The Madras Regiment is one of the oldest infantry regiment of the Indian Army, originating in the year 1758. The Regimental Centre is at wellington, Udhagamandalam, Tamil Nadu.



In 1962, after the Sino-Indian War, the need to expand the number of officers was felt. Two Officers Training Schools (OTS) were established in Pune and Chennai to train officers for Emergency Commission into the Army. On 1<sup>st</sup> January 1988, the school was renamed as the Officers Training Academy (OTA).

man-made disasters. During peace time, the paramilitary forces also have the responsibility of protecting the international borders.

- a) The Assam Rifles (AR)
- b) The Special Frontier Force (SFF)

### The Assam Rifles (AR)

The Assam Rifles came into being in 1835 which was established by the British in the Assam region, as a militia called the 'Cachar Levy'. There are currently 46 battalions of Assam Rifles. It is under the Ministry of Home Affairs (MHA).

### The Special Frontier Force (SFF)

The Special Frontier Force (SFF) is a paramilitary special force of India created in 1962. This force was put under the direct supervision of the Intelligence Bureau, and later, under the Research and Analysis Wing, India's external intelligence agency.

## The Central Armed Police Forces (CAPF)

Following five forces which come under Ministry of Home Affairs were earlier considered paramilitary forces, but from March' 2011, They have been reclassified as Central Armed Police Forces (CAPF) to avoid confusion.

In 1025 AD (CE), Rajendra Chola I, the Chola king from Tamil Nadu launched naval on the city-state of Srivijaya in maritime Southeast Asia, and conquered Kadaram (modern Kedah). Rajendra's overseas expedition against Srivijaya was a unique event in India's history.



- i) The Central Reserve Police Force (CRPF)
- ii) Indo-Tibetan Border Police (ITBP)
- iii) The Border Security Force (BSF)
- iv) Central Industrial Security Force (CISF)
- v) Special Service Bureau (SSB)

### The Central Reserve Police Force (CRPF)



The mission of Central Reserve Police force shall be to enable the government to maintain Rule of law, public order and internal security effectively and efficiently, to preserve national integrity and promote social harmony and development by upholding supremacy of the Constitution.

The Rapid Action Force is a specialised wing of the CRPF (Central Reserve Police Force) to deal with riot, crowd control, rescue and relief operations, and related unrest situations.

### Indo-Tibetan Border Police (ITBP)



It is a border guarding police force. This force is specialized in high altitude operations. It is deployed for border guarding duties from Ladakh to Arunachal Pradesh (India - China border).

### The Border Security Force (BSF)



The border security force is a Border Guarding Force of India. BSF is charged with guarding India's land border during peace time and preventing transnational crimes.



### National Cadet Corps (NCC)

National Cadet Corps is a Tri-Services Organization, comprising the Army, Navy and Air Force, engaged in grooming the youth of the country into disciplined and patriotic citizens. The National Cadet Corps in India is a voluntary organization which recruits cadets from high schools, colleges and universities all over India. The Cadets are given basic military training in small arms and parades.

### Central Industrial Security Force (CISF)



The Central Industrial Security Force was set up under an Act of the Parliament of India on 10th March 1969. Its duties are guarding sensitive governmental buildings, the Delhi Metro, and providing airport security.

### Sashastra Seema Bal/ Special Service Bureau (SSB)



Sashastra Seema Bal (SSB), in English the Armed Border Force is the border guarding force for Nepal and Bhutan border.

### Home Guard

The Indian Home Guard is a voluntary force, tasked as an auxiliary to the Indian Police.

15 <sup>th</sup> January	- Army Day
1 <sup>st</sup> February	- Coast Guard Day
10 <sup>th</sup> March	- Central Industrial Security Force Day
7 <sup>th</sup> October	- Rapid Action Force Day
8 <sup>th</sup> October	- Air Force Day
4 <sup>th</sup> December	- Navy Day
7 <sup>th</sup> December	- Armed Forces Flag Day

Home Guards are recruited from various cross sections of the civil society such as professionals, college students, agricultural and industrial workers, etc. who give their spare time for betterment of the community. All citizens of India, in the age group of 18–50, are eligible. Normal tenure of membership in Home Guards is three to five years.

To protect and guard our nation, our armed forces are always kept ready. Youth should come forward to service and save the nation by joining the armed forces. Recruitment to the Defence services is open to all Indians. It is the duty of every citizen to have an opportunity to serve the country.

## II. Foreign Policy of India

A foreign policy is a set of political goals that define how a sovereign country will interact with other countries in the world. It seeks to secure the best interest of the people, territory and economy of the country. Our country's external relation is based on certain principles and policies. India's foreign policy was evolved with the background of her colonial sufferings.

### Basic Principles of Foreign Policy

- Preservation of national interest
- Achievement of world peace
- Disarmament
- Abolition of Colonialism, Racism and Imperialism
- Increasing the number of friendly nations
- Economic development

### Panchsheel

Jawaharlal Nehru, the first Prime Minister of India was the chief architect of India's foreign policy. Nehru was a supporter of world peace. Hence he gave utmost importance to world peace in his policy planning. He declared the five principles of peace, known as Panchsheel. These principles included

1. Mutual respect for each other's territorial integrity and sovereignty
2. Mutual non-aggression
3. Mutual non-interference in each other's internal affairs
4. Equality and mutual benefit
5. Peaceful co-existence.



## Non-Alignment

The word Non-Alignment was coined by V.K. Krishna Menon. Non-alignment has been regarded as the most important feature of India's foreign policy. Non-alignment aimed to maintain national independence in foreign affairs by not joining any military alliance formed by the USA or Soviet Union in the aftermath of the Second World War. Non-alignment was neither neutrality nor non-involvement nor isolationism. It was a dynamic concept which meant not committing to any military bloc but taking an independent stand on international issues.

**The founding fathers of Non-Aligned Movement:** Jawaharlal Nehru of India, Tito of Yugoslavia, Nasser of Egypt, Sukarno of Indonesia, and Kwame Nkrumah of Ghana.



**Nelson Mandela** – Leader of the African National Council of South Africa. A determined fighter

against apartheid. Apartheid is the worst form of racial discrimination. It is against humanism and democracy. India fought against Apartheid and opposed all types of racial discrimination. The end of racialism in South Africa in 1990 was a great success for India's policy.

## India's Relation with Neighbouring Countries

India's position is unique in its neighbourhood. India has always favoured international and regional cooperation, because she believes that through cooperation all disputes and problems among nations can be sorted out peacefully. India's foreign policy is based on the principle of developing friendly relations and cooperation with her neighbours.

India shares a common land border with Pakistan, Afghanistan, Nepal, China, Bhutan, Bangladesh and Burma. It also shares a common sea border with Sri Lanka.

India is a vast country with

- Pakistan and Afghanistan to the north-west
- China, Nepal, Bhutan to the north
- Bangladesh to the east
- Myanmar to the far east
- Sri Lanka (south-east) and
- Maldives (south-west)



## Neighbourhood First policy

It is part of India's foreign policy that actively focuses on improving ties with India's immediate neighbours. India provides neighbours with support as needed in the form of resources, equipment and training. Greater connectivity and integration is provided so as to improve the free flow of goods, people, energy, capital and information.

## Act East Policy

South East Asia begins with North East India. Myanmar is our land bridge to the countries of the Association of the Southeast Asian Nations (ASEAN). The purpose is to ensure a stable and multipolar balance of power in the Indo-Pacific and to become an integral part of Asia.

India is actively engaged in general economic diplomacy with its neighbouring countries as below.



## SAARC

India believes in regional co-operation. To foster the bonds of brotherhood, co-operation and peaceful co-existence SAARC (South Asian Association for Regional Cooperation) was established. India, Bangladesh, Pakistan, Nepal, Bhutan, Sri Lanka, Maldives and Afghanistan are the eight members of the SAARC.

## BCIM

This Bangladesh – China – India – Myanmar Economic corridor envisages the formation of a thriving economic belt, focusing on cross- border transport, energy and telecommunication networks.

## BIMSTEC

It refers Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation.

Its main objectives are to strengthen and improve the technological economic cooperation, international trade and foreign direct investment cooperation. The member countries are Bangladesh, India, Myanmar, Sri Lanka, Thailand, Bhutan and Nepal.

## BBIN

Bangladesh – Bhutan - India – Nepal has signed a framework to enable movement of passengers, cargo vehicles and for energy development.

To summarise, India is a huge country with manifold cultures. It has high status in the South East Asia. India's foreign policy is to maintain peace, freedom and mutual co-operation among the nations. Though India is not in any major military alliance, our relations with the major powers have acquired a strategic depth.

## Recap

- National security is very essential not only for peace but also for the economic development.
- Indian defence forces consist of the Army, Navy, Air force, various paramilitary organisations and various inter – service institutions.
- The president is the Supreme Commander of the Indian Armed Forces.
- India has maintained cordial relationship with all the countries.
- India gives highest priority to her neighbours. A peaceful periphery is essential for India to achieve her multifarious developmental goals.
- India has been implementing a policy of asymmetric engagement to strengthen bridges of friendship and create new opportunities for the growth and security.

## GLOSSARY

National Security	Safety of nation	நாட்டின் பாதுகாப்பு
Defence forces	Force with arms for the safety of a country	நாட்டின் பாதுகாப்பிற்கான படைகள்
Neutrality	the state of not supporting or helping either side in a conflict	எப்பக்கமும் ஆதரவளிக்காமல் இருக்கல்
Racialism	A practice of discrimination on the basis of racial origin	இன அடிப்படையில் வேறுபாடு காணுகல்
Frontier	a border separating two countries	எல்லை



## Unit - 2

# The Judiciary



### Learning Objectives

- ▶ To trace the evolution of the Judicial system
- ▶ To understand the hierarchical structure of the Indian judiciary
- ▶ To explain the Jurisdiction of Supreme court, High Court and Subordinate Courts
- ▶ To understand the need for the independent Judiciary
- ▶ To know the differences between Civil Law and Criminal Law



R9Z9H3

*"The excellence of the judiciary is a measure of the excellence of the government."*

### Introduction

The judicial system of a country needs to be efficient in order to ensure proper justice to all. India has a single unified and integrated judicial system. Judiciary plays an important role as an organ of the government. It administers justice, settles disputes, interprets laws, protects fundamental rights and acts as guardian of the Constitution.

**Law:** It is a system of rules imposed through a government or institution to govern people.

**Judiciary:** In law, the Judiciary or Judicial system is the system of courts which administers Justice in the name of the State.

### Evolution of Indian Judiciary

#### a. Judiciary during ancient period

During ancient times, the concept of justice was linked with religion. The king was regarded as the fountain head of Justice. Most

of the Kings' courts dispensed justice according to 'dharma', (righteousness and duty) a set of conventional laws, Dharmic laws governed not only the individual but also the society.

#### Smritis

In ancient India Smritis defined the social duties for the individual. There are Manusmriti, Naradasmriti, Yajnavalkya smriti etc.

The republics of Ganas had their own system of law. We find the existence of Kulika court. Amongst the Vajjis, there was a board of eight Kulikas for the investigation of Criminal cases. Appeal proceeded from Kula courts to Gana Courts.

#### b. Judiciary during Medieval period

The Tughlaq period saw the compilation of the code of civil procedure. It was called Fiqha-e-Feroze Shahi. The code prescribed details of the procedure and the law in several matters. It was written in Arabic and was



translated into Persian. This was followed till the reign of Aurangzeb when it was replaced by Fatawa-i-Alamgiri written in 1670.

### c. Judiciary during Modern period

The Indian judicial system and laws we have today was formed by the British during the colonial rule in the country. The beginning of Indian codified common law is traced back to 1727 (Under the Charter of 1726) when the Mayor's court in Madras, Bombay and Calcutta were established by the East India Company. Regulating Act of 1773 made provision for the formation of Supreme Court. A Supreme Court was established for the first time at Fort Williams in Calcutta. Sir Elijah Impey was appointed as chief justice of that court. In 1801 and 1824 Supreme Courts were established in Madras and Bombay. These Supreme Courts functioned until 1862 when they were replaced by the High Courts at all the three places.

Warren Hastings, established Mofussil Diwani Adalat to resolve civil disputes and Mofussil Fauzdari Adalat to resolve criminal disputes. The appeals from these courts could be taken to Sadar Diwani Adalat (civil court of appeal) and Sadar Nizamat Adalat (criminal court of appeal). Lord Cornwallis reorganised the civil and criminal judicial system. Under Cornwallis, the District Fauzdari court was abolished and Circuit Court was setup at Calcutta, Dacca, Murshidabad and Patna. During the period of William Bentinck four Circuit courts were abolished.

The Calcutta High Court is the oldest High court in the country, established in 1862, whereas the Allahabad High Court is the largest Court.

Sadar Diwani Adalat and Sadar Nizamat Adalat were established at Allahabad. A law commission was setup by Macaulay, which codified the Indian Laws. On the basis of this Commission, A Civil Procedure Code of 1859, An Indian Penal Code of 1860, and a

Criminal Procedure Code 1861 were prepared. The Government of India Act 1935 created Federal Court. It was not the highest court as appeals could lie in certain situation to the Privy Council in England. The Jurisdiction of Privy council was abolished by the Abolition of the Privy Council Jurisdiction Act, 1949. The Supreme Court of India was inaugurated on 28 January 1950.

### Judiciary and constitution

India framed its own Constitution. Among the noble aims and objectives of the Constitution, the founding fathers accorded the highest place to 'Justice'. During British period, Indian had neither law nor courts of their own and both the law and courts had been designed for the Colonial Power. The Constituent Assembly members therefore tried to ensure the independence of the Courts with full power of Judicial review. Supreme Court Rules, 1966 are framed under Article 145 of the Constitution to regulate the practice and procedure of the Supreme Court. The Supreme Court of India is the highest court of the land as established by Part V ('The Union') under Chapter IV titled 'The Union Judiciary' and Part VI ('The State') under Chapter VI titled 'Subordinate Courts' of the Constitution of India. Articles 124 to 147 of the Constitution of India lay down the composition and jurisdiction of the Supreme Court of India.

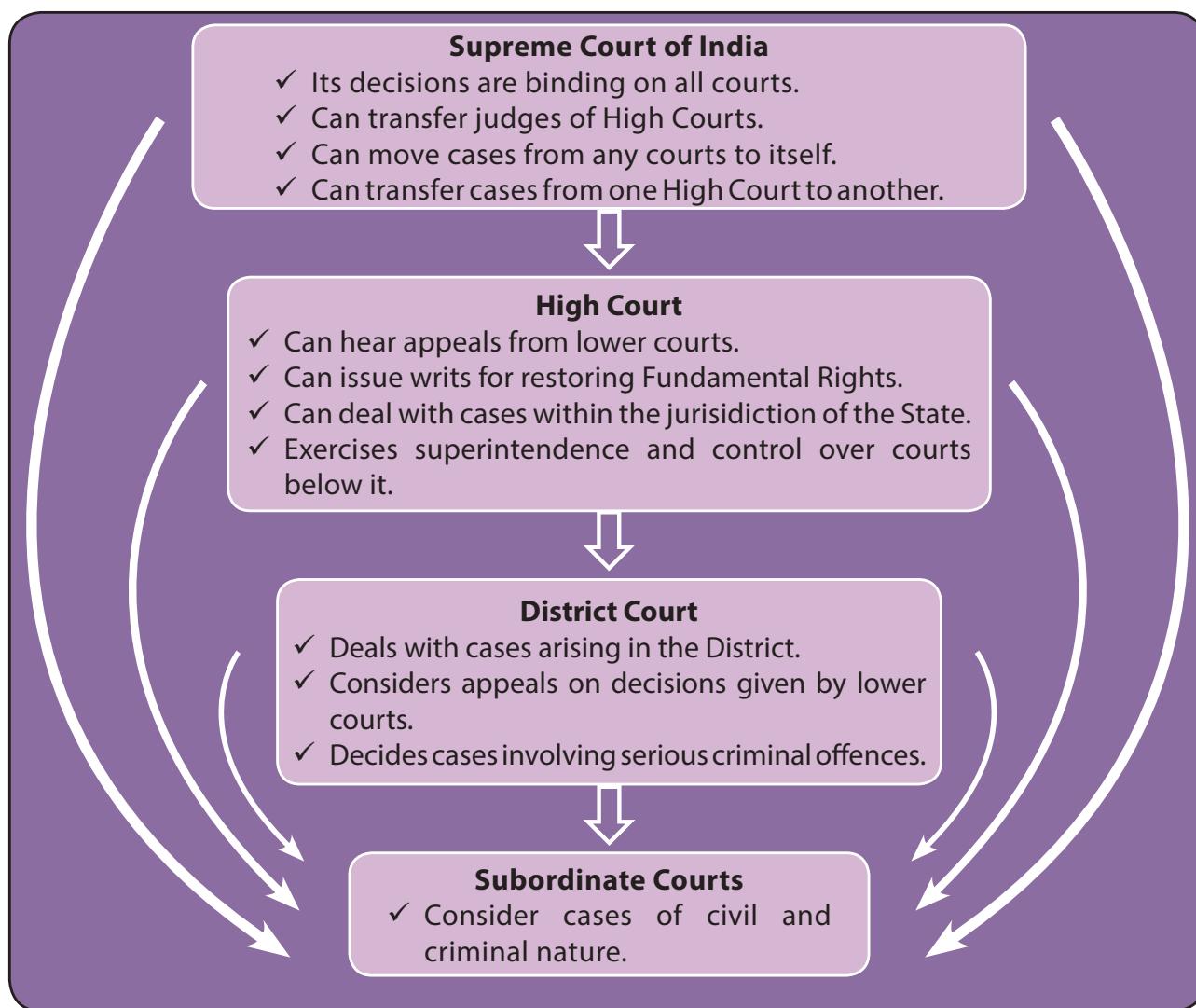
The first political philosopher, who propounded the idea of an independent judiciary, was Montesquieu, the famous French philosopher. He believed in the theory of separation of powers of the three branches of the Government - Legislature, Executive and Judiciary.





## Structure of courts in India

There are three different levels of courts in our country.



**District Courts:** The Courts that hear civil cases at the district level are called District Courts

**Sessions Court:** The Courts that hear criminal cases are called the Sessions Court.

**The Panchayat Courts:** The Panchayat Courts deal with Civil and Criminal cases at the village level.

**The Revenue courts:** The Revenue courts deal with the cases of land records. It also assesses and collects land revenue from the land holders.

**Lok Adalat:** Lok Adalat was set up to provide speedy justice. It hears and settles the disputes in the language of the people in the public presence. A Lok Adalat is presided over by a retired judge along with a lawyer and a social worker. Cases

are put forward without advocates. These cases are solved through mutual consent. The first Lok Adalat was held on 1982 at Junagadh of Gujarat.

**Fast Track courts:** These courts were established in the year 2000 with an aim to clear the long pending Sessions and other lower judicial cases.

**Tele Law Initiative:** To provide legal aid and service to the people in rural areas, the Tele Law Initiative was launched by the Ministry of Law and Justice in collaboration with the Ministry of Electronics and Information Technology. People can seek legal advice from the lawyers through video conferencing available at the common service centre on the 'Tele Law' Portal – a technology enabled platform.



**Family Courts:** Family courts specifically handle family law matters. They are civil courts and are utilised for various family related claims such as Child custody, Divorce, Adoption, Juvenile issues etc.,

**Mobile courts:** Mobile courts will be of great relief to the rural people. It would create greater awareness about the judicial system among the rural masses, cut costs for them and render justice as their doorstep.

**E-Courts:** The E-Courts project was established in 2005. According to the project all the courts will get computerised. Judicial service centre is the part of e-court. The public as well as the advocates can ask directly the case status and next hearing dates with free of cost.

**NALSA** – The National Legal Service Authority has been constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker sections of the society and to organise Lok Adalats for amicable settlement of disputes.

## Role of the Judiciary

Role of Judiciary can be classified as,

<b>Dispute Resolution</b>	The Judicial system provides a mechanism for resolving disputes between <ul style="list-style-type: none"><li>• Citizen</li><li>• Citizens and the government</li><li>• Two State governments</li><li>• The centre and the State governments</li></ul>
<b>Judicial Review</b>	The Judicial has the power to declare a law unconstitutional if it believes that the law passed by the Parliament is violating the basic structure of the Constitution.
<b>Upholding the Law and Enforcing Fundamental Rights</b>	Every citizen of India can approach the Supreme Court or High Court if they believe that their fundamental rights have been violated.

## Supreme Court of India



Supreme Court of India, New Delhi

This is the highest court of India and is located in New Delhi. According to the Constitution of India, the Supreme Court is the guardian of the Constitution and the highest Court of appeal.



I2Z2U3

## Jurisdiction of Supreme Court

- a. **Original Jurisdiction:** The Supreme Court can hear dispute for the first time in that court only. It is mainly concerned disputes between the Union and one or more states and between two or more states.



- b. **Appellate Jurisdiction:** It can hear appeals against the decisions made by the High Court on the granting of certificate by the High Court.
- c. **Advisory Jurisdiction:** The Court can report to the President its opinion about a question of the public importance referred to it by the President.
- d. **Writs Jurisdiction:** The Writs are issued by the Supreme Court under Article 32 and by the High Courts under Article 226 of the Constitution of India.
- e. **Court of Record:** It maintains records of the court proceedings and its decisions are finding upon the lower courts.
- f. **Special Powers:** It supervises the functioning of the lower courts.

### High Court



High Court of Madras

This is the highest court in the states. Every state in India has a High Court. Two or three states may have a common High Court. For example Punjab, Haryana and Chandigarh is having one High Court. It has original, Appellate and Writs Jurisdiction. Below the High Court there are a Subordinate courts in the States.

### Independent and impartial function of Judiciary

The framers of the Constitution established independent and impartial judiciary in India. Independence of judiciary is important for the purpose of fair justice. Democratic country like India, judiciary is the custodian of rights of citizens. Therefore, the framers of the Indian Constitution at the time of framing of our constitution were concerned about the kind of judiciary our country should have. This concern of the members of the constituent assembly was responded by Dr. B.R. Ambedkar in the following words:

*“There can be no difference of opinion in the House that our judiciary must be both independent of the executive and must also be competent in it. And the question is how these two objects can be secured.”*

An effective judiciary should be independent as well as accountable. The independence of the judiciary is the independence of the exercise of the functions by the judges in an unbiased manner i.e. free from any external influence.

### The Litigation Process

There are two different types of legal sections in India: Civil and Criminal

Civil Law	Criminal Law
<ul style="list-style-type: none"><li>• It deals with disputes over money property and social matters. Eg. Disputes relating to land, rent, marriage dispute etc.,</li><li>• A petition has to be filed before the relevant court by the affected parties.</li><li>• Sentences awarded in the form of money remuneration and as per the petitioner's claim.</li></ul>	<ul style="list-style-type: none"><li>• It deals with conducts or acts that the law defines as offences. Eg. Theft, murder, women harassment etc.,</li><li>• It usually begins with lodging of an FIR (First Information Report) with police investigation after which a case is filed in the court.</li><li>• Punishment is awarded if proven guilty, the accused is sent to jail.</li></ul>



**Public Interest Litigation (PIL):** PIL is a litigation filed in a court of law for the protection of “public interest”. The Supreme court introduced this system which allows a person to approach the court with his case. PIL can be filed for the following reasons such as violation of basic human rights, religious rights, pollution, and road safety. This could be done by a written letter stating the case. This concept is unique to the Indian Judiciary.

## Conclusion

Judiciary plays a crucial role in a democratic state. Judiciary is the custodian of the Constitution and guardian of fundamental rights. India, the largest representative democracy of the world possesses a well-structured and independent judicial system.

## Recap

- Sadar Diwani Adalat and Sadar Nizamat Adalat were established at Allahabad.
- Lok Adalat was set up to provide speedy justice.
- The E-Courts project was established in 2005.
- According to the Constitution of India, the Supreme Court is the guardian of the Constitution

## Glossary

Litigation	the process of taking legal action	வழக்கு
Writ	a form of written command in the name of legal authority	நீதிப்பேராணை
Lok Adalat	peoples court	மக்கள் நீதிமன்றம்
Judicial Review	receiving the laws by the court	நீதிபுனராய்வு



## Evaluation

### I. Choose the correct answer

- 1 The highest and final judicial tribunal of India is
  - President
  - Parliament
  - Supreme Court
  - Prime Minister
- 2 Judicial system provides a mechanism for resolving disputes between
  - Citizen
  - Citizen and the government



- Two State governments
  - all the above
- 3 Dispute between States of India comes to the Supreme Court under
    - Original jurisdiction
    - Appellate jurisdiction
    - Advisory jurisdiction
    - none of these
  - 4 Which of the following state/ Union territories have a common High Court?
    - Punjab and Jammu Kashmir
    - Assam and Bengal



- c) Panjab, Haryana and Chandigarh
  - d) Uttar Pradesh and Bihar
  - 5. The System of Public Interest Litigation has been introduced in India by
    - a) Supreme Court
    - b) Parliament
    - c) Political parties
    - d) Constitutional amendments
  - 6. How many courts are there in apex level in India?
    - a) One
    - b) Two
    - c) Three
    - d) Four
  - 7. Supreme court is located at
    - a) Chandigarh
    - b) Bombay
    - c) Calcutta
    - d) New Delhi
  - 8. F I R means
    - a) First Information Report
    - b) First information Result
    - c) First Incident Report
    - d) None of these
  - 9. The court that hear criminal cases are called
    - a) District court
    - b) Sessions court
    - c) Family court
    - d) Revenue court

## II. Fill in the blanks.

1. The \_\_\_\_\_ High Court is the oldest High Court in India.
  2. The framers of the Constitution established \_\_\_\_\_ and \_\_\_\_\_ judiciary in India.
  3. \_\_\_\_\_, a famous French philosopher propounded the idea of an independent judiciary.
  4. \_\_\_\_\_ deals with disputes over money, property and social matters.
  5. During ancient times, most of the Kings' courts dispensed justice according to \_\_\_\_\_.

### III. Match the following.

- |                     |   |                             |
|---------------------|---|-----------------------------|
| 1. Supreme Court    | - | social duties               |
| 2. High Court       | - | speedy justice              |
| 3. Lok Adalat       | - | highest court of appeal     |
| 4. Sir Elijah Impey | - | highest court in the States |
| 5. Smirritis        | - | chief justice               |

#### IV. State true or false.

1. The Supreme Court of India was inaugurated on 28th January 1951.
  2. During the Tughlaq period, the code of procedure was written in Arabic.
  3. The Regulating Act of 1773 made provision for the formation of Supreme Court.
  4. Sadar Diwani Adalat was a Criminal court of appeal.
  5. The Allahabad High Court is the largest court in India.
  6. The Constitution of India secures justice to all its citizen.

## V. Choose the correct statement.

1. Consider the following statements.
    - i) A law commission was setup by Macaulay.
    - ii) It codified the Indian Laws.

Which of the statements given above is / are correct?

    - a) i only
    - b) ii only
    - c) Both i and ii
    - d) Neither i nor ii
  2. Consider the following statements.
    - i) An Indian Penal Code was prepared in 1860.
    - ii) The Calcutta High Court was established in 1862.



- iii) The Government of India Act, 1935 created Federal Court.

Which of the statements given above is/ are correct?

- a) i only      b) ii, iii only  
c) i,iii only    d) All the above

3. Which of the following statement is not true about India's Supreme Court?

- i) The Supreme Court of India is the highest court of the land.  
ii) It was established by part V under Chapter IV of Indian Constitution.  
iii) Supreme court cannot transfer cases from one High court to another  
iv) Its decisions are binding on all courts  
a) i      b) ii      c. iii      d. iv

4. **Assertion:** The Supreme Court is a Court of Record.

**Reason:** It maintains records of the court proceedings and its decisions are finding upon the lower courts.

- a) A is correct and R is wrong.  
b) Both A and R are Wrong  
c) A is correct and R explains A  
d) A is correct and R does not explain A
5. Agree or disagree
- a) Every citizen of India can approach the Supreme court.  
b) Rich and powerful people control the judiciary system.  
c) Every citizen has a right to get justice through the courts.  
d) Politicians can not control over judges.

## VI. Answer the following in one or two sentences.

1. Why do we need judicial system?

- What are the different levels of courts in India?
- Differentiate Law and Judiciary.
- Write a note on Lok Adalat.
- What are the advantages of mobile courts?

## VII. Answer the following in detail.

- Write about the role of judiciary.
- Differentiate Civil Law and Criminal Law.
- Describe Jurisdiction of Supreme Court.

## VIII. Project and Activity.

- Discuss: Is it necessary to have an independent judiciary? List two reasons.
- Organize your classroom for a mockup courtroom session. (Take a case with the help of the teacher)



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**GOVERNMENT OF TAMILNADU**

## **STANDARD NINE**

**TERM - I  
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# **SOCIAL SCIENCE**

**Untouchability is Inhuman and a Crime**

A publication under Free Textbook Programme of Government of Tamil Nadu

**Department Of School Education**



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E - book



Assessment



DIGI links



## UNIT

## 1

# Forms of Government and Democracy

## Learning Objectives

- Know the forms of government
- Understand the meaning of democracy
- Know the merits and demerits of democracy
- Know the challenges to Indian democracy



## Introduction

We are going to learn from this lesson how various forms of government have developed globally. Today, many countries of the world follow different types of governments, but the modern world prefers democracy.

### 1. Forms of Government

The governance of nations differs significantly based on who has power. There are different forms of government: aristocracy, monarchy, autocracy, oligarchy, theocracy, democracy and republic.

#### 1.1 Aristocracy

A form of government in which power is held by the nobility.

**Example:** United Kingdom, Spain

#### 1.2 Monarchy

A system of government in which one person reigns supreme, usually a king or queen (constitutional monarchy).

**Example:** Bhutan, Oman, Qatar

#### 1.3 Autocracy

A system of government by one person with absolute power.

**Example:** North Korea, Saudi Arabia

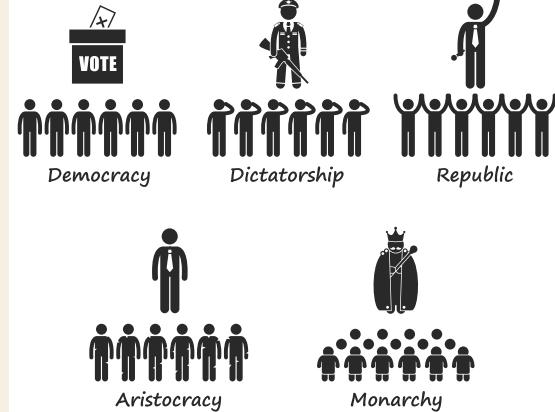
#### 1.4 Oligarchy

A small group of people having control of a country or organisation.

**Example:** Former Soviet Union, China, Venezuela

#### 1.5 Theocracy

A system of government in which religious doctrines form the basis of government





headed by a priest who rules in the name of God or proclaims himself as a God.

Example: Vatican.

### 1.6 Democracy

A system of government in which eligible members in the population vote to elect their elected representatives, and the party or individual who obtains the majority votes forms the government.

Example: India, USA, France

### 1.7 Republic

A state in which supreme power is held by the people and their elected representatives and which has an elected or nominated President rather than a monarch.

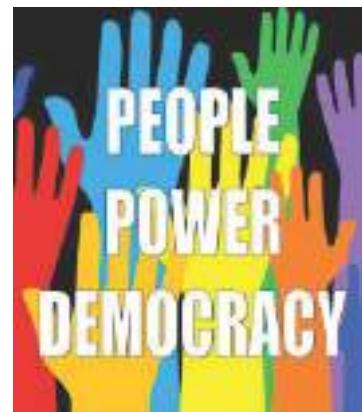
Example: India, Australia

#### DO YOU KNOW?

The term 'democracy' is derived from two Greek words: *demos* meaning people and *cratia* meaning power. Thus, literally democracy means "the power of the people".

### 2.1 Meaning of Democracy

Democracy is a system of government in which the supreme power is vested in the people of a country and people elect their representatives either directly or indirectly through fair and free elections, which are usually held periodically.



#### DO YOU KNOW?

The term 'republic' was first coined in 500 BCE in Rome. It is derived from *res publica*, a Latin word meaning public matter.

India became a Republic on 26 January 1950. It is governed in accordance with the Constitution adopted on 26 November 1949, which came into force on 26 January 1950.

### 2.2 Definition

According to Mahatma Gandhi, "True democracy cannot be worked by twenty men sitting at the centre. It has to be worked from below by the people of every village."

## 2. What Is Democracy?

- Democracy is a form of government that allows people to choose their rulers.
- Only leaders elected by people should rule the country.
- People have the freedom to express views, freedom to organise and freedom to protest.

Abraham Lincoln, one of the Presidents of USA, defines democracy as a government of the people, by the people and for the people.



Abraham Lincoln





### 2.3 Salient Features of Democracy

1. Elected representatives of people and final decision-making power to the representatives.
2. Free and fair elections.
3. Universal adult franchise with each vote having equal value.
4. Fundamental rights and protection of individual freedom.

### 2.4 Evolution of Democracy

Democracy began 2,500 years ago in some of the city-states of ancient

Greece. It is important to know that democratic institutions existed in India as early as the Vedic period. Chanakya's *Arthashastra* tells us that in ancient India, an autonomous village community was the basic unit of the local government. In ancient Tamil Nadu, Kudavolai system was a very notable and unique feature of the village administration of the Cholas. The evolution towards a democracy is represented by the following values: freedom, equality, liberty, accountability, transparency and trust.

### 2.6 Types of Democracy

There are two types of democracies:

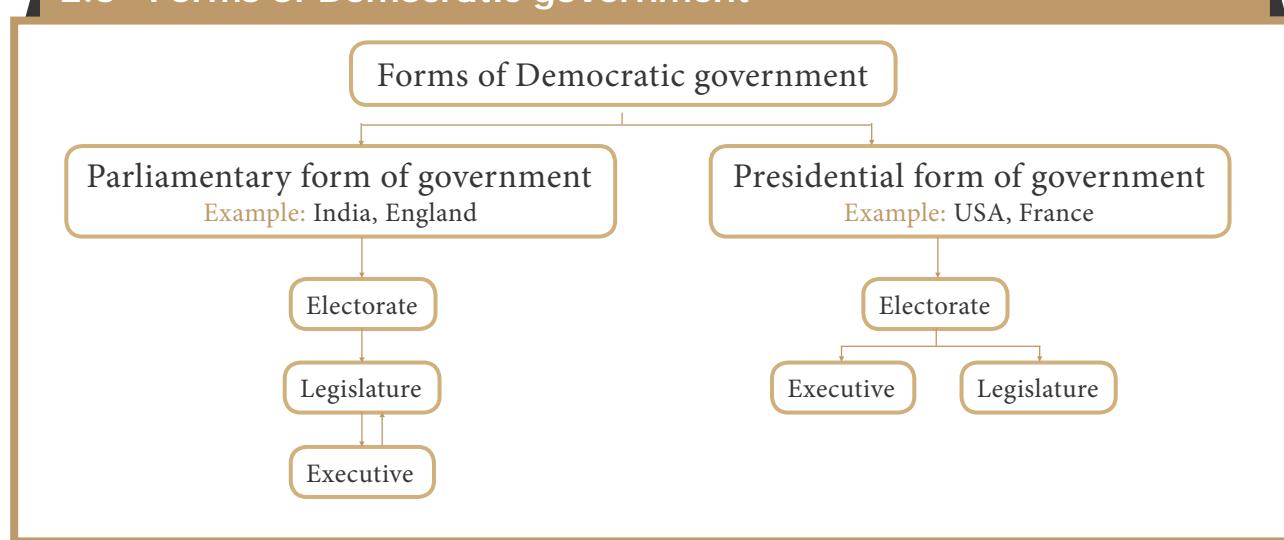
1. Direct democracy
2. Indirect (representative) democracy

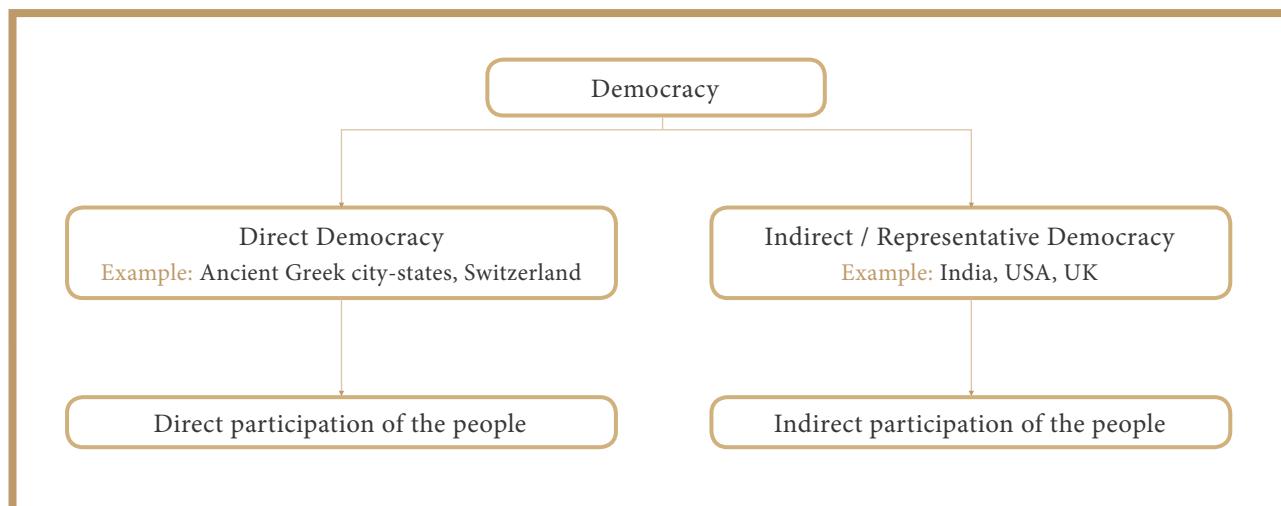
The types of democracy refers to the kind of government or social structures which allow people to participate equally.

#### 2.6.1 Direct Democracy

When the people themselves directly express their will on public affairs, the type of government is called pure or direct democracy.

### 2.5 Forms of Democratic government





Example: Ancient Greek city-states, Switzerland

#### 2.6.2 *Indirect Democracy / Representative Democracy*

When the people express their will on public affairs, through their elected representatives, the type of government is called indirect or representative democracy.

Example: The prevailing system of democracy in India, USA and UK

### 2.7 Democracy in India

India has a parliamentary form of democracy. The Indian Parliament comprises the elected representatives of people and makes the laws for the country. The participation of people in the decision making and the consent of citizens are the two important elements of

the parliamentary form of government in India.

India is the largest democratic country in the world. Democracy in India works on five basic principles. These are sovereign, socialist, secular, democratic, republic.

Every person who is a citizen of India and who is not less than 18 years of age can exercise their right to vote in India, based on universal adult suffrage. There is no discrimination based on a person's caste, creed, religion, region, gender and education when it comes to providing the right to vote.

### 2.8 **Merits and Demerits of Democracy**

#### Merits

1. Responsible and accountable government
2. Equality and fraternity
3. Sense of responsibility among common people
4. Local self-government
5. Development and prosperity for all
6. Popular sovereignty
7. Sense of cooperation and fraternal feeling



Parliament of India



## Demerits

1. Indirect or representative nature of democracy
2. Lack of interest in democratic process and hence lower turnout in elections
3. Instability in governance due to fractured mandate
4. Delay in decision-making process.

Indian members can be nominated by the President of India to the Lok Sabha.

Members of the Rajya Sabha, the Upper House of the Indian Parliament, are elected by an electoral college consisting of elected members of the legislative assemblies of the states and the Union Territories of India. The President of India nominates 12 members for their contributions to art, literature, science and social services.

## 2.9 Elections in India

India has a quasi-federal government, with elected representatives at the federal, state and local levels. The general elections are conducted by the Election Commission of India. At the national level, the President of India, appoints the Prime Minister, who enjoys majority in the Lok Sabha, the lower house of the Parliament of India.

All members of the Lok Sabha are directly elected through general elections, which take place once in every five years, in normal circumstances. Two Anglo

### DO YOU KNOW?

The Parliament House in India was designed by the British architects Edwin Lutyens and Herbert Baker in 1912-13 and construction began in 1921 and ended in 1927

### DO YOU KNOW?

Two Houses of Parliament	
Lok Sabha / Lower House / House of People	Rajya Sabha / Upper House / Council of States



Elections in India

## 2.10 The First Elections in Democratic India

General elections to the first Lok Sabha since independence were held in India between 25 October 1951 and 21 February 1952. The Indian National Congress emerged victorious by winning 364 of the 489 seats. Jawaharlal Nehru became the first democratically elected Prime Minister of the country.



1952 – India's First General Elections



### British India –General elections, 1920

General elections were held in British India in 1920 to elect members to the Imperial Legislative Council and the Provincial Councils. They were the first elections in the country's history.

### 2.11 Major challenges to Indian Democracy

Democracy is the dominant form of government in the contemporary world. It has not faced a serious challenge or a rival so far. In the last hundred years, there has been an expansion of democracy all over the world. The various aspects of democracy and its challenges are:

1. Illiteracy
2. Poverty
3. Gender discrimination
4. Regionalism
5. Casteism, communalism and religious fundamentalism
6. Corruption
7. Criminalisation of politics
8. Political violence

### 2.12 Conditions for the Success of Democracy in India

- Empowerment of the poor and illiterates to enjoy the goodness of democracy.
- Willingness among the elected people not to misuse their powerful position and public wealth.
- Eradication of social evils and dangers from which democracy suffers.
- An impartial and efficient press to form public opinion.
- Presence of strong public opinion.

- Feeling of tolerance and communal harmony among the people.
- Awareness among the people of the fundamental rights that they are entitled to enjoy.
- Conscious check and vigilance on the working of the elected representatives.
- Powerful and responsible opposition.

Though democracy in India has been appreciated worldwide for its working, there is still a lot of scope for improvement. The above-mentioned steps must be taken to ensure smooth functioning of democracy in the country.

Indian democracy can be successful and vibrant only when its citizens imbibe and reflect in their behavior the basic democratic values like equality, freedom, social justice, accountability and respect for all. Their mindset, thinking and behavior are expected to be in tune with the essential conditions of democracy. They have to appreciate the opportunities for their desired roles like participation, making the system accountable, fulfilling obligations, and playing proactive roles to actualize the goals of democracy.

### Recap

- Government is a group of people who govern a community or unit.
- Monarchy is a system of government in which one person reigns supreme, usually a king or queen.
- Types of democracy refer to kind of government or social structures which allow people to participate equally, either directly or indirectly.
- When the people themselves directly express their will on public affairs, the type of government is called pure or direct democracy.
- Based on universal adult suffrage, every Indian citizen, above 18 years of age, can exercise the right to vote in India.



A-Z

## GLOSSARY

Community	- a group of people living in the same place of having particular characteristics in common.
Representatives	- a person chosen or appointed to act or speak for another or others.
Sovereign	- free from the interference or control of any foreign power.
Socialist	- providing social and economic equality to all citizens.
Secular	- freedom to practice any religion or reject all.
Democratic	- the government is elected by its citizens.
Republic	- the head of the state is elected directly or indirectly.
Government	- the group of people with the authority to govern a country or state; a particular ministry in office.



## EXERCISE



### I. Choose the correct answer:

1. A system of government in which one person reigns supreme, usually a king or queen, is called \_\_\_\_\_  
(a) autocracy  
(b) monarchy  
(c) democracy  
(d) republic
2. A system of government by one person with absolute power.  
(a) Aristocracy  
(b) Theocracy  
(c) Democracy  
(d) Autocracy
3. When a country is governed by a few privileged, the form of government is called  
(a) Oligarchy  
(b) Parliamentary
4. Former Soviet Union is an example for \_\_\_\_\_.  
(a) aristocracy  
(b) theocracy  
(c) oligarchy  
(d) republic
5. Select the odd one  
(a) India  
(b) USA  
(c) France  
(d) Vatican
6. Abraham Lincoln was the President of the \_\_\_\_\_.  
(a) USA  
(b) UK  
(c) USSR  
(d) India



7. Kudavolai system was followed by  
(a) Cheras  
(b) Pandyas  
(c) Cholas  
(d) Kalabhras
8. Direct Democracy in olden times existed  
(a) In the republics of ancient India  
(b) Among the USA  
(c) In the city-state of ancient Athens  
(d) Among the UK
9. In which country has democracy originated?  
(a) India  
(b) Switzerland  
(c) USA  
(d) Athens
10. From which language was the term “Democracy” derived?  
(a) Greek  
(b) Latin  
(c) Persian  
(d) Arabic
11. In democracy the final authority rests with  
(a) The Parliament  
(b) The People  
(c) The council of Ministers  
(d) The President
12. Which one of the country has Presidential form of government  
(a) India  
(b) Britain  
(c) Canada  
(d) USA
13. The largest democratic country in the world is  
(a) Canada  
(b) India  
(c) USA  
(d) China
14. Assertion (A) : Direct democracy is practised in Switzerland.  
Reason(R): People directly participates in decision making.  
(a) Both (A) and (R) are true and (R) explains (A)  
(b) Both (A) and (R) are true and (R) does not explain (A)  
(c) (A) is correct and (R) is false  
(d) (A) is false and (R) is true
15. Assertion (A) : India has parliamentary form of democracy.  
Reason (R) : Indian parliament comprises two houses.  
(a) Both (A) and (R) are true and (R) explains (A)  
(b) Both (A) and (R) are true and (R) does not explain (A)  
(c) (A) is correct and (R) is false  
(d) (A) is false and (R) is true
16. The meaning of Franchise is  
(a) Right to elect  
(b) Right to vote for the poor  
(c) Right to vote  
(d) Right to vote for the rich
17. The grant of universal franchise creates  
(a) Social equality  
(b) Economic equality  
(c) Political equality  
(d) Legal equality
18. Prime Minister of India is appointed by  
(a) Lok Sabha  
(b) Rajya Sabha  
(c) Speaker  
(d) President
19. The President of India can nominate  
(a) 12 members to Lok Sabha  
(b) 2 members of Rajya Sabha  
(c) 12 members to Rajya Sabha  
(d) 14 members of Rajya Sabha



- 20.** The First general elections after independence in India were held in  
 (a) 1948  
 (b) 1952  
 (c) 1957  
 (d) 1947

### II. Fill in the blanks:

1. The Constitution of India was finally adopted on \_\_\_\_\_
2. The two types of democracy are \_\_\_\_\_ and \_\_\_\_\_
3. An example for direct democracy is \_\_\_\_\_
4. India has a \_\_\_\_\_ form of democracy.
5. \_\_\_\_\_ was the first Prime Minister of independent India.
6. The first general elections were held in British India in the year \_\_\_\_\_
7. The Parliament House in India was designed by \_\_\_\_\_ and \_\_\_\_\_

### III. Match the following:

1. Autocracy - 18
2. Right to vote - Arthashastra
3. Chanakya - Vatican
4. Theocracy - North Korea

### VIII. Life Skills

Select a group of countries. Research each country and tell what type of government it has: Aristocracy, Monarchy, Autocracy, Oligarchy, Theocracy, Democracy, Republic. Then, provide characteristics of this country that helped you determine the type of government.

Country name	Type of government	Characteristics of the country's government



### INTERNET RESOURCES

<https://en.wikipedia.org/wiki/Government>

<http://eci.nic.in/eci/eci.html> (The Election Commission of India)

### IV. Give short answers:

1. Give Abraham Lincoln's definition for democracy.
2. Mention the forms of democracy.
3. Distinguish between direct and indirect democracy.

### V. Answer in detail:

1. What are the challenges to democracy? Explain.
2. Explain the conditions necessary for the success of democracy in India.
3. What is your opinion about democracy in India?

### VI. Project and Activity

1. Discuss in the class what is universal adult franchise? Why is it important?
2. "Democracy is the power of majority which respects minority." Discuss.
3. Conduct a mock election in your class.
4. A group discussion on the merits and demerits of democracy of India in the classroom.

### VII. HOTS

1. Will you have the right to equality under dictatorship? What would be the attitude regarding public opinion in such a country?
2. How does democracy lead to a peaceful and a harmonious life among the citizens? Explain.



## UNIT

## 2

# Election, Political Parties and Pressure Groups



## Learning Objectives

- Know about the electoral system in India.
- Know the different types of elections in India.
- Understands the meaning of political party.
- Know the functions of state party and national party.
- Understand the pressure groups in India.



J2XXXR

### Introduction

An election is a formal decision-making process by which a people chooses an individual to hold public office by voting.

### 1 Electoral System in India

The electoral system in India has been adapted from the system followed in the United Kingdom. India is a socialist, secular, democratic republic and the largest democracy in the world. The modern Indian nation state came into existence on 15 August 1947.

Articles 324 to 329 in part XV of the Constitution make the following provisions with regard to the electoral system in our country.

(i) Article 324 of the Indian Constitution provides for an independent Election Commission in order to ensure free and fair elections in the country. At present, the commission consists of a Chief Election Commissioner and two Election Commissioners.

(ii) The Parliament may make provision with respect to all matters relating to elections to the Parliament including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing their due constitution.

(iii) The state legislatures can also make provisions with respect to all matters relating to elections to the state legislatures including the preparation of electoral rolls and all other matters necessary for securing their due constitution.



Kudavolai

Kudavolai was the system of voting followed during the Chola period in Tamil Nadu



### DO YOU KNOW?

We celebrate National Voters Day on 25th January in India.

### 1.1 Election Process

At the national level, the head of government, the Prime Minister, is elected by members of the Lok Sabha, the lower house of the Parliament in India. In representative democracy like ours, elections are extremely important. Voting in elections are the best way to make your 'voice' heard.



Voters Verified Paper Audit Trail (VVPAT)

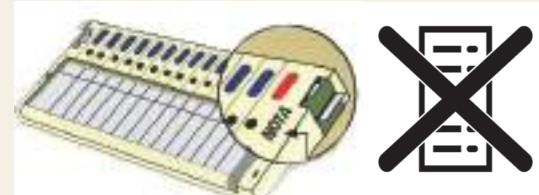
### DO YOU KNOW?

Voters Verified Paper Audit Trail (VVPAT) is the way forward to enhance credibility and transparency of the election process. This system was first introduced in the 2014 General Election.

### 1.2 Introduction of the NOTA Option

If the people in a democratic country are not willing to elect any candidate, they can vote for the option called NOTA (None Of

The Above). Rule 49-O in the Conduct of Elections Rules, 1961, of India describes this procedure.



Symbol used with NOTA option on electronic voting machines in India

### DO YOU KNOW?

NOTA was first introduced in the General Elections held in 2014. India is the 14th country in the world to introduce NOTA.

### 1.3 Types of Elections in India

Elections are classified into two types: direct and indirect elections.

#### 1.3.1 Direct Elections

People directly vote for the candidates in the fray and elect their representatives. The following are examples of direct elections in which people over the age of 18 years participate in the electoral process by casting their votes.



J37TZE

- (i) Lok Sabha elections, in which the Members of Parliament are elected.
- (ii) Elections to the state Legislative Assemblies, in which the Members of Legislative Assemblies are elected.
- (iii) Elections to the local governing bodies, in which members of the local governing bodies like the municipal corporation or the panchayat are elected.



### 1.3.1.1 *Merits*

- (i) As the voters elect their representatives directly, direct elections are considered to be a more democratic method of election.
- (ii) It educates people regarding the government activities and helps in choosing the appropriate candidates. Also, it encourages people to play an active role in politics.
- (iii) It empowers people and makes the rulers accountable for their actions.

### 1.3.1.2 *Demerits*

- (i) Direct elections are very expensive.
- (ii) Illiterate voters sometimes get misguided by false propaganda and sometimes campaigning based on caste, religious and various other sectarian considerations pose serious challenges.
- (iii) Since conducting direct elections is a massive exercise, ensuring free and fair elections at every polling station is a major challenge to the Election Commission.
- (iv) There are instances of some political candidates influencing the voters through payments in the form of cash, goods or services.
- (v) Election campaigns sometimes result in violence, tension, law and order problems and affects the day-to-day life of people.

### 1.3.2 *Indirect Elections*

Voters elect their representatives, who, in turn, elect their representatives to formal offices like the President's office.

### 1.3.2.1 *Merits*

- (i) Indirect elections are less expensive.
- (ii) It is more suited to elections in large countries.

### 1.3.2.2 *Demerits*

- (i) If the number of voters is very small, there exists the possibility of corruption, bribery, horse trading and other unfair activities.
- (ii) It is less democratic because people do not have a direct opportunity to elect, but they instead do it through their representatives. So, this may not reflect the true will of the people.



#### How is the President of India elected?

The President of India is elected by the members of an electoral college consisting of

1. The elected members of both Houses of Parliament
2. The elected members of the Legislative Assemblies of all the states and Union territories in India

NOTE: The members nominated to either House of Parliament or the Legislative Assemblies of states are not eligible to be included in the electoral college.

## 2. Political Parties

Political parties are an essential part of democracy. Parties are the link between government and the people.

### 2.1 Meaning of Political Party

A political party is an organisation formed by a group of people with a certain ideology and agenda to contest elections and hold power in the government. A political party has three



components: a leader, active members and the followers.

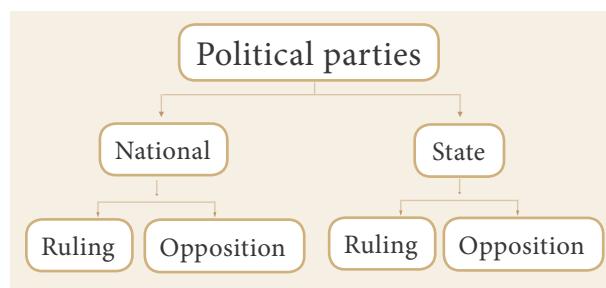
## 2.2 Types of a Party System

There are three types of party system in the world namely.

- i. Single-party system in which one ruling party exists and no opposition is permitted. China, Cuba, the former USSR (Union of Soviet Socialist Republics) are the examples for the single-party system.
- ii. Two-party system in which only two major parties exist, for example, USA, UK.
- iii. Multi-party system in which there are more than two political parties, for example, India, Sri Lanka, France and Italy.

## 2.3 Types of Political Parties

Political parties in India are classified according to their area of influence into two main types: (1) national and (2) state parties.



### 2.3.1 National Parties

A party which is recognised as a state party in at least four states is recognised as a national party. Every party in the country has to register with the Election Commission while the Commission treats all the parties equally. It offers some special facilities to state and national parties. These parties are given a unique

symbol. Only the official candidate of the party can use that election symbol. In 2017, there were seven recognised national parties.

### 2.3.2 State Parties

Other than the seven national parties, most of the major parties of the country are classified by the Election Commission as 'state parties'. These are commonly referred to as regional parties. A party is recognised as a state party by the Election Commission of India based on certain percentage of votes secured or a certain number of seats won in the Assembly or Lok Sabha elections.

### 2.3.3 Recognition to the Parties

For getting recognition as 'national party', a party has to fulfill any one of the following criteria:

- i. At least 6% votes in at least four states and members to the Lok Sabha.
- ii. In the election of Lok Sabha, at least 2% members from at least three states are elected to Lok Sabha.
- iii. Recognition as a state party at least four states.

### 2.3.4 Functions of Political Parties

- Parties contest elections. In most democracies, elections are fought mainly among the candidates put up by political parties.
- Parties put forward their policies and programmes before the electorate to consider and choose.
- Parties play a decisive role in making laws for a country. Formally, laws are debated and passed in the legislature.
- Parties form and run the governments.
- Those parties that lose in the elections play the role of the Opposition to the party or a group of coalition parties in power, by voicing different views



and criticising the government for its failures or wrong policies.

- Parties shape public opinion. They raise and highlight issues of importance.
- Parties function as the useful link between people and the government machinery.

## 2.4 Role of Opposition Parties in a Democracy

In a democracy, there may be a two-party system like in the USA or a multi-party system like in India and France. The ruling party may have received the mandate of the majority people and the Opposition party represented the remaining people. The Leader of the Opposition party occupied a prominent place in all democratic forms of the government. He enjoys the rank of a Cabinet Minister. He opposes the wrong policies of the ruling party, which affects the general public. As the Chairman of the Public Accounts Committee questions the functioning of the government departments and examines the public money used for the well-being of the people. Similarly, he plays an important role to select the Chairman and members of the Central Vigilance Commission, Chairperson and members of the Information Commission. The Opposition Parties reflect genuine demands and concern of the people to play a constructive role in a democracy.

## 3. Pressure Groups

The term 'pressure group' originated in the USA. A pressure group is a group of people who are organised actively for promoting and defending their common interest. It is so called as it attempts to bring a change in the public policy by exerting pressure on the government.

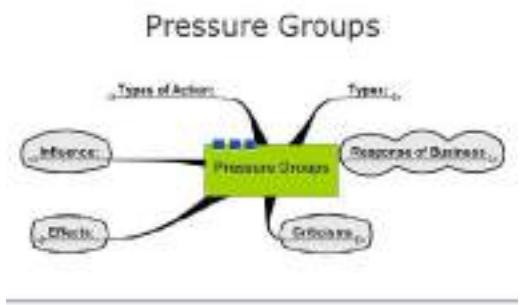
The pressure groups are also called 'interest groups' or vested groups. They are different from the political parties in

that they neither contest elections nor try to capture political power.



### 3.1 Pressure Groups in India

A large number of pressure groups exist in India. But, they are not developed to the same extent as in the USA or the Western countries like Britain, France, Germany and so on.



The pressure groups in India can be broadly classified into the following categories:

1. Business groups
2. Trade unions
3. Agrarian groups
4. Professional associations
5. Student organisations
6. Religious organisations
7. Tribal organisations
8. Linguistic groups
9. Ideology-based groups
10. Environmental protection groups





### Examples for Pressure Groups

1. Federation of Indian Chamber of Commerce and Industry (FICCI)
2. All India Trade Union Congress (AITUC)
3. All India Kisan Sabha
4. Indian Medical Association (IMA)
5. All India Students Federation (AISF)
6. All India Sikh Students Federation
7. Young Badaga Association
8. Tamil Sangam
9. Tamil Nadu Vivasayigal Sangam
10. Narmada Bachao Andolan

#### 3.1.1 Functions of Pressure Groups in India

Pressure groups are the interest groups that work to secure certain interest by influencing the public policy. They are non-aligned with any political party and work as an indirect yet powerful group to influence the policy decisions. Pressure groups carry out a range of functions including representation, political participation, education, policy formulation and policy implementation.

##### 3.1.1.1 Political Participation

Pressure groups can be called the informal face of politics. They exert influence precisely by mobilising popular support through activities such as petitions, marches, demonstrations and other forms of political protest. Such forms of political participation have been particularly attractive to young people.

##### 3.1.1.2 Education

Many pressure groups devote significant resources by carrying out research, maintaining websites, commenting on

government policy and using high-profile academics, scientists and even celebrities to get their views across, with an emphasis to cultivate expert authority.

##### 3.1.1.3 Policy Formulation

Though the pressure groups themselves are not policy-makers, yet it does not prevent many of them from participating in the policy-making process. Many pressure groups are vital sources of information and render advice to the government and therefore they are regularly consulted in the process of policy formulation.

## 4 Mobilisation and People's Participation

### 4.1 Mobilisation

Mobilising people towards socially productive activities that lead to the overall betterment of people's lives is essential. Sometimes earthquakes, tsunamis, floods and other such natural disasters on a massive scale occur and people's immediate mobilisation for evacuation and emergency relief becomes most essential.

### 4.2 Democratic Participation

Democracy can succeed only when smaller local groups and, in fact, every citizen can take action that supports the tax and revenue collection systems, observance of national norms in environmental protection, cleanliness, health and hygiene, sanitary drives and immunisation programmes like pulse polio.

However, we must keep in mind that there is no better form of government than Democratic government. To create a better society and nation, the people of India along with the union and state governments should come together to fight against the miseries of human life.



## Recap

- The Prime Minister is elected by members of the Lok Sabha.
- There are two types of elections: direct and indirect elections.
- A political party has three components: a leader, active members and the followers.

- Political parties in India are classified into two types: (1) National Parties, (2) State Parties.
- In 2017, there were seven recognised national parties.
- The term 'pressure group' originated in the USA.
- A large number of pressure groups exist in India.

## A-Z GLOSSARY

1. Legislature – the legislative body of a country or state.
2. Constituency – a group of votes in a specified area who elect a representative to a legislative body.
3. NOTA – the people in a democratic country are not willing to elect any candidate; they can vote for the option called NOTA (None Of The Above).
4. Pressure groups – a group of people who are organised actively for promoting and defending their common interest.



## EXERCISE



J3QL3P

### 1. Choose the correct answer:

1. India has adapted the electoral system followed in the  
(a) USA  
(b) United Kingdom  
(c) Canada  
(d) Russia
2. The Election Commission of India is a / an  
(a) Independent body  
(b) Statutory body  
(c) Private body  
(d) Public corporation
3. Which Article of the Constitution provides for an Election Commission?  
(a) Article 280  
(b) Article 315

- (c) Article 324  
(d) Article 325

4. Which part of the constitution of India says about the election commission?  
(a) Part III  
(b) Part XV  
(c) Part XX  
(d) Part XXII
5. Who accords recognition to various political parties as national or regional parties?  
(a) The President  
(b) The Election Commission  
(c) The Parliament  
(d) The President in consultation with the Election Commission



6. Assertion (A) : Indian Constitution provides for an independent Election Commission

Reason (R): To ensure free and fair elections in the country.

- (a) Both (A) and (R) are true and (R) explains (A)  
 (b) Both (A) and (R) are true and (R) does not explain (A)  
 (c) (A) is correct and (R) is false  
 (d) (A) is false and (R) is true

7. NOTA was introduced in the year  
 (a) 2012 (b) 2013  
 (c) 2014 (d) 2015

8. The term pressure groups originated in \_\_\_\_\_.  
 (a) USA (b) UK  
 (c) USSR (d) India

9. Assertion (A): A large number of pressure groups exist in India.

Reason (R): Pressure Groups are not developed in India to the same extent as in the USA

- (a) Both (A) and (R) are true and (R) explains (A)  
 (b) Both (A) and (R) are true and (R) does not explain (A)  
 (c) (A) is correct and (R) is false  
 (d) (A) is false and (R) is true

## II. Fill in the blanks:

- The Election Commission of India is a body of \_\_\_\_\_ members.
- National Voters day has been celebrated on\_\_\_\_\_.
- In India \_\_\_\_\_ party system is followed.
- In 2017, there were \_\_\_\_\_ recognised national parties.
- Narmada Bachao Andolan is a \_\_\_\_\_.



## INTERNET RESOURCES

[eci.nic.in](http://eci.nic.in) (The Election Commission of India)

[https://en.wikipedia.org/wiki/List\\_of\\_political\\_parties\\_in\\_India](https://en.wikipedia.org/wiki/List_of_political_parties_in_India)

## III. Match the following:

- |                        |                   |
|------------------------|-------------------|
| 1. National party      | - a. Trade unions |
| 2. Single-party system | - b. USA          |
| 3. Two-party system    | - c. China        |
| 4. Pressure groups     | - d. Seven        |

## IV. Give short answers:

- Explain the electoral system in India.
- Give the meaning of a political party.
- Distinguish between two-party system and the multi-party system.
- What is a pressure group?

## V. Answer in detail:

- Discuss merits and demerits of direct elections?
- What are the functions of political parties?
- What are the function of Pressure groups in India?

## VI. Project and Activity

- Compare the policies, programmes and achievements of a national party and a state party.

## VII. HOTS

- “Elections are considered essential for any representative democracy”. Why?
- What is the principle of universal adult franchise? What is its importance?
- Discuss merits and demerits of democracy.
- Discuss the multi-party system.

## VIII. Life Skill

- Conduct a mock poll in your classroom.



**GOVERNMENT OF TAMILNADU**

## **STANDARD NINE**

**TERM - II**  
**VOLUME - 4**

## **SOCIAL SCIENCE**

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**Untouchability is Inhuman and a Crime**

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E - book



Assessment



DIGI links

## UNIT

1

## HUMAN RIGHTS



## Learning Objectives

- To know about the international efforts for protecting human rights.
- To understand the basic human rights ensured in the Indian Constitution.
- To understand about the functions of institutions and issues involved in human rights.
- To have a glimpse on the types of human rights



The lesson travels through the history of organisations for human rights. The rights ensured by the Universal Declaration of Human Rights being highlighted. Fundamental rights are enshrined in the Indian Constitution and fundamental duties incorporated in the Constitution along with the introduction to National and State Human Rights Commissions and their functions are explained. Extended rights like child rights, SC and ST rights, women rights, labour rights, etc., are also discussed.

In June 1893, while a person was on his way to Pretoria, a white man objected the person's presence in a first class carriage

and the person was ordered to move to a van compartment at the end of the train. The man who had the first-class ticket refused to leave and was thrown off the train at Pietermaritzburg. Shivering in the winter night in the waiting room of the station changed the course of his life. He took up the fight against racial oppression. The spirit for active non-violence started from that moment.

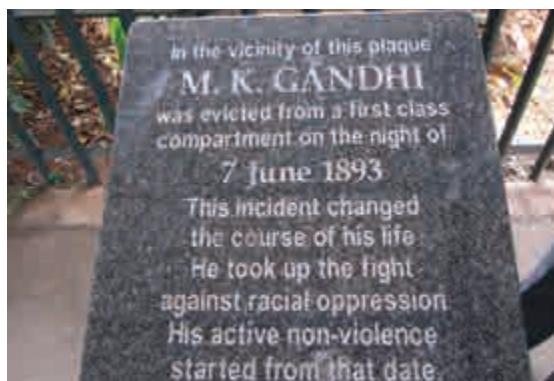
Can you guess the person? He is none other than Mahatma Gandhi. Gandhi made the momentous decision to stay on in South Africa and fight racial discrimination against the Indians there. Out of that

struggle emerged his unique way of protest nonviolent Satyagraha.

What do you think about this incident?



Gandhi in South Africa



Inscription at the railway station

Do you think Gandhi had the right to travel in first class?

As a human being, Gandhi had all the rights to travel in the first class compartment. But he was discriminated because of his skin colour. Discrimination is not only done based on colour, it is done on the basis of race, gender, place of birth, caste, religion and so on.

Due to these discriminations, people are prohibited from enjoying their basic human rights.

## 1 What are Human Rights?

The U.N.O defines Human rights as "The right inherent to all human beings, regardless of race, gender, nationality, ethnicity, language, religion or any other status. Every one is entitled to these rights without discrimination."

The history of human rights has roots in all the great events of the world and it has sustained the struggle for freedom and equality everywhere. The United Nations Organisation (U.N.O) was formed after the Second World War. It proposed to deal with the consequences of war and to prevent such happenings in the future. UNO was established in 1945

The Universal Declaration of Human Rights(UDHR) has played a crucial role in promoting human rights

### End of Apartheid



Mandela raises his fist soon after his release from jail after 27 years

Apartheid was the highest form of discrimination that existed in South Africa. Places of residence were determined by racial classification.

It was the governing policy in the country by the minority whites over the majority non-whites. The people of South Africa protested against racial discrimination.

Nelson Mandela raised his voice against apartheid. When he organised defiant campaigns against the government, he was imprisoned. Amid growing domestic and international pressure and with the fear of a racial civil war, President F. W. de Klerk released him in 1990.

The efforts taken by Mandela and de Klerk put an end to apartheid. In 1994, a multiracial general election was held, in which Mandela led the African National Congress to victory and became President.

## 2 Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights is a milestone document in the history of human rights. It was drafted by the representatives with different legal and cultural backgrounds from all regions of the world. The Declaration was proclaimed by the United Nations General Assembly in Paris on 10th December 1948 (General Assembly resolution 217A) as a common standard of achievement of all people and all nations. The first time it sets out the fundamental human rights to be universally protected and the UDHR has been translated into many languages.

There are 30 articles in the Universal Declaration of Human Rights and it guarantees freedom of expression as well as civil, political, social, economic and cultural rights. These rights apply to all people, irrespective of their race, gender and nationality, as all people are born free and equal.

This general explanation of Human Rights by UDHR is not a legally binding document; however it has a political and moral importance and many of its guarantees have become standard norms today.

### Social, Economic and Cultural Rights:-

Social, economic and cultural rights are integral part of the human rights law that developed due to the aftermath of World War II.

Social rights are necessary for full participation in the society. Economic rights guarantee every person to have conditions under which they are able to meet their needs. They are a part of a range of legal principles through which economic equality and freedom are preserved in a State.

Cultural rights are human rights that aim at assuring the enjoyment of culture and

its components in conditions of equality, human dignity and non-discrimination.

### Civil and Political Rights:-

Civil and political rights protect an individual's freedom from infringement by the government, social organizations and private individuals. These rights ensure one's ability to participate in the civil and political life of the society and state.

The term 'Civil rights' refers to the basic rights afforded by laws of the government, to every person regardless of race, nationality, colour, gender, age, religion etc.,

Political rights exercised in the formation and administration of a government. They are given to the citizens by law. These rights give power to the citizens to participate either directly or indirectly in the administration.

## 3 Fundamental Rights in India

Fundamental rights are required for the all round development of a human being. They make the life of people meaningful by giving them rights like speech and to live in an area of their choice.

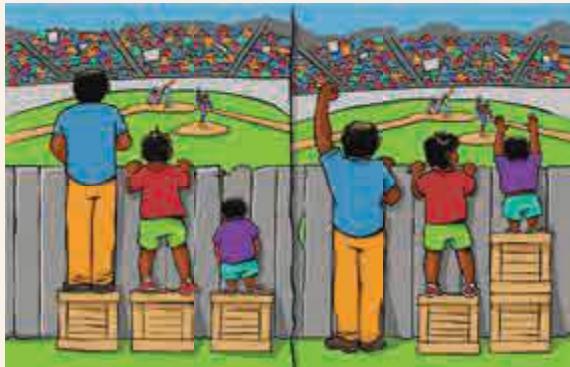
### The fundamental rights are :

- Right to Equality
- Right to Freedom
- Right against Exploitation
- Right to Freedom of Conscience and Religion
- Cultural and Educational Rights for minorities
- Right to Constitutional Remedies

### Right to Equality

It refers to equality before law and equal protection of law. Prohibition or discrimination on the grounds of religion, caste, races, gender or place of birth is

offensive and one can seek justice from court.



Share your views about this picture



### Right to Freedom of Conscience and Religion

This right gives the citizens freedom to follow and practice a religion of their choice.



All citizens have the freedom of conscience or ideas. The citizens also have the freedom to follow their own ways for practicing any religion.

### Cultural and Educational Rights

The Constitution gives us the right to preserve, protect and promote culture. We have the right to open schools, associations and societies to preserve and promote our tradition and culture. Similarly a group of people may open a school for imparting religious education to children. The government also promotes such activities by giving grants. However, such institutions cannot deny admission to anyone based on their caste, colour, creed or even religion.



### Right against Exploitation

It is against the law to employ children below 14 years of age in mines, factories or other occupations. Neither contractor nor an employer can force a worker to do a job against the their will.

<b>Differences Between Human Rights and Fundamental Rights</b>	
<b>Human Rights</b>	<b>Fundamental Rights</b>
<ul style="list-style-type: none"><li>The rights that a human being deserves to survive with respect and freedoms.</li></ul>	<ul style="list-style-type: none"><li>The elemental rights of the citizens of a country, which are listed in the constitution and enforceable under the law is known as fundamental rights.</li></ul>
<ul style="list-style-type: none"><li>Human rights include those rights which are basic to a real life and are absolute, i.e. it cannot be taken away.</li></ul>	<ul style="list-style-type: none"><li>Fundamental rights includes only those rights which are basic to a normal life.</li></ul>
<ul style="list-style-type: none"><li>Human rights are recognised at international level.</li></ul>	<ul style="list-style-type: none"><li>Fundamental rights are guaranteed under the constitution of the country.</li></ul>

Human rights as declared by the UN, suggest minimum standards of rights to be adopted by Government and these serve more or less like Directive Principles.

WRIT is a written order from the court or other legal authority ordering to do an act or not to do it.

## **Right to Constitutional Remedies**

Fundamental Rights are guaranteed by the Constitution. By this right, a person can adopt Constitutional means and approach a court if he is denied the Fundamental Rights. The court then issues orders which are called 'Writs' to the government to restore the rights to the citizen. The Constitutional Remedies put to right anything which may be wrong in terms of the Constitution. This right therefore protects and safeguards all other rights.

Preethika Yashini won her right of employment by approaching the court according to the Right to Constitutional remedies.

**As Yashini takes last step towards her SI dream, it's a giant leap for 3rd gender**



## 4 | Fundamental Duties

These are in the form of duties and responsibilities of citizens. 'The original Constitution which came into force with effect from 26th January, 1950 did not contain Fundamental Duties.

These were incorporated in the Constitution by the 42nd Amendment Act in 1976. The Constitution states eleven Fundamental Duties as given below:

1. Respect for the Constitution and its ideals and institutions, the National Flag and the National Anthem.
  2. To follow and cherish 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 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, linguistic, regional or sectional diversities, to renounce practices derogatory to the dignity of women.

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 wildlife and have compassion on living creatures.
8. To develop the scientific temper, humanism and the spirit of inquiry and reform.
9. To safeguard public property and to abjure from violence.
10. To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievements.
11. To provide opportunities for education by the parent and guardian to their child or ward upto the age of 14 years.

**DO YOU KNOW?**



Maintenance and welfare of parents and Senior Citizens Act, 2007 is a legislation passed in 2007 by the Government of India. This Act is a legal obligation for children and heirs to provide maintenance to senior citizens and parents.

## 5 National Human Rights Commission



The National Human Rights Commission is an autonomous body constituted on 12<sup>th</sup> October 1993 under the protection of Human rights Act, 1993. It consists of a chairman and few other members. NHRC is responsible for the protection and promotion of human rights in India defined by the Act as rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the international covenants.

### Functions of NHRC

- To inquire into the violation of human rights or negligence in the prevention of such violation by a public servant
- To intervene in court proceedings relating to human rights
- To undertake and promote research in the field of human rights
- To engage in human rights education among various sections of society
- To encourage the efforts of NGOs and institutions working in the field of human rights.

## 6 State Human Rights Commission (SHRC)



Every state in India has a State Human Rights Commission established in accordance with the power conferred on the state under section 21 of the Protection of Human Rights Act, 1993. The protection

and promotion of human rights constitute the principal concern of the Commission. Moreover, the procedures adopted by the Commission to conduct its proceedings, the suo motu actions taken on complaints regardless of the sources received and the transparency of the proceedings of the SHRC add strength to its functioning in a state.

### Functions of SHRC

- The SHRC shall enquire into violation of human rights in respect of matters specified in the state and concurrent lists.
- Its objectives and duties are the same as NHRC, but confined only to the state. It has a chairman and two members.
- It has the power of a civil court and can take cognizance of cases if received or in suo motu.
- It can also recommend compensation to victims.

### Child Rights

Apart from the fundamental rights described by the Constitution, we have to ensure certain other rights.

A child is a person who has not completed the age of 18 years i.e. a minor as per UNO. This principle is exhibited in Articles 25 of the Universal Declaration of Human Rights. Based on these principles, the declaration of the Rights of the child was accepted and adopted in the UN General Assembly on 20<sup>th</sup> November, 1989.

- Right to life
- Right to family environment
- Right to Education
- Right to benefit from Social security
- Right against sexual exploitation
- Right against sale or trafficking

- Right against other forms of exploitation like Child labour.
- **Right to life**

A child has the right to survive even before its birth. The right to survival also includes the right to be born, the right to basic needs of food, shelter and clothing and a dignified living.

- **Right to Family Environment**

A child has the right to live a normal childhood in a family environment. Children who have been left destitute, abandoned or orphaned also have the right to live. These children can be given for adoption to caring families.

- **Right to benefit from Social security**

Children should get financial support from the country when their parents or guardians are unable to provide them with a good standard of living by themselves, due to any illness, disability or old age.

### HOTS

Democracy, Development and Fundamental Rights - Can you establish a positive link among these three factors?

- **Right to Education**

Right to Education Act is an Act of the Parliament of India enacted in 2009 for free and compulsory education for children from 6 to 14 years of age as under Article 21A of the Constitution.

The Right of children To free and compulsory Education (RTE) Act, 2009, means that every child has a right to formal Elementary Education. This right of children provides free and compulsory education till the completion of elementary education in a neighbourhood school. The child need not pay any kind of fee for completing elementary education.

**Malala** - Nobel Peace prize laureate says "I loved school. But everything changed when the fundamentalist took control of our town in Swat Valley.



They said girls could no longer go to school. I spoke out publicly on behalf of girls and our right to learn. And this made me a target.

In October 2012, on my way home from school, a masked gunman boarded my school bus and asked, "Who is Malala?" He shot me on the left side of my head. I woke up 10 days later in a hospital in Birmingham, England. After months of surgeries and rehabilitation, I joined my family in our new home in the U.K. I determined to continue my fight until every girl could go to school.

Every day I fight to ensure all girls receive 12 years of free, safe, quality education. With more than 130 million girls out of school today, there is more work to be done. I hope you will join my fight for education and equality. Together, we can create a world where all girls can learn and lead.

If you were Malala, what would you have done?

Is Malala's fight necessary?

Are girl children treated and given education equally?

- **Right against sale or trafficking**

Children should be treated as individuals with fundamental human rights. Children are vulnerable. There are root causes such as poverty, gender discrimination, broken families etc., behind the sale or trafficking of children.



The Kavalan SOS App is launched by the Government of Tamil Nadu for public use during emergencies. Anyone in a critical situation, not only women, can easily and directly access the State Police Control Room using this App.

Children are subjected to sale or trafficking for various reasons – economic exploitation, sexual exploitation, sexual abuse, drug trafficking and child labour.

Have you heard about child trafficking? Conduct a debate on this topic in your class

- **Right against sexual exploitation**

The state should protect children from sexual exploitation and abuse, when they are forced or persuaded to take part in sexual activities physically or mentally.

**POCSO Act - Protection of Children from Sexual Offences Act**



The Protection of Children from Sexual Offences Act, 2012 regards the best interest of the child as being of paramount importance at every stage.

**Salient features of POCSO Act**

- The Act defines a child as any person below eighteen years of age, to ensure the healthy, physical, emotional, intellectual and social development of the child.
- When the abuse is committed by a person in a position of trust or authority vis-à-vis the child, like a family member, neighbours or any other acquaintances.
- The statement of the child is to be recorded exactly as the child narrates.
- A child not to be called repeatedly to testify.

An ordinance providing the death penalty for rapists of girls below 12 years of age and other stringent penal provisions for rape has been promulgated in April 2018. The Criminal Law Amendment Ordinance, 2018, amended the Indian Penal Code. Another salient feature of this amendment is that the fine imposed shall be just and reasonable to meet the medical expenses and rehabilitation of the victim.



Childline is India's first 24 hours free emergency phone service for children in need of assistance. Special care is given for vulnerable children like those affected by child labour, child marriage and children affected by any abuse.

- **Right against other forms of exploitation like Child labour**

Children are often employed in several industries. These children are deprived of their childhood, health and education. This will lead to a life of poverty and want. These children are made to work in glass, match-box, lock-making factories, rag-picking, carpet – making industry, beedi - rolling, mining, stone quarrying, brick kilns and tea gardens etc.

Work is mostly gender – specific, with girls performing more home – based work, while boys are employed as waged labour. Since these children work in agricultural fields, restaurants, motor repair workshops and home – based industries, elimination of child labour remains a challenge.



Kailash Satyarthi is a Nobel Peace Prize recipient and the founder of Bachpan Bachao Andolan, and many other child rights organisations. More than 86,000 children in India have been liberated by him and his team members from child labour, slavery and trafficking. An 80,000 km long Global March against Child Labour was led by Kailash in 1998 which turned the world's attention towards the issue of Child labour.



The findings of an international survey reveals that children with disabilities are 3.4% more sexually abused than normal children.

**Child Rights in the Indian Constitution**

**Article 24** – No child below the age of 14 must be employed in hazardous employment.

**Article 45** – Free and compulsory education for all children until they attain the age of 14 years.



Children are the foundation of any nation. When girls get married early, they lose many privileges like childhood happiness, availing education and a healthy life. The society in turn gets affected by child marriage. Thus child marriage should be avoided at any cost.

### Women Rights

The National Commission for Women (NCW) is constituted in India to review the Constitutional and legal safeguards for women, recommends remedial measures and advises the government on all matters of policy affecting the welfare and development of women in the country.

In modern India, women have held high offices including that of the President, Prime Minister, Speaker of the Lok Sabha, Leader of the Opposition, Union Ministers, Chief Ministers and Governors.

In Tamil Nadu, ancestral property rights were given to women through Hindu Succession (Tamil Nadu Amendment) Act 1989.

The Central Government amended the Hindu Succession Act in 2005. By this amendment, women are now given equal shares in inheritance of the undivided property.

Women's rights under the Constitution of India mainly include equality, dignity, and freedom from discrimination; additionally, India has various statutes governing the rights of women.

### Rosa Parks- a Symbol of Dignity

By refusing to give up her seat to a white man on a Montgomery, Alabama, city bus in 1955, one Rosa Parks (1913–2005) helped to initiate the civil rights movement in the United States. The leaders of the local Afro-American community organized a bus boycott that began the day (same

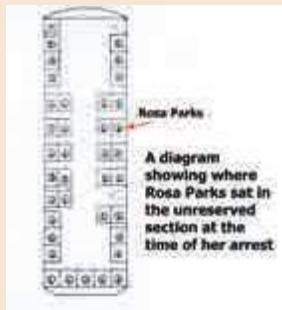
Monday, every week) Parks was convicted of violating the segregation laws. Led by a

young Rev. Dr. Martin Luther King Jr., the boycott lasted more than a year—during which Parks not coincidentally

lost her job—and ended only when the U.S. Supreme Court ruled that bus segregation was unconstitutional. Over the next half-century, Parks became a nationally recognized symbol of dignity and strength in the struggle to end entrenched racial segregation.

### Women Labourers' Welfare and Ambedkar

Dr B.R. Ambedkar framed many laws for women workers in India such as the 'Mines Maternity Benefit Act', 'Women Labour Welfare Fund', 'Women and Child Labour Protection Act', 'Maternity Benefit for Women Labour', and 'Restoration of Ban on Employment of Women on Underground Work in Coal Mines'.



## SC and ST Rights

In order to ensure the dignity and security of Adi Dravidars (mostly referred as Scheduled Castes in other States) and remove all forms of exclusion, marginalization, untouchability and discrimination the Government formulate policies, plans, budgets, schemes and programmes for ensuring the right to social equity, access to entitlements and right to dignity. These rights facilitate the betterment of their socio-economic conditions as well as conferring democratic and political rights.

Furthermore, the Scheduled Tribes constitute a total of 8.6 percent of India's population. They continue to practice their native norms and customs and on most occasions remain inaccessible to the rest of the world. This has become an important ground for the preservation of their rights.



Rise of Democracy

Fall of an inhuman wall

## Reservations

The state of Tamil Nadu provides 69% of reservation to the Scheduled Classes, Scheduled Tribes, Backward Classes, Most Backward Classes, Most Backward Classes, Denotified communities and Minorities. in employment and educational institutions. Government of Tamil Nadu provides inner reservations for Muslims in BC and for Arunthathiars in SC category.

The following table gives us a very clear picture of the percentage of reservations for various communities by the Government of Tamil Nadu.

Communities	Reservation in (%)
Backward Classes	26.5
Backward Class Muslims	3.5
Most Backward Classes/Denotified Communities	20
Scheduled Castes	18
Scheduled Tribes	3
<b>Total</b>	<b>69</b>

Under each reserved category and in General category 33% is reserved for women and 4% is reserved for differently abled persons. Special reservation offered to Arunthathiars with in the seats reserved for Scheduled castes. For persons studied in Tamil medium 20% seats are offered under

each category on priority basis.

### Right to Information Act (RTI)

The Right to Information Act is a revolutionary act that aims to promote transparency in the government institutions in India. This act was enacted in October 2005.

A common man can demand any government organization to provide information. The information must be provided within thirty days. If not, a fee will be collected as penalty from the concerned official.

It is one of the most powerful laws of the country. This act is people friendly; even an illiterate person can ask any Public Information Officer to write it down for him. All government agencies like Municipal Corporations, Government departments, Government Schools, Road Authorities, etc., come under this Act.

#### RTI Activists



**Aruna Roy**



**Nikil Dey**

Through RTI one can get even copies of government documents such as records, reports, papers, etc., Personal information of individuals and organisations related to the country's defence and intelligence, such as BSF, CRPF, Intelligence Bureau are exempted from the RTI.

- Sign the Application form with your full name and address along with the date and send it through a registered post to the office of the concerned authority.

- If a reply is not received within 30 days, an appeal can be filed with the Appellate Authority.

### Labour Rights

The Constitution ensures right to equality, equality of opportunity in public employment, right to form associations and unions, right to livelihood, prohibits trafficking, forced labour and child labour. Article 39(d) ensures equal wages to male and female workers for equal work.

#### Activity

List out various jobs in the format given below and fill in the amount of wages for male and female employees.

S. No	Job / Occupation	Wages of male employee	Wages of female employee
1.			
2.			
3.			
4.			
5.			



It is a great victory for female workers who stand all the time more or less 12-14 hours per day while they are working in shops and commercial malls in Kerala for decades as Government of Kerala amended the shops and commercial establishment Act in July 2018.

Female workers who are working in shops and commercial malls are not

allowed to sit or even lean on the wall. They were allowed only 5 minutes of break two times a day to take rest.

There was a strong voice against this inhuman practice among women workers for a long time. Considering this, the Government of Kerala has decided to redress by amending the Shops and Commercial Establishment Act in July 2018.

### Contribution of Dr.B.R. Ambedkar



Dr.B.R. Ambedkar's contribution to labourers.

- Reduction in Factory Working Hours (8 hours a day)
- Compulsory Recognition of Trade Unions
- Employment Exchange in India
- Employees State Insurance (ESI)
- Minimum Wages
- Coal and Mica Mines Provident Fund

“The rights of every man are diminished when the rights of one man are threatened” said John F. Kennedy. Civilized nations of the world insist on equality. Nations pay more attention on human rights to ensure equality. This helps in maintaining peace, harmony and development of the country.

### Recap

- Discrimination is the partial treatment of people.
- UNO's definition of human rights.
- History of human rights has its roots from the aftermath of second world war.
- Universal Declaration of Human Rights.
- Indian Constitution ensures six fundamental rights and eleven duties of a citizen.
- Formation and functions of National and State Human Rights Commissions.
- Extended rights such as child rights, SC and ST rights, women rights, Right to Information Act (RTI) and labor laws.

### A-Z GLOSSARY

Fundamental - basic

Racial - related to a race of people

Ethnicity - belonging to a particular social group

Remedy - Solution to an issue /problem

Intervene - get involved

Compensation - amount awarded to someone for injury or loss

Victim - a person who gets harmed

Abandoned - left

Trafficking - carry forcefully from a place to another.



**GOVERNMENT OF TAMILNADU**

## **STANDARD NINE**

**TERM - III**

**VOLUME - 4**

## **SOCIAL SCIENCE**

A publication under Free Textbook Programme of Government of Tamil Nadu

**Department Of School Education**

**Untouchability is Inhuman and a Crime**



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E - book



Assessment



DIGI links



## UNIT

1

## FORMS OF GOVERNMENT

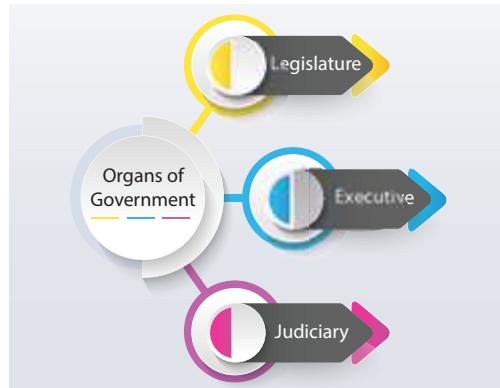
 Learning Objectives

- To know about the type of constitutions
- To understand the forms of government
- To learn the merits and demerits of the different forms of government
- To understand the differences between the Unitary and Federal, Presidential and Parliamentary forms of governments



Government is the main agency of the state. It comprises of several members belonging to political and administrative wings. It serves as the instrument for delegation and execution of the state policies for the welfare of the people. It formulates, expresses and realises the will of the state. It exercises certain legislative,

executive and judicial powers based on the constitution and the laws. There are three organs in government, namely – Legislature, Executive and Judiciary. These organs carry out the activities of the state. Governments are classified into unitary, federal, parliamentary and presidential forms.



## Meaning

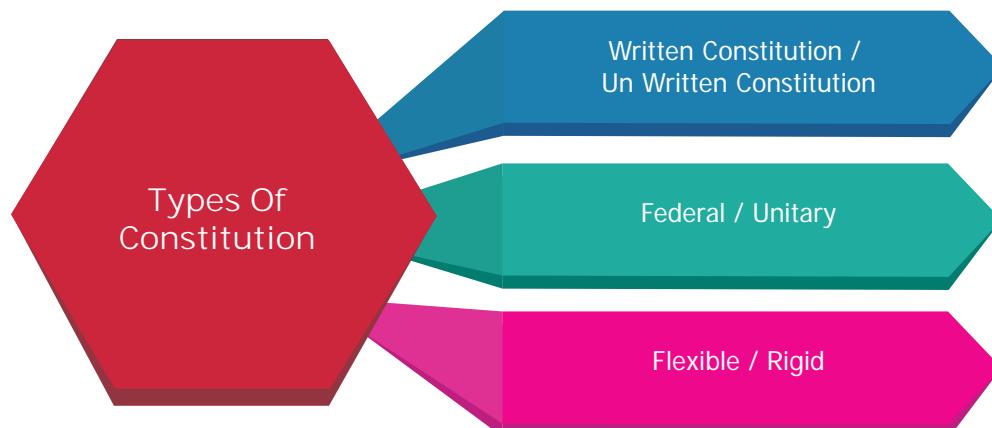
'Government' refers to the executive functions of the state. It denotes a body having authority to make and enforce laws applicable to the civil, corporate, religious, academic or other groups.

The term Government is derived from Old French 'gouverner', derived from Latin 'gubernare' to direct, rule, guide, govern".

### Which is the oldest form of government?

Monarchy is the oldest form of government in the United Kingdom. In a monarchy, a king or queen is Head of State. The British monarchy is known as a constitutional monarchy. This means, while The Sovereign is Head of State, the ability to make and pass legislation resides with an elected Parliament.

## TYPES OF CONSTITUTION



### Unitary Form of Government

A unitary system of government or unitary state, is a sovereign state governed as a single entity. The central government is supreme and the administrative divisions exercise only powers that the central government has delegated to them.

England, France, Japan and Sri Lanka are examples of Unitary Form of governments.

In a Unitary form of government, all the authority and power is vested in a

single centre, whereas in a federal form of government authority and power is distributed between centre and the constituent units. Even in a Unitary form of Government, there might be a lot of decentralisation of authority, but we cannot claim it as a federal system.

#### Merits of unitary form of government

- Suitable for small countries.
- There is no conflict of authority and responsibility.
- A unitary government will make prompt decisions and take speedy action.



- A unitary government is less expensive.
- Amendments to the constitution are easy.
- There is unity, uniformity of law, policy and administration.

### De-merits of unitary form of government

- It is not suitable for big countries.
- The central government will have to tackle so many complex problems that lead to administrative delay
- The central government will not concentrate on local problems, local interest and initiative.
- The concentration of powers may pave way for the despotism of the central government.

### Unitary features of the Indian constitution

- Strong Centre
- Central Government's control over state territory
- Single Constitution
- Flexibility of the Constitution
- Unequal representation of states
- Emergency Provisions
- Single Citizenship
- Single Integrated Judiciary
- All India Services
- Appointment of Governor by the central government

## Federal form of government

The classification of governments into unitary and federal is based on the nature of relations between the national and the regional governments.

A federal government is one in which powers are divided between the national government and the regional governments by the Constitution itself and both operate in their

respective jurisdictions independently. U.S.A, Switzerland, Australia, Canada, Russia, Brazil, Argentina have federal form of governments. In a federal model, the national government is known as the Federal government or the Central government or the Union government and the regional government is known as the state government or the provincial government.

### Merits of federal form of government

- Reconciliation of local autonomy with national unity
- Division of power between centre and states leads to administrative efficiency
- It gives rise to big states
- Distribution of powers check the despotism of central government
- More suitable for bigger countries
- It is good for economic and cultural progress

### De-merits of federal form of government

- Federal government is weaker when compared to the unitary government.
- Federal government is more expensive
- Provincial tendencies are very common
- Lack of uniformity in Administration
- Threat to national unity
- Distribution of powers between centre and states lead to conflicts
- Double Citizenship
- Rigid constitution cannot be mended easily for changing needs
- The state governments sometimes place hindrances in the foreign policy

Country	Name of Parliament
Israel	Knesset
Germany	Bundestag
Denmark	Folketing
Norway	Storting
U.S.A	Congress



### Federal features of the Indian constitution

- Dual Government
- Written Constitution
- Division of Powers
- Supremacy of the Constitution

The Constitution is the supreme law of the land. The laws enacted by the Centre and the states must conform to its provisions.

- Rigid Constitution
- Independent Judiciary
- Bicameralism

### Difference between Unitary form and Federal form of Government

Unitary Form of Government	Federal Form of Government
Only one Level of Government or Sub units	Two Levels of Government
Mostly Single Citizenship	Dual Citizenship
Sub Units cannot operate independently	Federal Units are answerable to Central Government
No Division of Power	Division of Power
Centralisation of Power	Decentralisation of Power

### Parliamentary form of government

Modern democratic governments are classified into parliamentary and presidential on the basis of the nature of relations between the executive and the legislative organs of the government.

The parliamentary system of government is the one in which the executive is responsible to the legislature for its policies and acts.

The parliamentary government is also known as cabinet government or responsible government or Westminster model of government and is prevalent in Britain, Japan, Canada and India among others.

#### Features of parliamentary form of government

- Nominal and Real Executives
- Majority Party Rule
- Collective Responsibility
- Dual Membership
- Leadership of the Prime Minister

#### Merits of the parliamentary form of government

- Harmony between Legislature and Executive
- Responsible Government
- Prevents Dictatorship
- Wide Representation

#### Demerits of the parliamentary form of government

- Unstable Government
- No Continuity of Policies
- Dictatorship of the Cabinet
- Against Separation of Powers

### The presidential form of government

The Presidential Form Of Government is also known as non-responsible or non-parliamentary or fixed executive system of government, basically built on the principle of separation of power and is prevalent in the USA, Brazil, Russia and Sri Lanka among others.



## Features of presidential form of government

The American President is both the head of the State and the head of government. As the head of State, he occupies a ceremonial position. As the head of government, he leads the executive organ of the government.

The President is elected by an electoral college for a fixed tenure of four years. He cannot be removed by the Congress, except by impeachment for a grave unconstitutional act.

The President governs with the help of a cabinet or a smaller body called 'Kitchen Cabinet'. It is only an advisory body and consists of non-elected departmental secretaries. They are selected and appointed by him, are responsible only to him and can be removed by him any time.

The President and his secretaries are not responsible to the Congress for their acts. They neither possess membership in the Congress, nor attend its sessions.

### Historic Transition in Bhutan

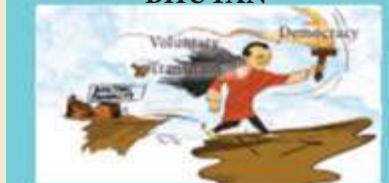
**Third King** - Abolishment of slavery

**Fourth King** - Abdication of regal title

**Fifth King** - Democratic elections and establishment of local self-government

Transition from the hereditary monarchy to the Parliamentary Democracy. In 2006, the king abdicated the throne 34 years after ascending it. His son Crown Prince Jigme Khesar Namgyel Wangchuck became the fifth monarch and head of the state of the Himalayan kingdom. Now Bhutan is a Parliamentary Democracy and King Jigme a constitutional monarch.

#### HISTORIC TRANSITION IN BHUTAN



Courtesy: The Hindu - 3.11.2008  
Cartoon by Keshav

The President cannot dissolve the House of Representatives—the lower house of the Congress.

The doctrine of separation of powers is the basis of the American presidential system. The legislative, executive and judicial powers of the government are separated and vested in three independent organs of the government.

### Merits of the presidential system of government

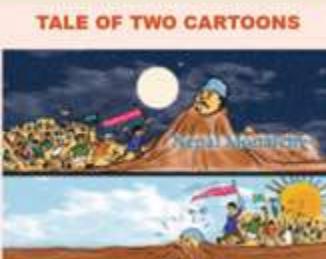
- Democratic
- Effective Control by the President
- Facilitate decision-making
- State government

### Demerits of the presidential system of government

- Can degenerate into Dictatorship
- Strain relationship between executive and legislature
- Lack of Harmony between the Legislature and Executive

### April Revolution and democracy in Nepal

On April, 2006 the leaders of Nepal vibrant pro-democracy civil society movement "Seven Party Alliance" (SPA) called for a million strong demonstration to be staged at 7 different points along the Ring road encircling the capital Kathmandu. The millions of citizens who made up the people's movement demanded an end to autocratic rule of monarchy and Restoration of total democracy in the Himalayan kingdom. An unprecedented development forced King Gyanendra to step down and paved the way for democracy.





## Difference between the Parliamentary Form of Government and Presidential Form of Government

Presidential Form of Government	Parliamentary Form of Government
President is directly elected by the People	Prime Minister is from the majority party
President is Supreme	Central Legislature is supreme
Separation of Powers	Absence of Separation Powers Centralisation
Independent branches	Independent branches with Overlapping functions
President - Head of the State	President - Head of the State
President - Head of the Government	Prime Minister - Head of the Government
Individual Leadership	Collective leadership
President is not accountable to Congress	Collective and Individual Responsibility

### The relationship between the Centre and the State in India

India is a union of States where the power is shared between the centre and the states, as per the procedures mentioned in the Constitution of India. Though the powers are shared between the Central and State Governments, the final decision is by the Central government in all matters. The relationship between the centre and the states are

1. Legislative relations (Articles 245-255)
2. Administrative relations (Articles 256-263)
3. Financial relations(Articles 268-293)

Both the Central and State governments have the power to make laws, but the matters differ. The centre can make laws applicable to the whole nation on certain matters called as the union list. The States have the powers to make laws in some matters only, applicable to their own state, called as the State list. The concurrent list includes the subjects on which both Central and State government have the power to make laws.

**Union List:** Union list has 100 subjects. These include Foreign affairs, Defence, Armed forces, Posts and Telegraphs, inter-state trade and commerce and so on.

**State List:** The state list consists of 61 subjects, which include Public order in the state, police, prisons, Local Governments, agriculture and so on.

**Concurrent List:** The Concurrent list has 52 subjects which include Criminal and Civil procedures, marriage and divorce, economic and special planning, newspapers, books and printing presses, population control and so on.



## THE CONCEPT OF GOVERNANCE

### From Government to Governance

Good governance is an indeterminate term used in the international development literature to describe how public institutions conduct public affairs and manage public resources. Governance is 'the process of decision-making and the process by which decisions are implemented'.

'Government' and 'governance' are synonyms, both denoting the exercise of authority in an organization, institution or state.

### Characteristics of good governance

- Participation
- Rule Of Law
- Transparency
- Responsiveness
- Consensus Orientation
- Equity
- Effectiveness And Efficiency
- Accountability

## Gross National Happiness (GNH):

Gross National Happiness is a developing philosophy as well as an 'index' which is used to measure the collective happiness in any specific nation. The concept was first mentioned in the constitution of Bhutan, which was enacted on 18 July 2008.

The term 'Gross National Happiness' was coined by the fourth king of Bhutan, Jigme Singye Wangchuck, in the 1970s. The GNH's central tenets are: "Sustainable and equitable

socio-economic development; environmental conservation; preservation and promotion of culture; and good governance".

GNH is distinguishable by valuing collective happiness as the goal of governance and by emphasising harmony with nature and traditional values.

A-Z

## GLOSSARY

<b>Consensus</b>	General agreement on an issue
<b>Despotism</b>	Exercise of absolute power
<b>Executive</b>	Having to do with carrying out laws
<b>Judiciary</b>	The judges of a court considered as a group
<b>Legislature</b>	Law making body
<b>Monarchy</b>	A form of government in which a single person is the hereditary head of the state
<b>Rigid</b>	Hard to change

## Recap

- Government refers to the executive function of the state.
- Legislature, Executive, Judiciary are the three organs of government.
- The four important forms of Governments are Unitary, Federal, Parliamentary and Presidential forms.
- India practises a Parliamentary form of Government.
- Governance is the process of decision making and the process by which they are implemented.



## Exercise

### I. Fill in the blanks

1. \_\_\_\_\_, \_\_\_\_\_ are a few examples for unitary form of government.
2. The Parliamentary government is also known as \_\_\_\_\_.
3. In the parliamentary form of government \_\_\_\_\_ is the leader of the majority party.



### II. Fill in the blanks

Country	Name of the Parliament
1. USA	_____
2. Norway	_____
3. _____	Folketing

### III. Distinguish Between

1. Unitary and federal forms of government.
2. Parliamentary and presidential forms of government.

### IV. Give short note on

1. Democracy in Nepal
2. Unitary form of government

### V. Answer the following

1. List out the types of constitution.
2. What are the merits of a federal government?
3. Write down the differences between unitary form of government and federal form of government.

### VI. Answer in detail

1. Write about the merits of unitary form of government.
2. Write about the presidential form of government and what is the difference between presidential and parliamentary forms of government.



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### INTERNET RESOURCES

1. <http://www.worldbank.org/>
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3. <http://www.grossnationalhappiness.com/articles/>

UNIT  
2

## LOCAL SELF GOVERNMENT

 Learning Objectives

- To study and understand the development of local self government before and after Indian independence
- To learn about the rural and urban local governments
- To learn about the nature and working of Panchayat Raj system in India
- To understand the 73rd and 74th Constitutional Amendment Acts, 1992
- To know about the historical origin and development in local self governments in Tamil Nadu



## Meaning of Local Self Government

Local Self-Governments are institutions that look after the administration of an area or a small community such as a village, a town or a city. Local Self-Government operates at the lowest level of

society. It works at the grassroot level, close to the people, touching their everyday life. Local Self-Government is the management of local affairs by such local bodies which have been elected by the local people. These local bodies provide services to the local community as well as act as an instrument of democratic self-government.



## Historical Background

The idea of local self government is a very old concept in India. It was at its peak under the later Cholas or the Imperial Cholas of Tanjore. There are historical records of references to local self government under Mauryan administration. Local self government existed throughout the country with its own diverse characteristics of ancient India. During the medieval period, local self governments had somewhat declined due to the onslaught of feudalism. It was revived during the British period in the last quarter of the 19th century, with Western orientation of training in democracy with Lord Ripon's Resolution in 1882. Lord Ripon was known as the 'Father of Local Government' for laying the foundations of local self governments in modern times.

Under the Government of India Act, 1935 provincial autonomy was introduced. This Act came into force in 1937. In the provinces where the Congress formed its Government, rural development received special attention. It was an essential part of Gandhi's programme that Panchayat Raj institutions would be built from villages to the highest level.

After Independence, the Gandhian ideal of Grama Swaraj (Village Republic) greatly influenced the constitution makers. India being the land of villages, the creation of village panchayats became a social movement. Restoration of panchayats has become an article of faith during our freedom struggle. Hence with the dawn of independence and framing of the constitution of India, Article 40 was incorporated in the constitution which reads as: "*the State should take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as the units of self Governments.*"

## Lord Ripon

Lord Ripon was the one who gave Indians the first taste of freedom by introducing the Local Self Government in 1882.

Ripon took some steps towards liberalizing the administration in India. He formulated the local self government and



made it clear that he was advocating for the decentralization of administration.

He tried to remove obstacles in the sphere of Local Self government by his resolution of 1882. He led a series of enactments in which larger powers of the local self-government were given to the rural and urban bodies and the elected people received wider rights.

## Local Self Governments since Independence

The conceptualisation of the system of local self-government in India took place through the formation and effort of four important committees from the year 1957 to 1986. The Community Development Programme (1952) and National Extension Service (1953) became a basis for 'The Great Charter on Panchayat Raj' in 1957.

### Salient Features of the 73rd and 74th Constitution Amendment Acts (1992)

- Panchayats and Municipalities will be 'institutions of self-government'.



Balwant Rai Mehta Committee (1957)

Three-tier Panchayati Raj system – gram panchayat at village level (direct election), panchayat Samiti at the block level and Zila Parishad at the district level (indirect election).



Ashok Mehta Committee (1977-1978)

Two-tier system and political parties should participate at all levels in the elections.



G V K Rao Committee (1985)

Appointed by the Planning Commission, the committee concluded that the developmental procedures were gradually being taken away from the local self-government institutions, resulting in a system comparable to 'grass without roots'.



L M Singhvi Committee (1986)

73rd and 74th Constitutional Amendment Acts, 1992.

## Committees and Recommendations

- Basic Units of Democratic System – Grama Sabhas (Villages) and Ward Committees (Municipalities) comprising all the adult members registered as voters.
- Three-tier system of panchayats at village, intermediate block/taluk/mandal and district levels. Two-tier for smaller states with population below 2 million.
- Seats at all levels filled by direct elections.
- Seats reserved for Scheduled Castes (SCs) and chairpersons of the Panchayats at all levels also shall be reserved for SCs and STs in proportion to their population.
- One-third of the total number of seats reserved for women. One-third of the seats reserved for SCs and STs also reserved for women. One-third offices of chairpersons at all levels reserved for women.
- Uniform five year term and elections to constitute new bodies to be completed before the expiry of the term. In the event of dissolution, elections must be held compulsorily within six months.

## Salient Features of the Tamil Nadu Panchayati Raj Act, 1994

The New Panchayati Raj System came into being in Tamil Nadu after the enactment of a new law for local body institutions in the year 1994. The salient features of the new Act are as follows: (a) A three-tier system (b) Gram Sabha (c) Establishment of Election Commission (d) Constitution of Finance Commission (e) Reservation of seats for SC/ST's proportionate to their population One third reservation of seats for women and (g) Constitution of District Planning Committees.

### Village Panchayat

Local governments which are function in villages are called Village Panchayats. The President and ward members are directly elected by the people. (Those who have attained the age above 18) and their term of office is five years. District Collector act as the Inspector of Village Panchayat. Village Panchayats are constituted in each and every village wherever the population is above 500.

### Functions of the Village Panchayat

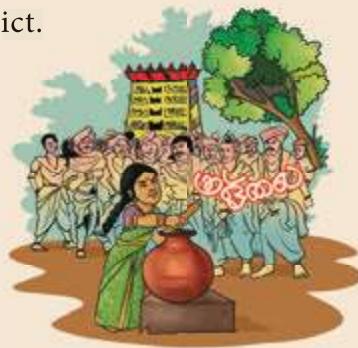
- Supply of drinking water
- Maintenance of street lights
- Maintenance of roads
- Maintenance of village libraries
- Maintenance of small bridges
- Granting permission to the housing plots
- Maintenance of drainage
- Construction of group houses
- Cleaning of streets
- Maintenance of burial grounds
- Maintenance of common lavatory facilities



## Historical Origin and Development of Local Self Government in Tamil Nadu

Tamil Nadu has a long history of local self-governance as is evident from the Uthiramerur stone inscriptions in Kanchipuram District.

Tamil Nadu, in those days was a land of village republics, with community groups undertaking many activities for their area development. This tradition reached its peak during the 10th and 11th centuries under the reign of Cholas when Village Councils used to levy taxes, improve community life and administer justice in their limited area. These Village Councils had effective links with the Chola rulers. "Kuda Olai Murai" was the name of the secret ballot method exercised to elect members



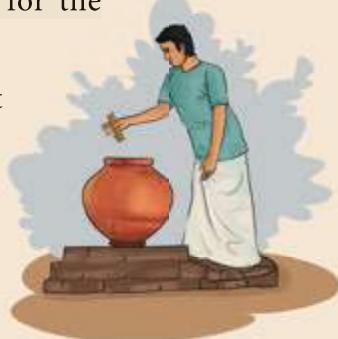
to the Village Councils. With the downfall of Cholas, the state experienced a decline of the village autonomy and rise of the centralized feudal administrative system. This continued till British rules introduced local self-governance primarily as an administrative convenience for the colonial British Government.

In the post independence era, the first enactment in democratic decentralization in the state was the Madras Village Panchayats Act, 1950. Pursuant to the White Paper on the 'Reform of Local Administration' in 1957, the Madras Panchayats Act, 1958 and Madras District Development Council Act were enacted with the following salient features.

### Voluntary Functions.

According to the Tamil Nadu Local Government Act passed in 1994, the following functions to be performed as voluntary functions by the local governments.

- Maintenance of street lights in the villages
- Maintenance of markets and fairs
- Implantation of trees
- Maintenance of play grounds
- Maintenance of parking vehicles, slaughter houses and cattle sheds
- Control over places of exhibition



### Revenue

Village Panchayat was the only local government which was empowered to levy taxes in the three-tier system of Village Panchayat.

### Taxes

- Property Tax
- Professional Tax
- House Tax
- Taxes for connection of drinking water
- Land Tax
- Taxes levied on shops

Go to the local government office in your village and know about the levying of taxes.



## Meeting of Grama Sabha

In each and every village, the people living within its jurisdiction will be the members of Panchayat. The President of the Panchayat will preside over its meetings. In the meeting of the Grama Sabha, the income and expenditure and the beneficiary of the schemes in the village are discussed.



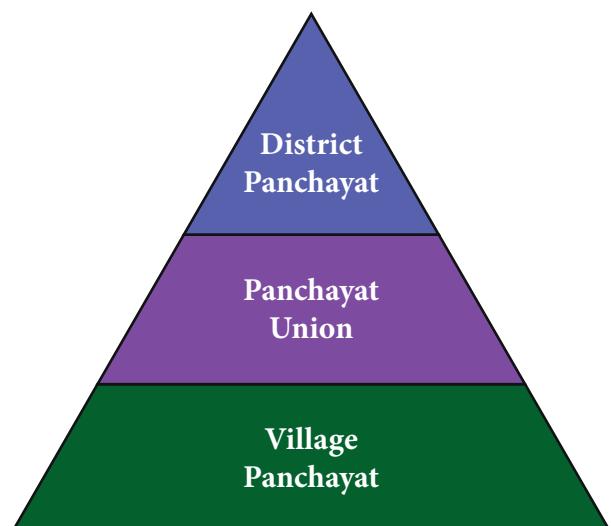
**Grama Sabha**

**Meetings of the Grama Sabha are conducted four times a year**

1. January 26 - Republic Day
2. May 1 - Labourer Day
3. August 15 - Independent Day
4. October 2 - Gandhi Jayanthi

## Panchayat Union

Panchayat Union is formed by grouping of villages. Members of the Panchayat Union are directly elected by the people. The Chairman of the Panchayat Union is chosen from among the members.



## Functions of the Panchayat Union

- Supply of drinking water
- Maintenance of Village Health Centres
- Maintenance of roads
- Establishment of Maternity Homes
- Establishment of Public fairs
- Establishment of Veterinary hospitals
- Maintenance of Social forests
- Repairing of Primary School buildings

Where will you report if street lights are not functioning and drinking water is not available in the tap in your village?

The district collector, Planning officer, concerned Block Development Officer are empowered to supervise the developmental functions of the Panchayat Union.

## District Panchayat

A District Panchayat is constituted in each district. One district Panchayat is constituted for every 50,000 people and the ward members are directly elected by the people. The Chairman is elected from one among its members and their term is 5 years.

## Functions of District Panchayat

- Advising the government about the developmental schemes of the Village Panchayat and Panchayat Union.
- Supervising the functions of District Planning Commission.

## Urban Local Government

- Town Panchayat
- Municipality
- Corporation



## Gandhi's Concept of Gram Swaraj

Gandhi really wanted 'Swaraj', the self rule by the people of India who represent the rural mass. He observed 'India's soul lives in the village'. He dreamt of village republics in terms of Panchayat in free India.



Mahatma Gandhi advocated Panchayat Raj, a decentralized form of government, where each village is responsible for its own affairs, as the foundation of India's political system.

In simpler words, Gandhi's ideal village should be basically self-reliant, making provision for all necessities of life-food, clothing, clean water, sanitation, housing, education, and other requirements, including government and self-defense.

## Town Panchayat

The area where more than 10,000 people live is called a Town Panchayat. Members and President of the town Panchayat are directly elected by the people. There is an Executive Officer to look after the administration of the Town Panchayat and their term of office is 5 years.

## Municipality

The area where more than 1,00,000 people live is called a Municipality. The Members and the Chairman of the Municipalities are directly elected by the people and their term of office is five years. A Municipal Commissioner is appointed by the government to administer the Municipality.

## Corporation

Municipal corporations are established in big cities where the city has many lakhs of population. The Municipal Commissioner is the Administrative Officer. The Mayor is

the Chairman of the corporation. The term of office of the Mayor and other members is five years.

In Tamil Nadu, there are 12 Corporations. They are in Chennai, Kovai, Madurai, Trichy, Tirunelveli, Salem, Erode, Vellore, Tuticorin, Tirupur, Tanjore, Dindigul.

The Municipal Commissioner will be a person from the Indian Administrative Service (IAS). All the decisions of the Corporation Council will be implemented by him. He will be assisted by the office of the corporation.

Name the British Viceroy after whom the building of Chennai Corporation is named.



**Corporation of Chennai**

## Important functions of the Mayor

- He acts as a bridge between the members of the corporation and the government
- He presides over the meetings of the Corporation Council
- He receives the dignitaries from foreign countries

## Types of other Urban Panchayats

- Notified Area Committee
- Town Area Committee
- Cantonment Board
- Township
- Port Trust
- Special Purpose Agency



## Elections to the local government in Tamil Nadu

The State Election Commission conducts the elections to the local government like general elections. The electoral roll is prepared ward wise. Seats are reserved for the SC & ST and also for the women in proportion to the population by rotation basis.

## Problems and Challenges facing the Local Self Governments

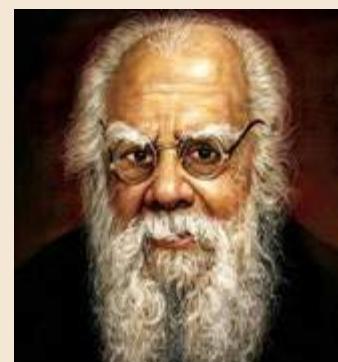
Local self governments are the crucial basis for our democracy. The Constitutional status of local self governments adds more significance to their functioning. There are, however, a few critical concerns in the working of local self governments in India. Major problems and challenges may be mentioned as below:

- Lack of clear demarcation of powers and functions of local bodies
- Allocation of funds and needs assessment are not matched

- Role of caste, class and religion in decision-making at the local self governments
- Poor accountability of elected members and officials at the grassroot levels of democracy

## Piped water supply scheme in Erode Municipality:-

Periyar E.V.Ramasamy bacame the Chairman of Erode Municipality in 1917. During his tenure in Erode Municipality, Periyar worked effectively for Providing piped drinking water supply and health facilities to the people. Piped water supply scheme was implemented in 1919 by Periyar. This scheme was said to be first of kind in the history of Indian Municipal administration.



## Odanthurai Panchayat

With permanent concrete houses built over a period, the village now has been declared as hut less village which provides continuous water supply, quality road networks to the residents.

The most notable among Odanthurai's Self-help ventures is its experiments with renewable energy sources. By awaiting loan from the banks and subsidy by The Government, the village panchayat had installed a small wind tarn at the cost of Rs.2.3 Cr which generates around 7.5 lakh units of electricity in a year. While the Panchayat's need is only 2.5 lakh units, the remaining power is sold to TANGEDCO, fetching an annual income of around R.s 20 lakh. Moreover the panchayat had installed a 9kw biomass gasifier Power generation system to substitute the grid electricity for pumping drinking water.

Solar based streetlight and biogas system connected to houses for cooking purpose are some of the highlights of the self-reliant in energy aspect by this model village panchayat, Odanthurai





A-Z

## GLOSSARY

**Allocation** - an amount of a resource assigned to a particular recipient

**Amendment** - changes made to an existing law

**Autonomy** - self government

**Cantonment** - a military garrison or camp

**Clusters** - a group of similar things or people

**Conceptualisation** - the action of forming a concept

**Decentralisation** - the transfer of authority from central to local government

**Dignitaries** - persons considered to be of high rank or office

**Dissolution** - formally ending or dismissing an assembly

**Grass root level** - the most basic level

**Judicial** - relating to the administration of justice

**Onslaught** - a fierce attack

**Pursuant** - following

**Rejuvenated** - restore

**Revitalisation** - to give new life

**Revived** - re-establish

**Self Government** - a system in which the citizens rule themselves

**Slaughter** - killing of animals for food

**Tier** - a series of levels of a structure placed one above the other

**Voluntary** - done of one's own free will

## Recap

- Local Self Government operates at the lowest level of society.
- Lord Ripon is known as the 'Father of Local Self Government'.
- 'Kuda Olai Murai' during the Chola rule was a ballot method to elect members to the village councils.
- The New Panchayat Raj system came into being in Tamil Nadu in the year 1994.
- Village Panchayats are local governments of villages.
- Meetings of the Grama Sabha are conducted four times a year.
- Panchayat Union is formed by grouping of villages.
- District Panchayat is constituted in each district.
- Corporations, Municipalities and Town Panchayats are urban local bodies.
- Mayor is the Chairman of the corporation.
- The state Election Commission conducts the elections to the local government.

## Exercise

### I Choose the correct answer.

1. Which committee was appointed by the planning commission in 1985.
  - a) Balwant Rai Mehta
  - b) Ashok Mehta
  - c) G V K Rao
  - d) L M Singhvi





2. The Uthiramerur stone inscription show evidences of prevalent local self government during the \_\_\_\_\_ period in Tamil Nadu.
  - a) Chola
  - b) Chera
  - c) Pandiya
  - d) Pallava
3. The 73rd and 74th constitutional Amendment Acts, was enacted during the year in \_\_\_\_\_.
  - a) 1992
  - b) 1995
  - c) 1997
  - d) 1990
4. \_\_\_\_\_ act as the inspector of Village Panchayat.
  - a) Commissioner
  - b) District Collector
  - c) Councillors
  - d) Mayor

### II Fill in the blanks.

1. \_\_\_\_\_ is known as the 'Father of Local Governments'.
2. Restoration of \_\_\_\_\_ has become an article of faith during our freedom struggle.
3. \_\_\_\_\_ was the name of the secret ballot method exercised to elect members to the village councils during the Chola period
4. Local Government which function in villages are called \_\_\_\_\_.
5. \_\_\_\_\_ will look after the administration of the Town Panchayat.

### III. Match the following:

- |                    |                      |
|--------------------|----------------------|
| 1. Zilla Parishad  | - Villages           |
| 2. Gram Sabhas     | - Mayor              |
| 3. Ward Committees | - Chairman           |
| 4. Panchayat Union | - District Collector |
| 5. Corporation     | - Municipalities     |

### IV. Find out the correct statement

- i. Panchayat Union is formed by grouping of Districts.
- ii. District Panchayat is constituted in each village.
- iii. The Municipal Commissioner will be a person from the Indian Administration Service (IAS).
- iv. In Village Panchayat, the President and ward members are elected by the people.

### V. Answer in brief.

1. Name the taxes levied by the Village Panchayat.
2. List out the salient features of Tamil Nadu Panchayat Raj Act 1994.
3. Mention the important functions of the Village Panchayat.
4. Which are the voluntary functions of the local governments?
5. Who is the head of the District Panchayat?
6. Name the Urban local governments.

### VI. Answer in paragraph.

1. Write in details about the salient features of the 73<sup>rd</sup> & 74<sup>th</sup> Constitutional Amendment Act (1992).
2. Describe the major problems & challenges faced by the local self governments.

### VII. Activity

1. Meet your Panchayat President / Municipal Chairman and discuss with him how the local self government is being administered.



GOVERNMENT OF TAMIL NADU

# STANDARD TEN

# SOCIAL SCIENCE

## Vol- I

A publication under Free Textbook Programme of Government of Tamil Nadu

**Department of School Education**

**Untouchability is Inhuman and a Crime**



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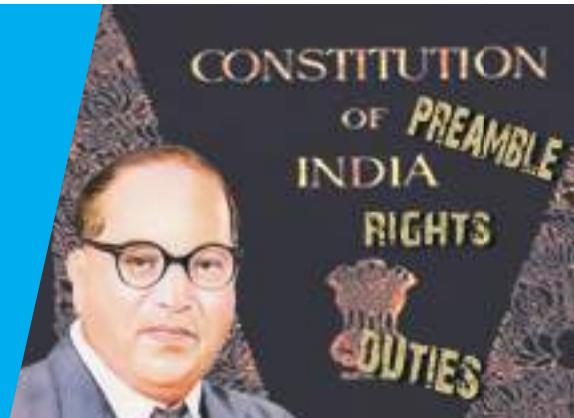


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## Unit - 1

# Indian Constitution



### Learning Objectives

- To know about the making of Indian Constitution
- To know the Salient features of Indian Constitution
- To understand the Fundamental Rights and Duties
- To know the Directive Principles of State Policy
- To understand the Centre-State relations and the Emergency Provisions



### Introduction

The Constitution is the fundamental law of a country which reflects the fundamental principles on which the government of that country is based. It is the vehicle of a Nation's progress. More particularly, it is concerned with institutional fabric and the framework of the distribution of powers between the various organs of the government and between the Union and the States. The concept of constitution was first originated in U.S.A.

### 1.1 The Need for a Constitution

All Democratic countries have a constitution that governs them. A constitution puts down certain principles that form the basis of any kind of a state that we as citizens, desire to live in. A constitution tells us the fundamental nature of our society. A country is usually made up of different communities of people who have different beliefs; it will be helpful in fulfilling the beliefs of different segments of citizens.

### 1.2 Making of Indian Constitution

The Constitution of India was framed by a Constituent Assembly setup under the Cabinet Mission Plan, 1946. The Assembly consisted of 389 members representing Provinces (292), States (93), the Chief Commissioner's provinces (3) and Baluchistan (1). The Assembly held its first meeting on December 9, 1946. Dr. Sachchidananda Sinha, the oldest member, was elected as the temporary President of the Assembly. While the work was in progress, Dr. Sahchidananda Sinha died. Dr. Rajendra Prasad was elected as the President of the Assembly. Similarly, both H.C. Mukherjee and V.T. Krishnamachari were elected as the Vice-Presidents of the Assembly. The Assembly met for 11 sessions along with 166 days of meetings. During the discussion, 2473 amendments were presented. Some of them were accepted. The Assembly worked through various committees and the draft of the Constitution was prepared by the Drafting Committee under the chairmanship of Dr. B.R. Ambedkar. He is recognised as the 'Father of the Constitution of India'.



**Dr. B.R. Ambedkar**

After the draft had been discussed by the people, the press, provincial assemblies and others, the Constitution was finally adopted on November 26, 1949, contained a Preamble, 22 parts, 395 Articles and 8 Schedules. The drafted Constitution came into force on 26<sup>th</sup> January, 1950. This day is known as the Republic Day. It is being observed every year.



Prem Behari Narain Raizada was the calligrapher of the Indian Constitution. The original constitution was handwritten by him in a flowing italic style.

### 1.3 Salient features of Indian Constitution

- It is the lengthiest of all the written constitutions of the world.
- It has borrowed most of its provisions from the constitutions of various countries.
- It is partly rigid and partly flexible.
- It establishes a federal system of government.
- It establishes the parliamentary system not only at the Centre but also in the states.
- It makes India as a secular state.
- It provides an independent judiciary.

- It introduces Universal Adult Franchise and accords the right to vote to all citizens above 18 years of age without any discrimination.
- It provides single citizenship.
- It makes special provisions for minorities, Scheduled Castes, Scheduled Tribes, etc.

### 1.4 Preamble

The term 'preamble' refers to the introduction or preface to the Constitution. It consists of the ideals, objectives and basic principles of the Constitution. It contains the summary or essence of the Constitution. It has great value and has been described as the 'key to the Constitution'. The Preamble to the Indian Constitution is based on the 'Objective Resolution', drafted by Jawaharlal Nehru, which was adopted by the Constituent Assembly on January 22, 1947. It has been amended once by the 42<sup>nd</sup> Constitutional Amendment Act of 1976, which added three new words - socialist, secular and integrity. The Preamble begins with the phrase 'We, the People of India'. This clearly implies that the Constitution derives its authority from the People of India. Thus, we can say that the people of India are the source of our Constitution. The Preamble of our Constitution states that India is a **Sovereign Socialist Secular Democratic Republic**. Its aim is to secure to all Indian citizens Social, economic and political justice. The Constitution guarantees **Liberty** of thought, expression, belief, faith and worship to all. It gives **Equality** of status and of opportunity to all. It wants to promote **Fraternity** among all Indians.



Liberty, Equality and Fraternity were the important slogans during the French Revolution in 1789. They are given importance in the Preamble of our Constitution.



## 1.5 Citizenship

The word 'Citizen' is derived from the Latin term 'Civis'. It means resident of a City State. The Constitution of India provides for a single and uniform citizenship for the whole of India. Articles 5 to 11 under part II of the Constitution deals with the citizenship.

### 1.5.1 Citizenship Act of 1955

The Citizenship Act of 1955 provides for acquisition and loss of citizenship after the commencement of the Constitution. This Act has been amended so far eight times. Originally, the Citizenship Act (1955) also provided for the commonwealth Citizenship. But, this provision was repealed by the Citizenship (Amendment) Act, 2003.

### 1.5.2 Acquisition of Citizenship

The Citizenship Act of 1955 prescribes five ways of acquiring citizenship, viz, birth, descent, registration, naturalisation and incorporation of territory:

According to the Citizenship Act, 1955, the citizenship could be acquired through any of the following methods.

1. **By Birth:** All persons born in India on or after January 26, 1950 are treated as citizens by birth.
2. **By Descent:** A person born outside India on or after January 26, 1950 shall be a citizen of India by descent, if his father is a citizen of India at the time of his birth.
3. **By Registration:** A person can acquire citizenship of India by registration with appropriate authority.
4. **By Naturalisation:** A foreigners can acquire Indian citizenship, on application for naturalization to the Government of India.
5. **By Incorporation of Territory:** In the event of a certain territory being added to the territory of India, the Government of India shall specify the persons of that territory who shall be citizen of India.

### 1.5.3 Loss of Citizenship

The Citizenship Act of 1955 prescribes three ways of losing citizenship whether acquired under the Act or prior to it under the Constitution, viz, renunciation, termination and deprivation.

1. It can be voluntarily renounced by a citizen.
2. It can be terminated if a person acquires the citizenship of some other country.
3. The central government can deprive a naturalized citizen, if it satisfied that the citizenship was acquired by fraud, false representation or concealment of material facts or indulges in trade with enemy countries or if the person has been sentenced to imprisonment for a period of 2 years.

## 1.6 Fundamental Rights

The Fundamental Rights are enshrined in Part III of the Constitution from Articles 12 to 35. In this regard, the framers of the Constitution derived inspiration from the Constitution of USA. Originally, the Constitution provided for seven Fundamental Rights. At present, there are only six Fundamental Rights. Part III of the Constitution is rightly described as the Magna Carta of India. While Fundamental Rights are available to all persons, certain Fundamental Rights are available only to Indian Citizens.



'Magna Carta' is the Charter of Rights issued by King John of England in 1215 under pressure from the barons. This is the first written document relating to the Fundamental Rights of citizens.

### Right to constitutional remedies (Articles 32)

A writ is an order or command issued by a court in writing under its seal. It is in the nature of a command or prohibition from performing certain acts that are specified in



## I. RIGHT TO EQUALITY



- Art. 14 - Equality before law.
- Art. 15 - Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
- Art. 16 - Equality of opportunity in matters of public employment.
- Art. 17 - Abolition of Untouchability.
- Art. 18 - Abolition of titles except military and academic.

## II. RIGHT TO FREEDOM



- Art. 19 - Freedom of speech and expression, assembly, association, movement, residence and profession.
- Art. 20 - Protection in respect of conviction for offences.
- Art. 21 - Protection of life and personal liberty.
- Art. 21A - Right to elementary education.
- Art. 22 - Protection against arrest and detention in certain cases.

## III. RIGHT AGAINST EXPLOITATION



- Art. 23 - Prohibition of traffic in human beings and forced labour.
- Art. 24 - Prohibition of employment of children in factories, etc.

## V. CULTURAL & EDUCATIONAL RIGHTS



- Art. 29 - Protection of language, script and culture of minorities.
- Art. 30 - Right of minorities to establish and administer educational institutions.

## IV. RIGHT TO RELIGION



- Art. 25 - Freedom of conscience and free profession, practice and propagation of religion.
- Art. 26 - Freedom to manage religious affairs.
- Art. 27 - Freedom from payment of taxes for promotion of any religion.
- Art. 28 - Freedom from attending religious instruction or worship in certain educational institutions.

## VI. RIGHT TO CONSTITUTIONAL REMEDIES



- Art. 32 - It allows individuals to seek redressal for the violation of their fundamental rights.

**Do YOU KNOW?** Right to Property (Art. 31) was deleted from the list of Fundamental Rights by the 44<sup>th</sup> Amendment Act, 1978. It is made a legal right under Article 300-A in Part XII of the Constitution.



Violation of which Fundamental right is associated with the theme depicted in the stamps?

the orders of the court. Both the Supreme Court and the High Courts are empowered to issue five kinds of writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari. That is why the Supreme Court is called the "Guardian of the Constitution". According to Dr. Ambedkar, Article 32 is "the heart and soul of the Constitution".

- (a) **Habeas Corpus:** Safeguards people from illegal arrests.
- (b) **Mandamus:** It protects the petitioner who requires legal help to get his work done by respective public authorities.
- (c) **Prohibition:** It prohibits a subordinate court from acting beyond its jurisdiction.
- (d) **Certiorari:** It quashes an order issued by a subordinate court by overstepping its jurisdiction.
- (e) **Quo Warranto:** It prevents usurpation of public office through illegal manner.

### Suspension of Fundamental Rights

When the President makes a Proclamation of Emergency under Article 352, the freedoms guaranteed under Article 19 are automatically suspended. The President can suspend other fundamental rights through specific orders. These orders must be approved by the Parliament. But he cannot suspend the freedoms given under Arts. 20 and 21 (protection in respect of conviction for offences and protection of life and personal liberty respectively) in any circumstances.

### 1.7 Directive Principles of State Policy

The Directive Principles of State Policy are enumerated in Part IV of the Constitution from Articles 36 to 51. The Constitution does not contain any classification of Directive Principles. However, on the basis of their content and direction, they can be classified into three broad categories, viz, socialistic, Gandhian and liberal-intellectual. These principles are not enforceable by the courts.



The 86<sup>th</sup> Amendment Act of 2002 changed the subject-matter of Article 45 and made elementary education a fundamental right under Article 21 A. The amended directive requires the State to provide early childhood care and education for all children until they complete the age of six years.

But they are fundamental for the governance of the country. The Government is duty bound to apply these principles while making laws. They aim at promoting the Social Welfare of the people. Dr. B.R. Ambedkar described these principles as 'novel features' of the Indian Constitution.

### Differences between Fundamental Rights and Directive Principles of State Policy

Fundamental Rights	Directive Principles of State Policy
It was derived from the Constitution of the USA.	It was drawn on the model of the Constitution of Ireland.
Even the Government cannot take away or abridge these rights.	These are mere instructions to the Government.
These are enforceable by a court of law.	These are not enforceable in any court.
These have legal sanctions.	These have moral and political sanctions.
These rights strengthen political democracy in the country.	The implementation of these principles ensures social and economic democracy.
These are natural rights.	These lead to protect human rights.



## 1.8 Fundamental Duties

The Fundamental Duties in the Indian Constitution are inspired by the Constitution of former USSR. In 1976, the Congress party set up the Sardar Swaran Singh Committee to make recommendations on fundamental duties. The 42nd Amendment Act of 1976 added some responsibilities of citizens to our Constitution called the Fundamental Duties. This amendment added a new part, namely, Part IVA to the Constitution. This new part consists of only one Article that is Article 51A which for the first time specified a code of ten fundamental duties of the citizens.

### 1.8.1 List of Fundamental Duties

Article 51A declares it to be the duty of every citizen of India.

- (a) To abide by the constitution and respect its ideals and institutions, the National Flag and the National Anthem.
- (b) To cherish and follow the noble ideals which inspired the national struggle for freedom
- (c) To uphold and protect the sovereignty, unity and integrity of India
- (d) To defend the country and render national service when called upon to do so
- (e) To promote harmony and the spirit of common brotherhood among all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women
- (f) To value and preserve the rich heritage of our composite culture
- (g) To protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures
- (h) To develop scientific temper, humanism and the spirit of inquiry and reform



- (i) To safeguard public property and to abjure violence
- (j) To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement
- (k) To provide opportunities for education to his child or ward between the age of six and fourteen years. (The 86th Constitutional Amendment Act, 2002 has also introduced the 11th Fundamental Duty under 51A(k) under which all citizens of India or parents shall provide opportunities for education to their children between age of 6 and 14 years)

## 1.9 Centre-State Relations

The Constitution of India, being federal in structure, divides all powers between the Centre and the States. The Centre-state relations can be studied under three heads:

### 1.9.1 Legislative relations

The Union Parliament has the power to legislate for the whole or any part of the territory of India, which includes not only the States but also the Union Territories or any other area for the time being, included in the territory of India. The Seventh Schedule of the Constitution embodies three lists namely, the Union List, State List and Concurrent List consisting of 97, 66 and 47 items respectively. The Parliament enjoys the exclusive power to legislate on subjects enumerated in the Union List. The State Legislature has exclusive right to



The Union List, State List and Concurrent List consisting at present 100, 61 and 52 items respectively. The 42<sup>nd</sup> Amendment Act of 1976 transferred five subjects to Concurrent List from State List, that is, education, forests, weights and measures, protection of wild animals and birds, and administration of justice; constitution and organisation of all courts excepts the Supreme Court and the high courts.



In 1969, the Tamil Nadu Government appointed a three-member committee under the chairmanship of Dr. P V Rajamannar to examine the entire question of Centre-state relations.

legislate on the State List. Both Parliament and State Legislatures have power to legislate on subjects contained in the Concurrent

List. But in case of conflict between the law of the State and the Union on a subject in the Concurrent List, the law of Parliament prevails.

### 1.9.2 Administrative relations

The Administrative power of a State extends only to its own territory and with respect to which it has legislative competence, whereas the Union has exclusive executive power over: (a) the matters with respect to which Parliament has exclusive power to make laws and (b) the exercise of its powers conferred by any treaty or agreement.

### 1.9.3 Financial relations

Article 268-293 in Part XII deal with the Financial relations between centre and the states. The Centre and States are empowered by the Constitution to impose various kinds of taxes. And certain taxes are imposed and collected by the centre and divided between centre and states based on the recommendation of the Finance Commission appointed by the President under Article 280 of the Constitution.

Late Prime Minister Indira Gandhi appointed the Sarkaria Commission in 1983 to make an enquiry into the Centre-State relations. The Central government has implemented 180 (out of 247) recommendations of the Commission. The most important is the establishment of the Inter-State Council in 1990.

## 1.10 Official Language

Part XVII of the Constitution deals with the official language in Articles 343 to 351. Its provisions are divided into four heads namely, Language of the Union, Regional languages,

Language of the judiciary and texts of laws and Special directives.

The First language committee was appointed in 1955. It submitted its report in 1956. As a follow up of the report, parliament enacted the Official Language Act, 1963. The act laid down that even after 15 year, English may continued to be used along with Hindi for all official purposes of the Union and also for transaction of business in parliament. Again through the Official Languages (Amendment) Act, 1967, it was provided that the use of English would continue indefinitely. The Constitution also permitted certain regional languages to be used for intra-state official transactions. Initially, the Constitution recognised 14 regional languages which were included in the Eighth Schedule. At present, 22 languages are recognised.

**Activity**  
List out the recognised languages in the Eighth Schedule of the Constitution?

**DO YOU KNOW?** In 2004, the Government of India decided to create new category of languages called as "classical languages". So far, the six languages are granted the classical language status namely Tamil (2004), Sanskrit (2005), Telugu (2008), Kannada (2008), Malayalam (2013) and Odia (2014).

## 1.11 Emergency Provisions

The Central Government has been vested with extraordinary powers to deal with conditions of emergency. Three types of emergencies are envisaged in the Constitution:

### 1.11.1 National Emergency (Article 352)

The President under Article 352 can declare emergency if he is satisfied that India's security is threatened due to war, external aggression or armed rebellion, or if there is an imminent danger



or threat. When a national emergency is declared on the ground of war or external aggression it is known as external emergency. On the other hand, when it is declared on the ground of armed rebellion it is known as internal emergency. This type of emergency has been declared three times so far: in 1962, 1971 and 1975.

### 1.11.2 State emergency (Article 356)

Under Article 356, the President can declare an emergency in a state if the Governor reports that a situation has arisen under which the government of a State cannot be carried on in accordance with the provisions of the Constitution. The continuance of such an emergency beyond one year is possible only if emergency under Art. 352 are in operation or the Election Commission certifies that there are difficulties in holding Assembly elections. Maximum duration of the emergency can be three years. In this kind of emergency, the States lose much of their autonomy in legislative and executive matters. After such an announcement state legislature is suspended and the State is governed by the Governor on behalf of the President. For the first time, the President's Rule was imposed in Punjab in 1951.

### 1.11.3 Financial emergency (Article 360)

Article 360 authorises the President to declare financial emergency if he is satisfied that the financial stability or credit of India or of any of its parts is in danger. In this type of emergency, salaries and allowances of any class of persons serving State or Union, including judges of the Supreme Court and High Court can be reduced by an order of the President. This type of emergency has not been declared in India so far.

## 1.12 Amendment of the Constitution

The term amendment denotes change, improvement and modification. Usually this term is associated with one or more changes

made in the Constitution of a country. Article 368 of the Constitution in Part XX, deals with the powers of Parliament to amend the Constitution and its procedure.

### 1.12.1 Procedure of Amendment

An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the 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 of that House 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. The constitution amendment can be brought about only by the Parliament. State legislatures cannot initiate for any amendment to the Constitution.

### 1.12.2 Types of Amendments

Article 368 provides for three ways of amendments, that is, by a special majority of Parliament and also through the ratification of half of the states by a simple majority. But, some other articles provide for the amendment of certain provisions of the Constitution by a simple majority of Parliament, that is, a majority of the members of each House present and voting (similar to the ordinary legislative process). Notably, these amendments are not deemed to be amendments of the Constitution for the purposes of Article 368. Therefore, the Constitution can be amended in three ways:

1. Amendment by simple majority of the Parliament
2. Amendment by special majority of the Parliament
3. Amendment by special majority of the Parliament and the ratification of half of the state legislatures.



42<sup>nd</sup> amendment of the Constitution is known as the mini Constitution.



## 1.13 Constitutional Reform Commissions

The National Commission to Review the Working of the Constitution was set up by a resolution of the Government of India in 2000 headed by M.N.Venkatachaliah. In April 2007,

a three member commission headed by the former Chief Justice of India M.M.Punchchi was set up by the then Government to take a fresh look at relative roles and responsibilities of various levels of Government and their inter-relations.

### Recap

- The Constitution of India was framed by a Constituent Assembly set up under the Cabinet Mission Plan, 1946.
- The Preamble of our Constitution states that India is a **Sovereign Socialist Secular Democratic Republic**.
- The word 'Citizen' is derived from the Latin term 'Civis'. It means resident of a City State.
- According to Dr. Ambedkar, Article 32 is "the heart and soul of the whole Constitution".
- The Fundamental Duties in the Indian Constitution are inspired by the Constitution of former USSR.
- In 2004, the Government of India decided to create new category of languages called as "classical languages".
- Article 368 of the Constitution in Part XX, deals with the powers of Parliament to amend the Constitution and its procedure.

### A-Z GLOSSARY

Preamble	the introduction to the constitution of India	முகப்புரை
Secular state	A state which protects all religions equally	சமயச் சார்பற்ற அரசு
Discrimination	unfair treatment of a person or group	பாகுபாடு
Writ	written command of court	நீதிப்பேராணை
Sovereignty	supreme power or authority	இறையாண்மை
Heritage	something handed down from one's ancestors	பாரம்பரியம்
Autonomy	independence in one's thoughts or actions	தன்னாட்சி
Imminent	coming up	உடனடி
Proclamation	an announcement	பிரகடனம்



### EVALUATION

#### I Choose the Correct Answer.

1. Which of the following sequences in right regarding the Preamble?



- (a) Republic, democratic, secular, socialist, sovereign
- (b) Sovereign, socialist, secular, republic, democratic
- (c) Sovereign, republic, secular, socialist, democratic
- (d) Sovereign, socialist, secular, democratic, republic





14. Which of the following committees/commissions made recommendations about the Centre-State Relations?
- Sarkaria Commission
  - Rajamannar Committee
  - M.N.Venkatachaliah Commission
- Select the correct answer from the codes given below
- |              |           |
|--------------|-----------|
| (a) 1, 2 & 3 | (b) 1 & 2 |
| (c) 1 & 3    | (d) 2 & 3 |

## II Fill in the Blanks.

- The concept of constitution first originated in \_\_\_\_\_.
- \_\_\_\_\_ was elected as the temporary President of the Constituent Assembly.
- The Constitution of India was adopted on \_\_\_\_\_.
- \_\_\_\_\_ writs are mentioned in Article 32.
- Fundamental duties have been given to the citizen of India under Article \_\_\_\_\_.

## III Match the Following.

- |                          |                    |
|--------------------------|--------------------|
| 1. Citizenship Act       | - Jawaharlal Nehru |
| 2. The Preamble          | - 42nd Amendment   |
| 3. The mini Constitution | - 1955             |
| 4. Classical language    | - 1962             |
| 5. National Emergency    | - Tamil            |

## IV Give short Answers.

- What is a Constitution?
- What is meant by citizenship?
- How many types of fundamental rights are listed by the Indian Constitution? T
- What is a Writ?

- What are the classical languages in India?
- What is national emergency?
- List out the three heads of the relations between the Centre and the States.

## V Answer in Detail.

- Explain the salient features of the Constitution of India.
- Point out the Fundamental Rights.
- Write briefly on the Right to Constitutional Remedies.
- Mention the differences between Fundamental Rights and Directive Principles of State Policy.

## VI Project and activity.

- Collect information about the various members of the Constituent Assembly and their social background.
- Collect the pictures of the Members of the Drafting Committee and their social background.

## VII Life Skill.

- Prepare a chart containing the Rights and Duties of citizens and display it in your class room.



## REFERENCE BOOKS

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- PM Bakshi - The Constitution of India, Universal Law Publishing - an imprint of LexisNexis, 2018.



## INTERNET RESOURCES

- <https://www.india.org/>
- <https://www.constitution.org/cons/india/p03.html>



## Unit - 2

# Central Government



### Learning Objectives

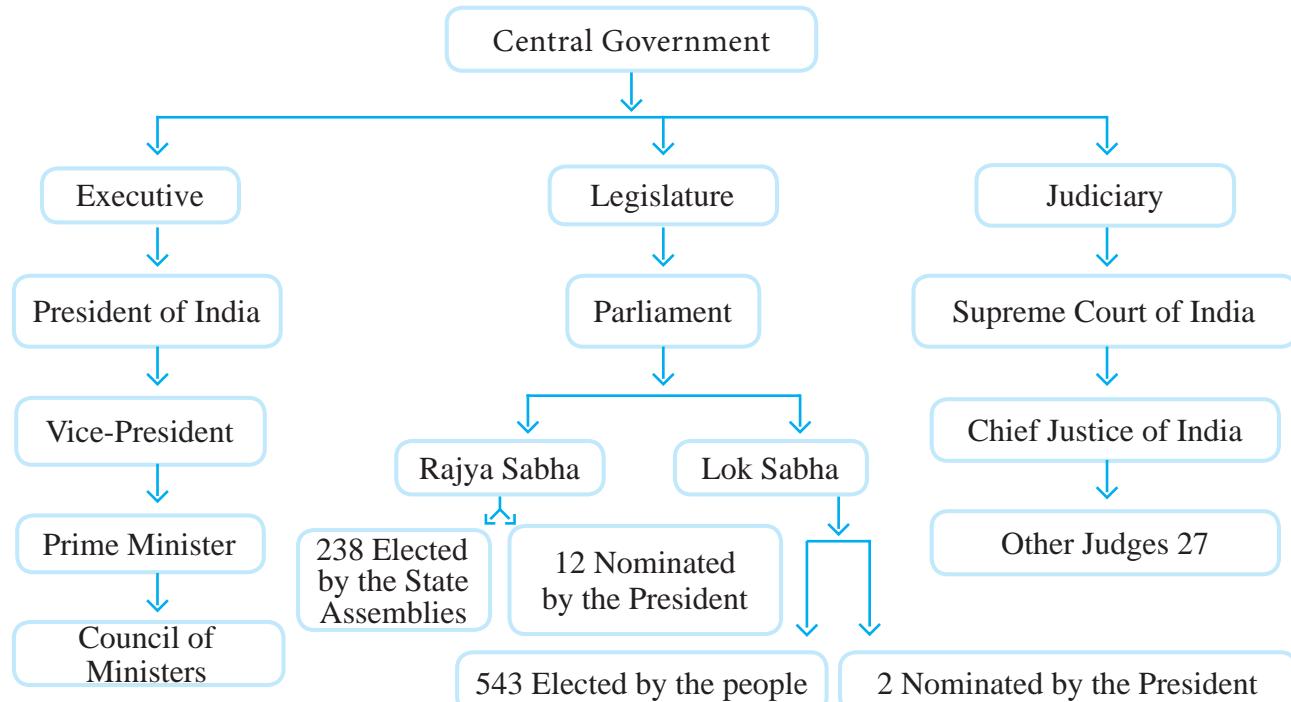
- To know the powers of the President and Vice President
- To Know the about the Prime Minister and Council of Ministers
- To understand the Lok Sabha and Rajya Sabha
- To know about Supreme Court



### Introduction

The Central Government is the supreme government in our country. The head quarter of the Central Government is at New Delhi. Articles 52 to 78 in part V of Indian Constitution deals with the Union Executive. Our Constitution provides for a democratic form of government. The makers of the

Indian constitution, by giving due recognition to the vastness and plural character of our nation, have provided a federal arrangement for her governance. The Central Government consists of three organs, namely, Union Executive, Legislature and Judiciary. The Union Executive consists of the President of India, the Vice-President, and the Council of Ministers headed by the Prime Minister, and





the Attorney General of India. The Legislature is known as the Parliament. It consists of two houses, namely the Rajya Sabha and the Lok Sabha. The Union Judiciary consists of the Supreme Court of India.

## 2.1 The President of India

In the scheme of parliamentary system of government provided by the constitution, the President is the nominal executive authority. The chief executive of the Indian union is the President. He is designated as the First citizen of India. He is the supreme commander of the armed forces. The President is also the Constitutional head of the Union Executive. He is also responsible for constituting the judiciary. According to Article 53 of the constitution, the executive power of the Union shall be vested in the President which shall be exercised by him directly or through officers subordinate to him in accordance with Constitution.



DR. RAJENDRA PRASAD  
(First President of India)

**DO YOU KNOW?** It is a well known fact that the President of India resides at Rashtrapati Bhavan in New Delhi. The residence and the office of the President are located in the same building. However he has two other office cum residences where he conducts office at least once a year. They are 'The Retreat Building' at Shimla and the 'Rashtrapati Nilayam' at Hyderabad. These locations one in North and other one is South symbolise the unity of the country and unity of the diverse culture of the people.

### 2.1.1 Qualification for the election as President

The constitution lays down qualifications for a Presidential candidate.

- He should be a citizen of India.
- He must have completed the age of thirty-five years.
- He must not hold any office of profit under the Union, State or local Government.
- He should have the other qualifications required to become a member of the Lok Sabha.
- His or her name should be proposed by at least ten electors and seconded by another ten electors of the Electoral College which elects the President.

The President cannot be a Member of Parliament or of a State Legislature; if he is a member of any legislature, his seat will be deemed to have been vacated on the date he / she assumes the office of President.

### 2.1.2 Election of the President

The President is elected by an electoral college in accordance with the system of proportional representation by means of single transferable vote. The Electoral College consists of the elected members of both houses of Parliament and the elected members of the states and elected members of National Capital Territory of Delhi and Puducherry. Once elected as the President has to take an oath of office before the Chief Justice of India. The President is elected for a term of five years and can be re-elected.

### 2.1.3 Powers of the President

The powers and functions of the President of India can be broadly classified under the following categories.

#### Executive Powers

The constitution vests in the President of India all the executive powers of the Central Government. Article 77 requires that every



### List of Presidents of India

1. Thiru. Rajendra Prasad	1950 to 1962
2. Thiru. Sarvepalli Radhakrishnan	1962 to 1967
3. Thiru. Zakir Hussain	1967 to 1969
4. Thiru. V.V Giri	1969 to 1974
5. Thiru. Fakhruddin Ali Ahmed	1974 to 1977
6. Thiru. Neelam Sanjiva Reddy	1977 to 1982
7. Thiru. Giani Zail Singh	1982 to 1987
8. Thiru. R Venkataraman	1987 to 1992
9. Thiru. Shankar Dayal Sharma	1992 to 1997
10. Thiru. K R Narayanan	1997 to 2002
11. Thiru. APJ Abdul Kalam	2002 to 2007
12. Tmt. Pratibha Patil	2007 to 2012
13. Thiru. Pranab Mukherjee	2012 to 2017
14. Thiru. Ram Nath Kovind	2017 to till now

executive action of the Union shall be taken in the name of the President. So he has to make many appointments to key-offices to run the administration.

He appoints the Prime Minister and the other members of the Council of Ministers, distributing portfolios to them on the advice of the Prime Minister. He is responsible for making a wide variety of appointments. These include the appointment of Governors of States, the Chief Justice and other Judges of the Supreme Court and high Courts, the Attorney General, the Comptroller and Auditor General, the Chief Election Commissioner and other Election Commissioners the Chairman and other Members of the Union Public Service Commission Ambassadors and High Commissioners to other countries.

He appoints a commission to investigate into the conditions of SCs, STs and other backward classes. He is the supreme commander of the defense forces of India, in this capacity the President can appoint Army, Navy, and Air Chiefs.

### Legislative Powers

The President is an integral part of the Union Parliament. He inaugurates the session of the Parliament by addressing it after the

general election and also at the beginning of the first session each year. This address is essentially identical in nature to a Speech from the Throne. The President summons Parliament at least twice in a year.

He may send messages to either House of the Parliament with respect to a bill pending in the House. All bills passed by the Parliament become "Laws of Acts" only after getting assent of the President. Money bills cannot be introduced in the Parliament without his approval. President terminates the sessions of both or any of the Houses of Parliament. He can even dissolve the Lok Sabha before the expiry of the term of the House.

He nominates 12 persons who are eminent in literature, science, sports, art and social service to the Rajya Sabha. He can also nominate two persons belonging to Anglo-Indian Community to the Lok Sabha, if in his opinion, that community is inadequately represented in the House.

### Financial Power

Money bill can be introduced in the Parliament only with his prior recommendation. Annual Budget of the Central Government is presented before the Lok Sabha by the Union Finance Minister only with the permission of the President. He causes to be laid before the Parliament the annual financial statement (the Union Budget). The Constitution of India places the Contingency Fund of India is at the disposal of the President. No demand for a grant can be made except on his recommendation. He can make advances out of the contingency fund of India to meet any unexpected expenditure. He constitutes a finance commission after every five years or on the demand of the states to recommend the distribution of revenues between the Centre and the States.

### Judicial Powers

Article 72 confers on the President power to grant pardons, reprieves, respites or



remissions of punishment, or to commute the sentence of any person convicted of an offence. In all cases where the punishment or sentence is by a court martial; in all cases where the punishment or sentence is for an offence against a Union law; and in all cases where the sentence is a sentence of death. The President is not answerable to any court of law for exercise of his/her power (however He can be subjected to impeachment by the Parliament).

### Military Powers

Article 53(2) lays down that “the supreme command of the Defence Force of the Union shall be vested in the President and the exercise thereof shall be regulated by law”. The President is thus declared to be the Supreme Commander of the defence Force of the country. In the exercise of this power, it is the President, who can declare war against a country and make peace.

### Diplomatic Powers

The President appoints Indian diplomats to other countries and receives foreign diplomats posted to India. The ambassador designate becomes ambassador after calling on the President and presenting his credentials. All treaties and agreements with foreign States are entered into, in the name of the President.

### Emergency Powers

- The President has been empowered by the Constitution to proclaim Emergency. They are follows: Article 352 confers power on the President to make a proclamation of Emergency on the grounds of war, external aggression, or armed rebellion. This is known as National Emergency.
- Article 356 confers power on the President to make a proclamation of State Emergency by declaring that the Government in a State cannot be run on in accordance of the provisions of the Constitution.

- Under Article 360, the President is vested with the power to proclaim Financial Emergency, if he is satisfied that the financial stability or, the credit of India or any part of India is threatened, by any reason.



Kerala and Punjab are the States where the President's Rule was imposed for maximum number of times i.e., nine times in both States.

### 2.1.4 Removal of the President

The President shall hold office for a term of five years from the date on which He enters the office. The President may by writing under his hand addressed to the Vice-President, resign his office. The President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in Article 61; The Impeachment action can be brought about in the form of resolution in either house of the Parliament. It must be supported by not less than One-Fourth of the total strength of the House for its introduction. The President shall, in spite of the conclusion of his term, continue to hold office until his successor enters upon his office.

### 2.1.5 Privileges of the President

According to Article 361(1) the President, or the Governor of a state, shall not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties.

## 2.2 Vice-President

The vice-President occupies the second highest office in the country. He is accorded a rank next to the President in the official warrant of precedence. This office is



modeled on the lines of the American Vice-President. Article 63 of the constitution provides for a Vice President of India. This office has been created to maintain the political continuity of the state.



DR. RADHA KRISHNAN  
(First Vice President of India)

### 2.2.1 Qualification for the election as Vice President

The constitution lays down qualifications for a Vice Presidential candidate.

- He should be a citizen of India.
- He must have completed the age of thirty-five years.
- He must not hold any office of profit under the Union, State or local Government.
- He should have the other qualifications required to become a member of the Rajya Sabha.

### 2.2.2 Election and term of the Vice-President

Article 66(1) the Vice-President, like the president, is elected not directly by the people but the method of indirect election. He is elected by the members of an electoral college consisting of the member of both Houses of Parliament. The term of office of the Vice President is five years. His office may terminate earlier than the fixed term either by resignation, death or by removal. He is eligible for re-election. The Constitution does not provide a mechanism of succession to the office of the Vice – President. Under such circumstances, election to the Vice President shall be held early as possible. Till then deputy chairman of the Rajya sabha can perform the duties of the chairman of the Rajya sabha.



### 2.2.3 Removal of the Vice President

The Vice President may be removed from his office by a resolution of the Council of States passed by a majority of all the then members of the council and agreed to by the House of the People. 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.

### 2.2.4 Functions of the Vice President

The Vice-President is Ex-Officio Chairman of the Rajya Sabha. As the Chairman of the House, he carries out several functions.

- He regulates the proceeding of the House.
- He decides the order of the House.
- He decides the admissibility of a resolution or questions.
- He suspends or adjourns the House in case of a grave disorder.
- He issues directions to various committees on matters relating to their functions.

#### Casting Vote

 According to Article (100) of the Constitution, the vice-president can\only cast his vote when there is a tie over the Bill in the Rajya Sabha. It means that there is need for one vote only to pass the Bill. So vice-president using his discretion power cast his vote in favor or against the Bill. No members have any right to oppose his decision.

- When the President is unable to discharge his duties due to illness or absence from the country, he attends to the functions of the President. When the President is unable to do so due to sickness or when the post of President becomes vacant due to resignation, death, or removal by impeachment etc. the Vice-President can act as the President for a maximum period of six months.



If the posts of President and Vice-President lie vacant, Chief Justice of India works as President. This situation happened in 1969 when Chief Justice M. Hidayutalla was appointed as President of India.

## 2.3 Prime Minister

Article 74 (1) says: There shall be a council of ministers with the Prime Minister as the head to aid and advise the President. He may direct the council to reconsider their advice, but is bound by the advice given after reconsideration. The post of Prime Minister of India has adopted the Westminster (England) model of constitutional democracy.



JAWAHARLAL NEHRU  
(First Prime Minister of India)

The leader of the majority party in Lok Sabha is appointed by the President as the Prime Minister. The other ministers are appointed

### List of Prime Ministers of India

1. Thiru. Jawaharlal Nehru	1947–64
2. Thiru. Lal Bahadur Shastri	1964–66
3. Tmt. Indira Gandhi	1966–77
4. Thiru. Morarji Desai	1977–79
5. Thiru. Charan Singh	1979–80
6. Tmt. Indira Gandhi	1980–84
7. Thiru. Rajiv Gandhi	1984–89
8. Thiru. V.P. Singh	1989–90
9. Thiru. Chandra Shekhar	1990–91
10. Thiru. P.V. Narasimha Rao	1991–96
11. Thiru. Atal Bihari Vajpayee	May 1996
12. Thiru. D. Deve Gowda	1996–97
13. Thiru. I.K. Gujral	1997–98
14. Thiru. Atal Bihari Vajpayee	1998–2004
15. Thiru. Manmohan Singh	2004–14
16. Thiru. Narendra Modi	2014–till now

by the President on the advice of the Prime Minister. If no party commands absolute majority in the Lok Sabha, the President can summon the leader of any party who, in his opinion, can manage to form a ministry. The President administers to the ministers the oath of office and of secrecy. The salaries and allowances of the Prime Minister and the ministers are determined by the Parliament. A person who is not a member of the Parliament can be appointed as a minister but he has to get himself elected to the Parliament within six months. Ministers are individually as well as collectively responsible to the Lok Sabha.

### 2.3.1 Duties and functions of Prime Minister

Article 78 mentioned the duties of the Prime Minister:

- The Prime Minister decides the rank of his ministers and distributes various departments.
- The Prime Minister decides the dates and the agenda of the meeting of the Cabinet which he presides.
- The Prime Minister is the Head of the Cabinet and the other ministers are his colleagues.
- The Prime Minister informally consults two or three of his senior colleagues when he does not convene a Cabinet meeting.
- The Prime Minister supervises the work of various ministers.
- To converse to the President all decisions of the Council of Ministers connecting to the government of the affairs of the Union and proposals for legislation.
- The Prime Minister act as the link between the President and the Council of Ministers.
- The Prime Minister is the leader of the nation and chief spokesperson of the country.
- As the leader of the nation, the Prime Minister represents our nation at all



international conferences like the commonwealth, summit of the non aligned nations and SAARC nations.

### 2.3.2 Council of Ministers

After the elections, the President of India, on the advice of the Prime Minister, appoints the council of ministers. Sometimes a non - member of the Parliament too may be appointed. However, he must get elected to either of the Houses of the Parliament within a period of six months. The Constitution of India restricts the number of the Council of Ministers including the Prime Minister to fifteen per cent of the total members of the Lok Sabha.

### Categories of the Ministers

The ministers are classified under three ranks

- (i) Cabinet Ministers
- (ii) Ministers of State
- (iii) Deputy Ministers.

### Cabinet Ministers

The Cabinet is an informal body of senior ministers who form the nucleus of administration. Important decisions of the government are taken by the Cabinet, such as defense, finance, external affairs and home. The Cabinet recommends to the President to promulgate an ordinance. It is instrumental in moving Amendments to the Constitution. The Finance bills have their origin in the Cabinet and then they are introduced in the Lok Sabha with the Presidents recommendations. The Cabinet decides the foreign policy of the Government approves international treaties and plays a significant role in the appointment of Ambassadors to various countries.

### Ministers of State

These ministers belong to the second category of ministers in the council. They are also in charge of ministries or departments

but they do not participate in the meetings of the cabinet unless invited to do so.

### Deputy Ministers

They are the lowest ranked ministers in the cabinet. They assist either the Ministers of Cabinet or State in the performance of the duties entrusted to them.

## 2.4 Parliament of India

The parliament is the legislative organ of the Union government. Article 79 to 122 in part V of the constitution deal with the organization, composition, duration, officers, procedures, privileges, powers and so on of the Parliament. The Parliament of India consists of three parts they are the President, Rajya Sabha (the council of States) and Lok Sabha (the House of the People). The Rajya Sabha is the Upper House and the Lok Sabha is the Lower House it is termed as bicameral legislature.



Parliament

### 2.4.1 Rajya Sabha

The council of State or Rajya Sabha consists of 250 members out of whom 238 represent the states and the Union Territories, elected by the method of indirect election.

The 12 nominated members shall be chosen by the President from amongst persons having 'special knowledge or practical experience in the field of literature, science, sports, art and social service.

### Qualification of the Members

A person seeking membership of Rajya Sabha must possess the following qualifications.



- He should be a citizen of India.
- He should not be less than 30 years of age.
- He should not hold any office of profit under any Government.
- He should be a person with sound mind and monetarily solvent.
- He should have such other qualification as may be approved by the Parliament for that reason from time to time.
- He should not be the member of Lok Sabha or any other legislature.

### Term of House

The Rajya Sabha is a permanent house and it cannot be dissolved. The members of the Rajya Sabha are elected for a term of six years. One third of the members of Rajya Sabha retire every two years, and new members are elected to fill the seats thus vacated. The Vice President of India is the Ex-officio Chairperson of the Rajya Sabha. The Deputy Chairperson of the Rajya Sabha is elected by the members of the Rajya Sabha.

### Election

Members of Rajya Sabha are elected by the elected members of the 'State Legislative Assemblies' in accordance with the system of proportional representation by means of the single transferable vote. This process of election is called "indirect election" as they are not elected by the people directly.

### Functions of the Rajya Sabha

- Any bill (except the money bills) needs to be approved by Rajya Sabha to get passed. If the bill gets stuck for more than six months then President calls for a joint session of both the houses to resolve the deadlock.
- It has the same power as Lok Sabha, for passing any bill for constitutional amendment.
- The members of Rajya Sabha have the electoral power for selection of President, Vice President. Together with the members of Lok Sabha and all the State

Legislative Assemblies they elect the President and Vice President.

- It has power in the impeachment procedure of president and judges of supreme court and high court.
- Rajya Sabha has the power to make a state list subject into National Importance. If two third majority of the members of Rajya Sabha passes a resolution to support it. Rajya Sabha can also create or abolish an All India Service. If majority of members (2/3 of Total Members) supports it.

### 4.4.2 Lok Sabha

The Lok Sabha is the popular house of the Indian Parliament and contains elected representatives of the people. Maximum number of members can be elected for Lok Sabha is 552. The Lok Sabha as of today has 543 elected members. Out of these, 530 members are elected from different states and 13 members from the Union Territories. The President generally nominates two members belonging to the Anglo-Indian community. At present, the Lok Sabha consists of 545 members.

### Qualification of the Members

- He should be a citizen of India.
- He should not be less than 25 years of age.
- He should have his name in electoral rolls in some part of the country.



#### Money Bill

Rajya Sabha does not have any power to amend or reject the Money bill. Lok Sabha can only introduce Money bill and once it is approved by the Lok Sabha, it is passed to Rajya Sabha for its approval. If Rajya Sabha fails to pass it within 14 days then the bill gets passed without the approval of Rajya Sabha. Also, Lok Sabha does not need to consider the amendments proposed by the Rajya Sabha. Lok Sabha can reject all the proposals and pass it.



- He should not hold any office of profit under the Union or State Government.
- He should be mentally sound and economically solvent.

### The term of the House

Generally the Lok Sabha enjoys a term of five years from the date of its first session. It can be dissolved by the President before the expiry of its term on the advice of the Prime Minister. The emergency provisions of the Constitution enable the President to prorogue or dissolve the Lok Sabha either on the advice of the Prime Minister or on being convinced that no party or no alliance of parties enjoys necessary majority support in the House.

### Election

The members of the Lok Sabha are directly elected by the people of the constituencies created on the basis of population. The Election Commission of India arranges, supervises and conducts elections to the Lok Sabha. For sake of elections to Lok Sabha the entire nation is divided into number of constituencies which are formed more or less on the basis of the population.

“Universal Adult Franchise” is followed while electing the members of the Lok Sabha. All Indian Citizens above 18 years of age who are registered as voters will vote for their representatives.



Universal Adult Franchise

### Functions of the Lok Sabha

- Any bill can be introduced and passed in the Lok Sabha (Including Money Bill).

- It has the same power as Rajya Sabha to participate in case of impeachment of president and the judges of Supreme Court.
- It has equal power as Rajya Sabha in passing any bill for constitutional amendment.
- Lok Sabha members have the power to elect the president, vice president.
- Motion of no confidence can only be introduced in Lok Sabha. If it is passed then the prime minister and other council of ministers need to resign from their post.



Elected members of the Parliament from Tamil Nadu.

■ Rajya Sabha – 18 members

■ Lok Sabha – 39 members

### 2.4.3 The Speaker

The Lok Sabha is presided over by the ‘speaker’ who is elected by its members. The office of the Speaker occupies an essential position in our Parliamentary democracy. The Speaker continues to be in the office even in the houses dissolved, till a new Speaker is elected by the new Lok Sabha. The Speaker presides over a joint sitting of the two Houses of Parliament. He has the power to decide whether a Bill is Money Bill or an ordinary one. The decision of the Speaker on whether a Bill is Money Bill is final. Under the anti defection of 1985, the speaker is empowered to decide whether a member of the Lok Sabha is disqualified or not on the basis of the 10th schedule of the constitution. While the office of speaker is vacant or the speaker is absent from the sitting of the house, the deputy speaker presides, except when a resolution for his own removal is under consideration.



#### Parliament Session

Budget Session from February to May

Monsoon Session from July to September

Winter Session from November to December



#### 2.4.4 Powers and Functions of the Parliament

- The Parliament of India has the functions of Legislation, overseeing of administration, passing of Budget, ventilation of public grievances, discussion of various subjects like development plans, international relations and internal policies.
- Parliament is also vested with powers to impeach the President and to remove Judges of the Supreme Court and High Courts, Chief Election Commissioner and Comptroller and Auditor-General of India in accordance with the procedure laid down in the Constitution.
- The Parliament exercises control over the executive through asking questions and supplementary questions, moving motions of adjournment, discussing and passing resolutions, discussing and pushing censure motion or vote of no-confidence.
- The Parliament has the power to change the boundaries of the States.

#### 2.5 Attorney General of India

The Constitution (Article 76) has provided for office of the Attorney General for India. He is the highest law officer in the country. He is appointed by the President. He must be a person who is qualified to be appointed the Judge of the Supreme Court. In other words, he must be a citizen of India and he must have been a judge of some High Court for five years or an advocate of some High Court for 10 years or eminent jurist, in the opinion of the President. He holds office during the pleasure of the President. This means that he may be removed by the President at any time. He may also quit his office by submitting his resignation to the President.

##### 5.1 Duties and Functions of Attorney General of India

To give advice to the Government of India upon such legal matters which are referred to him by the President. To perform

such other duties of a legal character that are assigned to him by the President and discharge the functions conferred on him by the constitution are any other law. In the performance of his official duties, Attorney General of India has the right of audience in all courts in the territory of India. Further he has the right to speak and to take part in the proceedings of both Houses of the Parliament or their joint sitting and any committee of the Parliament of which he may be named a member, but without a right to vote. He enjoys all the privileges and immunities that are available to a member of Parliament.

#### 2.6 Judiciary

Judiciary is the third organ of the government. It plays a vital role in protecting the rights and freedom of the citizens. It also plays an important role in analyzing and interpreting the provisions of laws and the Constitution.

##### Supreme Court

The "Supreme Court is the Guardian of the Constitution". Our constitution provides for the establishment of an independent and integrated judiciary with 'supreme court' as the uppermost court in the country. Our judiciary is autonomous of the Legislative and Executive wing of the Union and State Government. An integrated judiciary means a single judicial hierarchy for the whole country. The judiciary plays an important role in defensive the rights and freedom of the citizens. It plays an important role in analyzing and interpreting the necessities of laws and the constitution.



The Supreme Court of India, New Delhi was inaugurated on January 28, 1950. It succeeded the Federal Court of India, established under the Government of India Act of 1935.



Supreme Court

### 2.6.1 Composition of the Supreme Court

At the commencement of the constitution in 1950 our supreme court consisted of 8 judges including the chief justice. At present, the Supreme Court consists of 28 judges including the chief justice.

### 2.6.2 Appointment of Judges

The Chief Justice of Supreme Court in India is appointed by the President of India. The other judges are appointed by the President in consultation with the collegiums with Chief Justice Head.

### 2.6.3 Qualification of Supreme Court Judges

- He must be a citizen of India.
- He should have worked as a Judge of a High Court for at least 5 years.
- He should have worked as an advocate of High Court for at least 10 years.
- He is in the opinion of the President, a distinguished Jurist.

The constitution also provides for the appointment of judges to the Supreme Court on an ad-hoc (temporary) basis. The Chief Justice and other judges of the Supreme Court hold the office up to the age of 65 years. The judges of the Supreme Court can resign before their term by giving their resignation in writing to the President. The Parliament also has power to remove the Judges by invoking impeachment provisions. The Supreme Court has its permanent seat

in "New Delhi". It may also sit any other place in India which may be decided by the Chief Justice of India with the approval of the President of India.

### 2.6.4 Powers and Functions of the Supreme Court

#### (a) Judicial Functions

The "Supreme Court is the Guardian of the Constitution". The followings are the functions of the Supreme Court.

#### (b) Original Jurisdiction

The cases which are brought directly in the first instance to the Supreme Court come under original jurisdiction. These may be (i) dispute between the Government of India and one or more States of (ii) Dispute between two or more states (iii) the cases involving fundamental rights (dispute over the enforcement) come under the jurisdiction of the Supreme Court. The writs issued by the Supreme Court for the enforcement of the fundamental rights are, (a) Habeas Corpus (b) Mandamus (c) Prohibition (d) Certiorari (e) Quo Warranto.

#### (c) Appellate Jurisdiction

The Supreme Court is the final appellate court in the country. As regard the Appellate jurisdiction, the Supreme Court hears appeals against the decisions of High Court in "civil, criminal and Constitutional" cases with a certificate from the High Court that it is fit to appeal in the Supreme Court. Such a case can be brought before the Supreme Court only if the High Court certifies that the case invites a substantial of law as to the interpretation of the Constitution.

#### (d) Advisory Jurisdiction

The Constitution confers on the President the power to refer to the Supreme Court any question of law or fact which in his opinion is of public importance.



## (e) Miscellaneous Jurisdiction

The Supreme Court is

- The law declared by Supreme Court is binding on all courts within the territory of India.
- The Supreme Court is authorized to make rules for regulating, generally the practice and procedure of the court with the approval of the President.
- The Supreme Court has complete control over its own establishment.

## (f) Judicial Review

The power of the judiciary to declare a law as unconstitutional is known as "Judicial Review". The Supreme Court enjoys this power. The Supreme Court of India has Individual Review Power with regard to

- 1) Dispute between the Centre and the States
- 2) To interpret and clarify a provision of the constitution about which there are some doubts and differences of opinion.
- 3) Protecting the fundamental rights,
- 4) Those laws passed by the legislatures which are not in accordance with the Constitution.

### Recap

- The Central Government consists of three organs, namely, Union Executive, Legislature and Judiciary.
- President appoints the Prime Minister and the other members of the Council of Ministers.
- The Parliament of India consists of three parts they are the President, Rajya Sabha and Lok Sabha.
- The Attorney General for the India is the highest law officer in the country. He is appointed by the President of India.
- The "Supreme Court is the Guardian of the Constitution".
- The Chief Justice of Supreme Court in India is appointed by the President of India.'

### A-Z GLOSSARY

Terminate	bring to an untimely end.	முடிவுக்கு கொண்டு வருதல்
Contingency fund	an amount of money that can be used to pay for problems that might happen.	எதிர்பாரா செலவு நிதி
Pardon	Absolving the convict of all guilt and punishment.	பொதுமன்றிப்பு
Remission	Quantitative reduction of punishment without affecting Nature of punishment.	தண்டனை குறைப்பு
Precedence	priority of importance.	முன்னுரிமை
Ex-officio	because of an office.	பதவியின் நிமித்தமாக



### EVALUATION

#### I. Choose the correct answer

1. The Constitutional Head of the Union is
  - a) The President

- b) The Chief Justice
- c) The Prime Minister
- d) Council of Ministers



TXEVL2



2. Who is the real executive in a parliamentary type of government?
  - a) Army
  - b) The Prime Minister
  - c) The President
  - d) Judiciary
3. Who among the following decides whether a Bill is a Money Bill or not?
  - a) The President
  - b) Attorney General
  - c) Parliamentary Affairs Minister
  - d) Speaker of Lok Sabha
4. The Council of Ministers is collectively responsible to the:
  - a) The President
  - b) Lok Sabha
  - c) The Prime Minister
  - d) Rajya Sabha
5. The Joint sittings of Indian Parliament for transacting legislative business are presided over by?
  - a) Senior most member of Parliament
  - b) Speaker of the Lok Sabha
  - c) The President of India
  - d) The Chairman of the Rajya Sabha
6. What is minimum age laid down for a candidate to seek election to the Lok Sabha?

a) 18 years	b) 21 years
c) 25 years	d) 30 years
7. The authority to alter the boundaries of state in India rest with?
  - a) The President
  - b) The Prime Minister
  - c) State Government
  - d) Parliament
8. Under which Article the President is vested with the power to proclaim Financial Emergency
  - a) Article 352
  - b) Article 360
  - c) Article 356
  - d) Article 365
9. The Chief Justice and other Judges of the Supreme court are appointed by:
  - a) The President
  - b) The Attorney General
  - c) The Governor
  - d) The Prime Minister
10. Dispute between States of India comes to the Supreme Court under:
  - a) Appellate Jurisdiction
  - b) Original Jurisdiction
  - c) Advisory Jurisdiction
  - d) None of these
11. If you are elected as the President of India, which of the following decision can you take on your own?
  - a) Nominate the leaders of your choice to the council of minister
  - b) Ask for reconsideration of a bill passed by both the Houses
  - c) Select the person you like as Prime Minister
  - d) Dismiss a Prime Minister who has a majority in the Lok Sabha

## II. Fill in the blanks

1. \_\_\_\_\_ Bill cannot be introduced in the Parliament without President's approval.
2. \_\_\_\_\_ is the leader of the nation and chief spokesperson of the country.
3. \_\_\_\_\_ is the Ex-officio Chairperson of the Rajya Sabha.
4. The President generally nominates two members belonging to the \_\_\_\_\_ community to the Lok Sabha.
5. \_\_\_\_\_ has the right to speak and to take part in the proceedings of both Houses of the Parliament.
6. The Chief Justice and other judges of the Supreme Court hold the office up to the age of \_\_\_\_\_ years.
7. \_\_\_\_\_ is the Guardian of the Constitution.



8. At present, the Supreme Court consists of \_\_\_\_\_ judges including the Chief Justice.

### III. Choose the correct statement

1. i) Total members of the Rajya Sabha is 250.  
ii) The 12 nominated members shall be chosen by the President from amongst persons experience in the field of literature, science, art, or social service  
iii) The Members of the Rajya Sabha should not be less than 30 years of age.  
iv) The members of the Rajya Sabha are directly elected by the peoples.  
a) ii & iv are correct  
b) iii & iv are correct  
c) i & iv are correct  
d) i, ii & iii are correct
2. i) The Chief Justice and other judges of the Supreme Court hold the office up to the age of 62 years.  
ii) Judiciary is the third organ of the government.  
iii) The cases involving fundamental rights come under the Appellate jurisdiction of the Supreme Court.  
iv) The law declared by Supreme Court is binding on all courts within the territory of India.  
a) ii & iv are correct  
b) iii & iv are correct  
c) i & iv are correct  
d) i & ii are correct
3. Assertion (A): The Rajya Sabha is a permanent house and it cannot be dissolved  
Reason (R): One third of the members of Rajya Sabha retire every two years, and new members are elected to fill the seats thus vacated.  
a) (A) is false but R is true

- b) (A) is false but (R) is true
- c) Both (A) and (R) are true and (R) is the correct reason for (A)
- d) Both (A) and (R) are true and (R) is not the correct reason for (A)

### IV. Match the following

- |                |                                  |
|----------------|----------------------------------|
| 1. Article 53  | - State Emergency                |
| 2. Article 63  | - Internal Emergency             |
| 3. Article 356 | - Executive power of President   |
| 4. Article 76  | - Office of the Vice President   |
| 5. Article 352 | - Office of the Attorney General |

### V. Answer the brief questions

1. How is President of India elected?
2. What are the different categories of Ministers at the Union level?
3. What is the qualification of Judges of the Supreme Court?
4. Write a short note on Speaker of the Lok Sabha?
5. What is Money Bill?
6. List out any two special powers of the Attorney General of India?

### VI. Answer in detail

1. Describe the powers and functions of the President of India.
2. Explain the Jurisdiction and powers of the Supreme Court of India?
3. What are the Duties and functions of Prime Minister of India?
4. Critically examine the Powers and Functions of the Parliament.
5. List out the functions of the Lok Sabha and the Rajya Sabha.

### VII. Project and activity

1. Organise a mock parliament in your class. Discuss the role of President, Prime Minister and Ministers.



## Unit - 3

# State Government



### Learning Objectives

- Students acquire knowledge about the structure of the State Government
- To understand the powers and functions of the Governor, Chief Minister, Ministers and Speaker
- To know about the State Legislature
- Student understand the functioning of the judicial system in the State

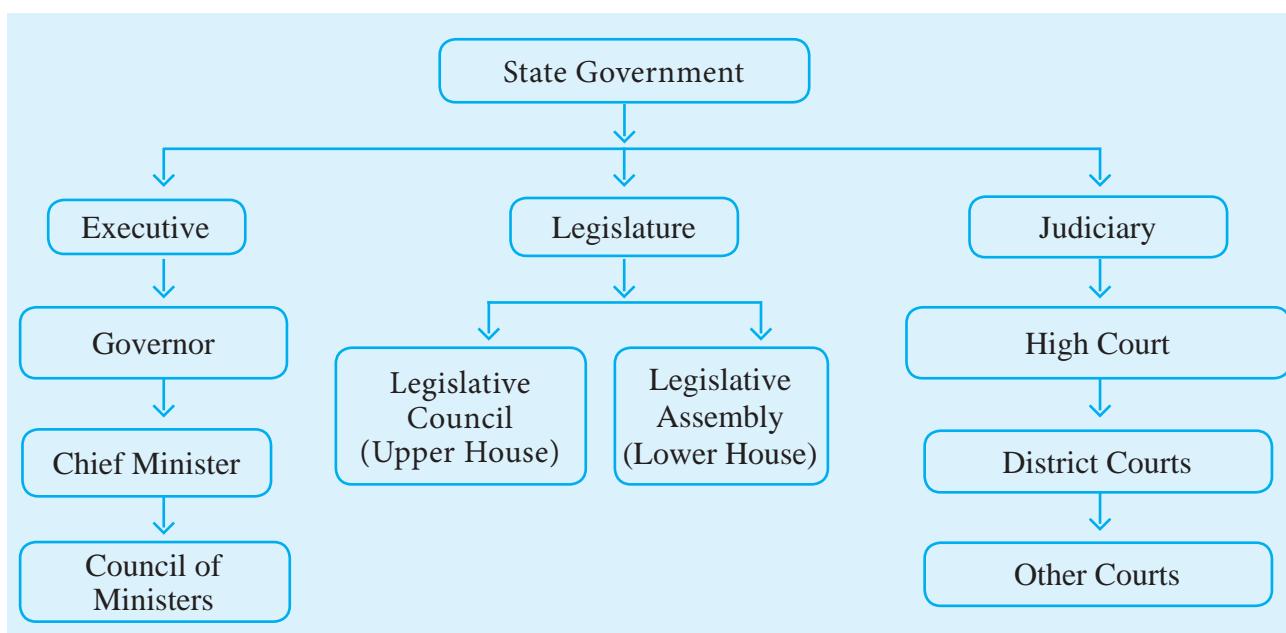


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### Introduction

The Constitution of India envisages for a federal government, having separate systems of administration for the union and the states. There are 29 states, 6 union territories and one national capital territory known as Delhi in India. The constitution contains provisions for the governance of both the union and the states. It lays down a uniform structure for the State

Government, in part VI of the constitution from Article 152 to 237, which is applicable to all the states, save only the state of Jammu and Kashmir which has a separate constitution for its government under Article 370. The structure of the State Government, as formed in the Centre, consists of three branches. These are the Executive, the Legislature and the Judiciary.





The Constitution of Jammu and Kashmir was adopted on the 17 November, 1957 and came into force on 26 January, 1957.

The Constitution of India grants special status to Jammu and Kashmir among Indian states, and it is the only state in India to have a separate constitution. The Directive Principles of the State Policy and fundamental duties of the constitution are not applicable to the state of Jammu and Kashmir. Right to Property, which is denied as a fundamental right to rest of the India, is still guaranteed in Jammu and Kashmir.

### 3.1 The Executive

#### 3.1.1 The Governor

The Governor is the constitutional head of the state executive. The administration of a State is carried on in the name of the Governor. Generally, there is a separate Governor in each State but if the situation warrants so, the same person may be appointed as the Governor of two or more States.

Article 154 vests the executive power of the State in the Governor. Article 154(1) holds that the executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinates to him in accordance with this Constitution.

#### 3.1.2 Appointment

The Governor of a State shall be appointed by the President. His usual term of office is five years but he holds office during the pleasure of the President. Generally, the Governor does not belong to the State where he is appointed. He can also be transferred from one state to another by the President. He can also resign any time by addressing his resignation to the President.

The Legislature of a State or a High Court has no role in the removal of a Governor. A person may be appointed as a Governor for any number of terms. Two conventions have been set up in

the matter of appointing a person as Governor of a State. He should not be a resident of the State concerned and, the State Government concerned is consulted and its views are sought regarding the proposed choice.

According to Article 158 (3A), where the same person is appointed as Governor of two or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may by order determine.



Sarkaria Commission on Centre , State relations suggested that the appointment of the Governor should be made:

- i) From a panel to be prepared by the State Legislature or
- ii) From a panel to be prepared by the State Government (in effect the Chief Minister) or invariably with the concurrence of the State Chief Minister ; or
- iii) Invariably in consultation with the State Chief Minister.

#### 3.1.3 Qualification

Article 157 and Article 158 of the Constitution of India specify eligibility requirements for the post of governor. They are as follows:

- He should be a citizen of India.
- He must have completed 35 years of age.
- He should not be a member of Parliament or of any State Legislature. If he is a member of any of Legislature, he automatically vacates his seat on assuming the office.
- He should not hold any other profitable occupation.



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#### 3.1.4 Powers and Functions of the Governor

The Governor is the head of the state executive and he has enormous powers. In the exercise of functions and powers, the Governor, except



in certain cases, is to be guided by the aid and advice of the Council of Ministers headed by the Chief Minister (under Article 163). As the executive head in the state level, the Governor has following functions and powers.

### Executive Powers

- The Constitution vests all executive powers of the State Government in the Governor. He may exercise this power either directly or through officers subordinate to him. He is the constitutional head of the State. All the administration is carried on in his name.
- The executive powers and functions of the Governor are:
- He appoints the leader of the majority party in the State Legislative Assembly as the Chief Minister of the State.
- He appoints other members of the Council of Ministers on the recommendation of the Chief Minister.
- He appoints the Advocate - General of the state and determines his remuneration. The Advocate General holds office during the pleasure of the Governor.
- He appoints the Chairman and Members of the State Public Service Commission. However, they can be removed only by the president and not by a governor.
- He appoints the state election commissioner and determines his conditions of service and tenure of office. However, the state election commissioner can be removed only in like manner and on the like grounds as a judge of a high court.
- He acts as the chancellor of universities in the state. He also appoints the Vice Chancellors of universities in the state.
- He directly rules a State when there is the imposition of the President's rule in the State.

### Legislative Powers

The Governor is an integral part of the state legislature. But, he is not a member in the either house of the legislature. In this capacity, he enjoys the following legislative powers and functions:

- He has the right to summon, prorogue the state legislature and dissolve the State Legislative Assembly.
- He can address the state legislature at the commencement of the first session after each general election and the first session of each year.
- He can send messages to the houses of the state legislature relating to a bill pending in the legislature.
- He can appoint any member of the Legislative Assembly to preside over its proceedings when the offices of both the Speaker and the Deputy Speaker fall vacant.
- He can nominate one member to the state legislature assembly from the Anglo-Indian Community.
- He nominates 1/6 of the members of the State Legislative Council from amongst the persons having special knowledge or practical experience in literature, science, art, cooperative movement and social service.
- He decides on the question of disqualification of members of the state legislature in consultation with the Election Commission.
- Every bill passed by the state legislature will become law only after his signature. But, when a bill is sent to the Governor after it is passed by the legislature, he has the options to give his assent to the bill or withhold his assent to the bill or return the bill for the reconsideration of the legislature.
- He has to reserve any bill passed by the state legislature which endangers the



position of the state High Court, for the consideration of the President.

- He can promulgate ordinances when the state legislature is not in session under Article 213. But, these ordinances must be approved by the legislature within six months. He can also withdraw an ordinance at anytime.
- He has to lay the annual reports of the State Finance Commission, the State Public Service Commission and the Comptroller and Auditor General relating to the accounts of the state, before the state legislature.

### Financial Powers

- The Constitution confers on the Governor, the duty to get prepared and introduced to the State Legislature, the annual budget and also the supplementary budgets, if necessary.
- He causes the Annual Financial Statement (Budget) of the State to be presented in the Legislative Assembly.
- He presents through the Minister of Finance of the State the Supplementary Budget of the State to the Legislative Assembly if there be such a need.
- Money Bills can be introduced in the State Legislature only with his the prior recommendation.
- No demand for any grant can be made except on his recommendation.
- He can make advances out of the state Contingency Fund to meet any unforeseen expenditure.
- He constitutes a Finance Commission after every five years to review the financial position of the panchayats and the municipalities.

### Judicial Powers

- He appoints the Attorney-General of the State.
- He appoints Judges to the Subordinate Courts in the State.

- He makes appointment, postings and promotions of the District Judges in consultation with the State High Court.
- The Chief Justice of the High Court in the State is appointed by the President in consultation with him.
- He can pardon, commute or reprieve punishment on receipt of appeals for mercy.

### Discretionary Powers

- The Governor can reserve a bill for the consideration of the president.
- He recommends for the imposition of the President's rule in the state.
- He seeks information from the Chief Minister relating to the administrative and legislative matters of the state.
- He can call the leader of any party to form ministry in the state when there is no clear-cut majority to any party in the Legislative Assembly after the general elections.
- He can dismiss the Council of Ministers when it is unable to prove the confidence of the Legislative Assembly; and
- He can dissolve the Legislative Assembly if the Council of Ministers has lost its majority.

### Emergency Powers

If the Governor is satisfied that the government of the state is not carried on in accordance with the provisions of the Constitution, he may, under Article 356, recommend to the President to impose President Rule in that State. As soon as the President Rule is imposed, the administration of the State is carried on by the Governor as the representative of the President.

### 3.1.5 Privileges of the Governor

Article 361(1) provides for the following privileges for the Governor;



- (a) The Governor of a State, is not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties.
- (b) No criminal proceedings whatsoever shall be instituted or continued against the Governor of a State, in any court during his term of office.
- (c) No process for the arrest or imprisonment of the Governor of a State, shall issue from any court during his term of office.
- (d) No civil proceedings in which relief is claimed against the Governor of a State.

## 3.2 Chief Minister

In the scheme of Parliamentary system of government provided by the constitution, the governor is the nominal executive authority and the Chief Minister is the real executive authority. In other words, the governor is the head of the State while the Chief Minister is the head of the government.

### 3.2.1 The appointment of the Chief Minister

The Chief Minister is appointed by the Governor of the State. The leader of the majority party or majority group in the State Legislative Assembly is appointed as the Chief Minister. In case no party commands absolute majority, in the Legislative Assembly or the majority fails to elect its leader, the Governor can use his power and invite the leader of the other largest party to form the ministry. He has to prove the confidence (majority support) in the Legislative Assembly within the period stipulated by the Governor.

The term of the Chief Minister is not fixed. He may remain as the Chief Minister as long as he enjoys the support of the majority of the members of the Legislative Assembly. He has to resign when he losses confidence of the majority in the assembly. It is 'understood that normally he completes 5 years term like other members in the Legislative Assembly.

### Chief Ministers of Tamil Nadu from 1947

Thiru.O. P. Ramaswamy	1947-1949
Thiru.P. S. Kumaraswamy Raja	1949 – 1952
Thiru.C. Rajagopalachari	1952 – 1954
Thiru.K. Kamaraj	1954 - 1963
Thiru.M. Bakthavatsalam	1963 – 1967
Thiru.C. N. Annadurai	1967 – 1969
Thiru.M. Karunanidhi	1969 – 1976
Thiru.M. G. Ramachandran	1977 – 1987
Tmt. JanakiRamachandran	January 1988
Thiru.M. Karunanidhi	1989 – 1991
Selvi.J. Jayalalithaa	1991 – 1996
Thiru.M. Karunanidhi	1996 – 2001
Selvi.J. Jayalalithaa	2001
Thiru.O.Panneerselvam	2001 – 2002
Selvi.J. Jayalalithaa	2002 – 2006
Thiru.M. Karunanidhi	2006 – 2011
Selvi. J. Jayalalithaa	2011 – 2014
Thiru.O.Panneerselvam	2014 – 2015
Selvi.J. Jayalalithaa	2015 – 2016
Thiru.O.Panneerselvam	2016 – 2017
Thiru.Edappadi K. Palaniswami	2017 – till now

### 3.2.2 Powers and functions of the Chief Minister

The Chief Minister is the real executive head of the State administration. He has the following powers and functions.

- Relating to the council of ministers
- Relating to the Governor
- Relating to the State Legislature
- Other functions and powers.

#### Relating to the Council of Ministers

As the head of the Council of Ministers, the Chief Minister enjoys the following functions and powers.

- The Chief Minister recommends the persons who can be appointed as ministers by Governor.



- He allocates the portfolios among the ministers.
- He shuffles and reshuffles his ministry.
- He can ask a minister to resign or to advise the Governor to dismiss him in case of difference of opinion.
- He presides over the meetings of the Council of Ministers and influences its decisions.
- He can bring about the collapse of the council of ministers by resigning from office.
- He guides, directs, controls and coordinates the activities of all the ministers.

### Relating to the Governor

The Chief Minister is the principal channel of communication between the Governor and the Council of Ministers, and he advises the Governor in relation to the appointment of the following officials:

- Advocate General of the State.
- State Election Commissioner.
- Chairman and Members of the State Public Service Commission.
- Chairman and Members of the State Planning Commission.
- Chairman and Members of the State Finance Commission.

### Relating to State Legislature

- The Chief Minister advises the Governor with regard to the summoning and proroguing the sessions of the state legislature.
- He announces the government policies on the floor of the house.
- He can introduce the bills in the Legislative Assembly.
- He can recommend for the dissolution of the Legislative Assembly to the Governor anytime.

### Other function and powers

- As the leader of the ruling party, the Chief Minister has to control the party and develop the disciplines.
- As the leader of the state, he has to keenly consider the demands of the different sections of the people.
- As the political head of the various services, he has to supervise, control and co-ordinate the secretaries of various departments in the state level.
- For smooth functioning of the state and for good centre-state relations, he has to develop a rapport with the union government.

### 3.2.3 Council of Ministers

The Council of Ministers are collectively responsible to the State Legislature. All the members of the Council of Ministers must be the members of the State Legislature. Those who are not the members at the time of their appointment, must secure their seats in the Legislature within a period of 6 months. All the ministers work as a team under the Chief Minister. As long as the Chief Minister is in office, the Council of Ministers will also be in power. If a no-confidence motion is passed by the Legislative Assembly, the State Ministry shall resign.

Article 163 provides for a Council of Ministers to aid and advise the Governor. According to Article 163(1) there shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.

### Other Provisions relating to Ministers

Article 164(1) holds that the Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor:



Article 164(1A) states that the total number of Ministers, including the Chief Minister, in the Council of Ministers in a State shall not exceed fifteen percent of the total number of members of the Legislative Assembly.

### **The functions and powers of the Council of Ministers**

- It formulates and decides the policies of the state and implements them effectively.
- It decides the legislative programmes of the Legislative Assembly and sponsors all important bills.
- It controls the financial policy and decides the tax structure for the public welfare of the state.
- It chalks out programmes and schemes for the socio-economic changes so that the state makes headway in various inter-related fields.
- It makes the important appointments of the Heads of Departments.
- It discusses and takes efforts on the dispute with other states
- It advises the Governor on the appointment of Judges of the subordinate courts.
- It frames the proposal for incurring expenditure out of state reserves.
- It decides all the bills whether ordinary bills or money bills to be introduced in the Legislative Assembly.
- Each minister of the Council of Ministers supervises, controls and coordinates the department concerned.
- Annual Financial Statement called as the Budget is finalised by the Council of Ministers.

### **3.3 The State Legislature**

The Constitution provides a legislature for every state. Most of the States have only unicameral legislature i.e., Legislative assembly. Some State has bicameral legislatures (example Bihar, Karnataka, Maharashtra, Uttar Pradesh,

Andhra Pradesh, Telangana and Jammu-Kashmir). The lower house, legislative assembly represents the people of the state the upper house; Legislative Council represents special interests like teachers, graduates and local governments.



**Tamil Nadu Legislative Assembly**



In Tamil Nadu, according to the strength of Legislative Assembly (234 members), the number of ministers may be up to 36, i.e. 15 percent of 234.

#### **3.3.1 The Legislative Assembly (Lower House)**

The Legislative Assembly is a popular house. It is the real centre of power in the State. It consists of members directly elected by the people on the basis of adult franchise. The strength of the Assembly varies from State to State depending on the population. However the maximum strength of the Assembly must not exceed 500 or its minimum strength not be below 60. The term of office of the legislative assembly is 5 years. It can be dissolved even before the expiry of its term.

The size of the Legislative Council cannot be more than one-third the membership of the Legislative Assembly (lower house) of that state. But its size cannot be less than 40, except in Jammu and Kashmir where there are 36 by an act of Parliament. The members draw the salary and allowances passed by the State legislature from time to time.

#### **Composition**

The Legislative Assembly of Tamil Nadu consists of 235 members out of which 234



members are directly elected by the people from the constituencies on the basis of adult franchise and one member is nominated by the Governor from the Anglo-Indian community. However, seats shall be reserved in the house for the scheduled castes and scheduled tribes.

### Cabinet and Cabinet Committees

A smaller body called Cabinet is the nucleus of the council of minister. It consists of only the cabinet ministers. It is the real centre of authority in the state government.

The cabinet works through various committees called cabinet committees. They are of two types - standing and ad hoc. The former are of a permanent nature while the latter are of a temporary nature.

### The Speaker

The Legislative Assembly elects two of its members as the Speaker and Deputy Speaker. The Speaker vacates his office, if he cannot continue to be a member of the Assembly. He may also resign his office at any time. The speaker may be removed from office by a resolution of the Assembly after giving a 14 days' notice. Such a resolution must be passed by a majority of the members present at the time of voting. The speaker does not vacate his office, when the Assembly is dissolved. He continues to be the Speaker until the first sitting of the new Assembly. While the office of the speaker is vacant, the Deputy Speaker performs his functions.

### 3.3.2 The Legislative Council (Upper House)

The legislative Council is the upper House of the State Legislature. It is constituted as a permanent House. Article 171(1) provides that the total number of members in the Legislative Council of a State shall not exceed one-third of the total number of members in the Legislative Assembly of that State, but not less than 40 members in any case.

The Vidhan Parishads (Legislative Council) forms a part of the state legislatures of India. In Seven of India's 29 states (Bihar, Karnataka, Maharashtra, Uttar Pradesh, Andhra Pradesh, Telangana and Jammu - Kashmir) the Legislative Council serves as the indirectly-elected upper house of a bicameral legislature. It is also a permanent house because it cannot be dissolved. Every Member of Legislative Council (MLC) serves for a six-year term, with terms staggered so that the terms of one-third of members expire every two years. MLCs must be citizens of India not under 30 years of age, mentally sound and not bankrupt, and his name should be in the voter's list of the state from which he or she is contesting the election.



The Tamil Nadu Legislative Council was abolished by Tamil Nadu Legislative Council (Abolition) Bill, 1986. The Act came into force on the 1<sup>st</sup> November 1986.

### Election to Legislative Council

- 1/3 of the members are elected by local bodies.
- 1/12 of the members are elected by Graduates of the universities in the State.
- 1 /12 of the members are elected by Graduate teachers.
- 1/3 of the members are elected by the members of the Legislative Assembly.
- 1/6 is nominated by the Governor who is eminent in the field of literary excellence, art, social services or Co-operation.

### The Chairman

The Chairman (chair person he / she) is the Presiding Officer of the Upper house. The Members elect a Chairman and a deputy chairman from among themselves. In the absence of the chairman, the deputy chairman officiate the functions of the Legislative Council.



## Abolition or Creation of Legislative Councils

Article 169 deals with the creation or abolition of Legislative Council in a State. Article 169 holds that if the state Legislative Assembly passes a resolution by a majority of not less than 2/3rd of the members present and voting and by the majority of total strength of the House, requesting the Parliament to create or abolish the state Legislative council then the Parliament may by law provide for the abolition and creation of the Legislative Council.

## 3.4 Functions of the State Legislature

The powers and functions of the State Legislature are almost the same as that of Parliament.

### 3.4.1 Legislative powers

The State Legislature can pass laws on all subjects mentioned in the State List as per the constitution. It can also pass laws on concurrent subjects. The State made law in a concurrent subject will become inoperative when the centre also passes a law on the same subject. The passing of Bill into law follows the same procedure, as in the union parliament. Every bill passes through three readings. Then it becomes an Act with the Governor's assent.

### 3.4.2 Financial Powers

The Legislature controls the finances of the State. The Lower House enjoys greater power than the Upper House in money matters. Money bills can be introduced only in the Lower House or the Assembly. No new tax can be levied without the sanction and permission of the Assembly.

### 3.4.3 Controls over the Executive

The Legislature controls the Executive. The Council of Ministers is responsible to the Assembly. The Ministers have to answer

questions asked by the members of the Legislature. They can be removed from office if the Assembly passes a vote of "no confidence motion" against the Ministry.

### 3.4.4 Wide powers

In State having two Houses, the Legislative Assembly enjoys more powers than the Legislative Council. The Assembly has complete control over the state finance. The Council cannot vote for grants. The Council of Ministers is responsible only to the Assembly.

## 3.5 Judiciary of State

### 3.5.1 High Courts

The institution of high court originated in India in 1862 when the high courts were set up at Calcutta, Bombay and Madras. In the course of time, each province in British India came to have its own high court. After 1950, a high court existing in a province became the high court for the corresponding state. The High Courts are the highest courts at State level, but being part of integrated Indian judiciary they work under the superintendence, direction and control of the Supreme Court.



**High Court of Madras**

The Constitution of India provides for a high court for each state, but the Seventh Amendment Act of 1956 authorised the Parliament to establish a common high court for two or more states or for two or more states and a union territory.

For example, the States of Punjab and Haryana and the Union Territory of Chandigarh have a common High Court situated at Chandigarh.



Similarly, the High Court of Guwahati is common for seven northeastern States of Assam, Nagaland, Manipur, Meghalaya, Mizoram, Tripura and Arunachal Pradesh. Delhi, though not a State, has its own separate High Court. Every High Court has a Chief Justice and a number of judges. The number of judges varies from State to State. The number of judges of each High Court is determined by the President. At present there are 25 High Courts for 29 States (including new Andhra Pradesh High Court established in 1st January 2019 at principal seat in Amravati) and seven Union Territories.



The High Court of Madras is the one of the three High Courts in India established in the three Presidency Towns of Bombay, Calcutta and Madras by letters patent granted by Queen Victoria, bearing date 26 June 1862. The High Court building is the second largest judicial complex in the world after London.

### 3.5.2 Appointment of the Judges

Every High Court consists of a Chief Justice and such other Judges as appointed by the President from time to time (Article 216).

### 3.5.3 Jurisdiction and Powers of High Court

At present, a high court enjoys the following jurisdiction and powers:

#### Original Jurisdiction

In their judicial capacity, the High Courts of the Presidency towns (Bombay, Calcutta and Madras) have both original and appellate jurisdictions, while other High Courts have mostly appellate jurisdiction.

Only in matters of admiralty, probate, matrimonial and contempt of Court, they have original jurisdiction. The Presidency High Courts have original jurisdiction in which the amount involved is more than `2000 and in

criminal cases which are committed to them by the Presidency Magistrates.

#### Appellate Jurisdiction

As Courts of appeal, all High Courts entertain appeals in civil and criminal cases from their subordinate Courts as well as on their own.

They have, however, no jurisdiction over tribunals established under the laws relating to the Armed Forces of the Country.

#### Writ Jurisdiction

Under Article 226 of the constitution, the High Courts are given powers of issuing writs not only for the enforcement of the Fundamental Rights, but also for other purposes. In exercise of this power, a Court may issue the same type of writs, orders or directions which the Supreme Court is empowered to issue under Article 32.

The jurisdiction to issue writs under this Article is larger in the case of High Courts, for which the Supreme Court can issue them only where a Fundamental Right has been infringed, a High Court can issue them not only in such cases, but also where an ordinary legal right has been infringed.

**Habeas Corpus** The writ of habeas corpus is issued to a detaining authority, ordering the detainer to produce the detained person in the issuing court, along with the cause of his or her detention, if the detention is found to be illegal, the court issues an order to set the person free.

**Mandamus** The writ of mandamus is issued to a subordinate court, an officer of government, or a corporation or other institution commanding the performance of certain acts or duties.

**Prohibition** The writ of prohibition is issued by a higher court to a lower court prohibiting it from taking up a case because it falls outside the jurisdiction of the lower court. Thus, the higher court transfers the case to it.



**Quo Warranto** The writ of quo Warranto is issued against a person who claims or usurps a public office. Through this writ the court inquires 'by what authority' the person supports his or her claim.

**Certiorari** The writ of certiorari is issued to a lower court directing that the record of a case be sent up for review, together with all supporting files, evidence and documents, usually with the intention of overruling the judgment of the lower court. It is one of the mechanisms by which the fundamental rights of the citizens are upheld.

### Supervisory Jurisdiction

High court has the power of superintendence over all courts and tribunals functioning in its territorial jurisdiction (except military courts or tribunals) Thus, it may

- (a) Call for returns from them;
- (b) Make an issue, general rules and prescribe forms for regulating the practice and proceedings of them.
- (c) Prescribe forms in which books, entries and accounts are to be kept by them; and
- (d) Settle the fees payable to the sheriff, clerks, officers and legal practitioners of them.

### Control over Subordinate Courts

A high court has an administrative control and other powers over them

- (a) It is consulted by the governor in the matters of appointment, posting and promotion of district judges and in the appointments of persons to the judicial service of the state (other than district judges).
- (b) It deals with the matters of posting, promotion, grant of leave, transfers and discipline of the members of the judicial service of the state (other than district judges).
- (c) It can withdraw a case pending in a subordinate court if it involves a substantial question of law that requires the interpretation of the Constitution. It can then either dispose of the case itself or determines the question of

law and return the case to the subordinate court with its judgment.

- (d) Its law is binding on all subordinate courts functioning within its territorial jurisdiction in the same sense as the law declared by the Supreme Court is binding on all courts in India.

### Court of Record

All the decisions and decrees issued by the High Court are printed and are kept as a record for future references by the Court as well as by the lawyers, is such a need arises. Thus, it also acts as a Court of Record.

### Power of Judicial Review

Judicial review is the power of a high court to examine the constitutionality of legislative enactments and executive orders of both the Central and state governments. Though the phrase judicial review has not been used in the Constitution, the provisions of Articles 226 and 227 explicitly confer the power of judicial review on a high court

The 42nd Amendment Act of 1976 curtailed the judicial review power of high court. It debarred the high court's from considering the constitutional validity of any central law. However, the 43rd Amendment Act of 1977 restored the original position.



Statue of Sama Neethi Kanda Cholan at Madras High Court



## Recap

- The Governor is the constitutional head of the state executive.
- The Chief Minister is appointed by the Governor of the State.
- The Council of Ministers are collectively responsible to the State Legislature.
- The Legislative Assembly is the real centre of power in the State.
- At present there are 25 High Courts for 29 States and seven Union Territories.
- The 42nd Amendment Act of 1976 curtailed the judicial review power of high court.
- The 43rd Amendment Act of 1977 restored the original position.

## A-Z GLOSSARY

Constitution	It has been defined as the fundamental law of a State.	அரசியலமைப்பு
Cabinet	It is an inner body within the Council of Ministers which is responsible for formulating the policy of the Government.	அமைச்சரவை
Legislature	the group of people in a country or part of a country who have the power to make and change laws	சட்டமன்றம்
Tribunal	a special court chosen, especially by the government, to examine particular problem	தீர்ப்பாயம்
Resolution	an official decision that is made after a group or organisation has voted	தீர்மானம்
Remuneration	payment for work or service	ஊதியம்
Interpretation	an explanation or opinion of what something means	விளக்கம்



## EVALUATION

### I Choose the Correct Answer

- 1 The Governor of the State is appointed by the
  - (a) Prime Minister
  - (b) Chief Minister
  - (c) President
  - (d) Chief Justice
- 2 The Speaker of a State is a
  - (a) Head of State
  - (b) Head of government
  - (c) President's agent
  - (d) None of these



- 3 Which among the following is not one of the powers of the Governor?
  - (a) Legislative
  - (b) Executive
  - (c) Judicial
  - (d) Diplomatic
- 4 Who can nominate one representative of the Anglo-Indian Community to the State Legislative Assembly?
  - (a) The President
  - (b) The Governor
  - (c) The Chief Minister
  - (d) The Speaker of State legislature
- 5 The Governor does not appoint
  - (a) Chief Minister
  - (b) Chairman of the State Public Service Commission
  - (c) Advocate General of the State
  - (d) Judges of the High Court



- 6 The Chief Minister of a State is appointed by  
(a) The State Legislature  
(b) The Governor  
(c) The President  
(d) The Speaker of State Legislative Assembly
- 7 The State Council of Ministers is headed by  
(a) The Chief Minister  
(b) The Governor  
(c) The Speaker  
(d) The Prime Minister
- 8 The Legislative Council  
(a) Has a term of five years  
(b) Has a term of six years  
(c) Is a permanent house  
(d) Has a term of four years
- 9 The minimum age for the membership of the Legislative Council is  
(a) 25 years (b) 21 years  
(c) 30 years (d) 35 years
- 10 The members of Legislative Council are  
(a) Elected by the Legislative Assembly  
(b) Mostly nominated  
(c) Elected by local bodies, graduates, teachers, Legislative Assembly etc.  
(d) Directly elected by the people
- 11 Which one of the following States does not possess a bicameral legislature?  
(a) Andhra Pradesh  
(b) Telangana  
(c) Tamil Nadu  
(d) Uttar Pradesh
- 12 The High Courts in India were first started at  
(a) Calcutta, Bombay, Madras  
(b) Delhi and Calcutta  
(c) Delhi, Calcutta, Madras  
(d) Calcutta, Madras, Delhi
- 13 Which of the following States have a common High Court?  
(a) Tamil Nadu and Andhra Pradesh  
(b) Kerala and Telangana
- (c) Punjab and Haryana  
(d) Maharashtra and Gujarat

## II. Fill in the blanks

- 1 Governor of the state government surrenders his resignation to \_\_\_\_\_.
- 2 Members of the Legislative assembly (MLAs) elected by the \_\_\_\_\_.
- 3 \_\_\_\_\_ is the first women Governor of Tamil Nadu.
- 4 \_\_\_\_\_ acts as the chancellor of universities in the state.
- 5 The Seventh Amendment Act of \_\_\_\_\_ authorised the Parliament to establish a common high court for two or more states.
- 6 The Chairman and Members of the State Public Service Commission can be removed only by the \_\_\_\_\_.

## III. Match the following

- |                         |   |                              |
|-------------------------|---|------------------------------|
| 1. Governor             | - | Head of the Government       |
| 2. Chief Minister       | - | Head of the State            |
| 3. Council of Ministers | - | Tribunals                    |
| 4. MLC                  | - | Responsible for the Assembly |
| 5. Armed forces         | - | cannot vote for grants       |

## IV. Choose the correct statement

- Only some States in India have Legislative Councils.
- Some members of Legislative Councils are nominated.
- Some members of Legislative Councils are directly elected by the people.
- ii & iv are correct
- iii & iv are correct
- i & iv are correct
- i, ii & iii are correct



**2. Assertion (A):** There are limitations on the Legislative authority of the State Legislature.

**Reason (R):** Certain bills on the State List can be introduced in the State Legislature only with the President's approval.

- a) (A) is false but R is true
- b) (A) is true but (R) is false
- c) Both (A) and (R) are true and (R) is the correct reason for (A)
- d) Both (A) and (R) are true and (R) is not the correct reason for (A)

## V. Answer the brief questions

- 1 How the state of Jammu and Kashmir differ from the other states of India?
- 2 What is the importance of the Governor of a state?
- 3 What are the qualifications for the appointment of Governor?
- 4 What is the original jurisdiction of the High Court?
- 5 What do you understand by the "Appellate Jurisdiction" of the High Court?

## VI. Answer in detail

- 1 What are the powers and functions of the Chief Minister?
- 2 Describe the various powers and functions of the Governor.

**3** Briefly discuss the Functions of the State Legislature.

**4** Critically examine the functions and powers of the Council of Ministers

**5** Describe the powers and functions of the High Court.

## VII. Project and Activity

- 1 Prepare a flow chart showing the State Government's Administrative setup.
- 2 Students to list out the names of the Tamil Nadu Governor, Chief Minister, Ministers and the Governors and Chief Ministers of the neighbouring States.



## REFERENCE BOOKS

- 1 D.D. Basu - Introduction of the Constitution of India, S.C. Sarkar & Sons (Private) Ltd, 1982.
- 2 Subhash Kashyap - Our Constitution, National Book Trust, India, 2011.



## INTERNET RESOURCES

- 1 [www.tnrajbhavan.gov.in](http://www.tnrajbhavan.gov.in)
- 2 [www.tn.gov.in](http://www.tn.gov.in)
- 3 [www.hcmadras.tn.nic.in](http://www.hcmadras.tn.nic.in)



## ICT CORNER

Through this activity you will know about the official details and functions of various states of our country.



### Steps

- Open the Browser and type the URL given below.
- Click on any state of the Indian map to view the official website of the state and its function.
- For example, click on the Tamilnadu state. An additional tab will open in the browser where you can see the official website of Tamilnadu.
- Likewise you can view the details of the other states.

### Website URL:

<https://www.mea.gov.in/india-at-glance.htm>

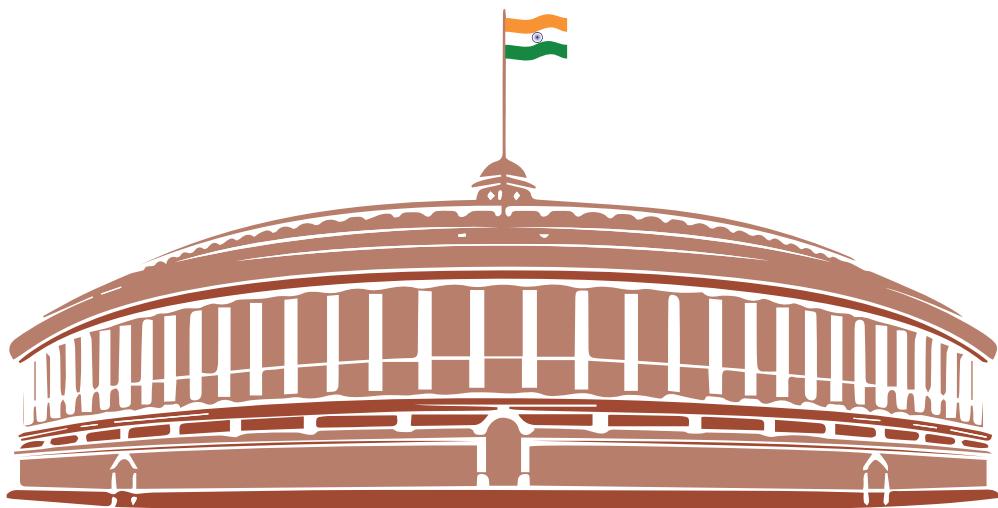


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**GOVERNMENT OF TAMIL NADU**

# **POLITICAL SCIENCE**



## **HIGHER SECONDARY FIRST YEAR** **Volume - I**

**Untouchability is Inhuman and a Crime**

A publication under Free Textbook Programme of Government of Tamil Nadu

Department of School Education

<b>Unit 5: Democracy</b>	5.1 Definition and Types of Democracy 5.2 Theories of Democracy 5.2.1 Classical Theory of Democracy 5.2.2 Marxist Theory of Democracy 5.2.3 Elitist Theory of Democracy 5.2.4 Pluralist Theory of Democracy 5.2.5 Deliberative Theory of Democracy 5.3 Measuring and Evaluating Democracy 5.4 Achievements of Indian Democracy 5.5 Challenges to Indian Democracy	112
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UNIT  
6

# Forms of Government



## 6.1 Introduction

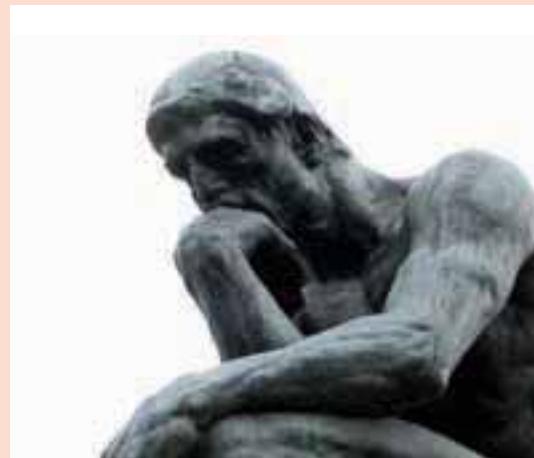
The Government is the main agency of the state. It comprises several members belonging to political and administrative wings. It serves as the instrument for delegation and execution of the state policies for the welfare of the people. It formulates expresses and realises the will of the state. It exercises certain legislative, executive and judicial powers based on the constitution and the laws. There are three organs in government, namely – Legislature, Executive and Judiciary. These organs carry out the activities of the state. Governments are classified under Unitary, Federal, Parliamentary and Presidential forms.



### Learning Objectives

**Students will be able to**

- ▲ define Government
- ▲ understand the purpose of Government
- ▲ describe different types of Government
- ▲ understand the relationship between individual and Government critical analyze the performance of the Government

**Think about the following statements**

- a. What comes to your mind when you hear the term Government?
- b. In what way you, your family or the citizen are connected with government?
- c. Can you identify the role of government in your day to day life?
- d. Do you think the government is inevitable or citizen can survive without the government?
- e. Can you differentiate the role of elected representatives and appointed Bureaucrats role in the functioning of government?
- f. Identify some government departments and segregate into central government, state government and local government.
- g. Try to describe your own definition of Government .....

## Quotable quote

No man under takes a trade he has not learned, even the meanest: At everyone thinks himself sufficiently qualified for the hardest of all trades, that of government.

-Socrates

## Approaches to the study of Government

Studying governments from different approaches help us to understand government from its evolution to its performance in the contemporary times. The approaches to study the Government are...

### 1. Comparative-Historical Approach

This approach studied the western political institutions from ancient to modern times, this approach is descriptive in nature, Aristotle, Montesque and Locke adopted this approach to study and analyse governments in those days.

For instance before writing his monumental work politics Aristotle studied 158 constitutions. Montesque studied the working of the British constitution and came to the conclusion that the stability of British constitution was due to the adherence to the principle of separation of powers.

## CHECKS AND BALANCES (PRESIDENTIAL FORM)

<b>Executive Branch</b> (President carries out laws) 	<b>Checks on the Legislative Branch</b> Can propose laws Can veto laws Can call special sessions of Congress Makes appointments Negotiates foreign treaties	<b>Checks on the Judicial Branch</b> Appoints federal judges Can grant pardons to federal offenders
<b>Legislative Branch</b> (Congress makes laws) 	<b>Checks on the Executive Branch</b> Can override President's veto Confirms executive appointments Ratifies treaties Can declare war Appropriate money Can impeach and remove President	<b>Checks on the Judicial Branch</b> Creates lower federal courts Can impeach and remove judges Can propose amendments to overrule judicial decisions Approves appointments of federal judges
<b>Judicial Branch</b> (Supreme Court interprets laws) 	<b>Checks on the Executive Branch</b> Can declare executive actions unconstitutional	<b>Checks on the Legislative Branch</b> Can declare acts of unconstitutional

### 2. Legal-Institutional Approach

Scholars like Bentham, Austin and Dicey adopted this approach,

This approach focuses on formal legal structure of political institutions.

They helped to develop certain theories which explain the relationship and interconnection between government and Law. Bentham is the distinguished

legal reformer in England Likewise Austin provided a legal base to sovereignty which is indivisible, inalienable and absolute. A.V.Dicey judged the government on the basis of law and its applicability to different branches of government.

### 3. Political Economy Approach

This approach deals with economic aspects of the government which gives

economic interpretation of politics also deals with role of market, mode of production and delivering goods to the society. This approach is classified into liberal political economy and the Marxist political economy approach.

#### 4. Political Sociology Approach

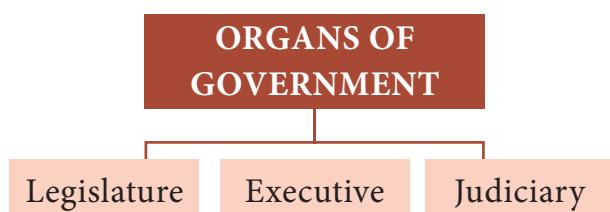
This approach derived its ideas from sociology and anthropology also known as systems approach. Political sociology asserts that government or political system is a sub system of a larger social system. This approach examines the interaction between the larger and the sub systems.

Earl Montesque proposed a three-fold division of Government namely Republican, Monarchical and Despotic government

**Republican Government:** “People possess the sovereign Power”.

**Monarchical Government:** “Rule by one single person and governed by fixed and established laws”.

**Despotic government:** “Rule by one single person but there is no fixed rule for governance, everything conducted by his will. According to Montesque the survival of the government depends on “persistence in given society of that particular spirit which is characteristic of the form”.



#### 6.2 Meaning, Definition and Nature of Government

Government refers to the executive functions of the state. It denotes a body having authority to make and enforce laws applicable to the civil, corporate, religious, academic or other groups.

The term Government is derived from an old French word “governor”, derived from Latin word “gubernare” which means to direct, rule, guide, govern.

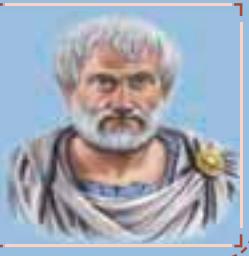
#### Which is the oldest form of government?



Monarchy is the oldest form of government in the United Kingdom. In a monarchy, a king or queen is the Head of State. The British monarchy is known as a constitutional monarchy. This means that, while The Sovereign is Head of State, the ability to make and pass legislation resides with an elected Parliament.

### Aristotle's Classification of Governments

**Aristotle** identified a combination of two criteria to classify the constitution that he analysed.



### ACTIVITY



“Every activity of individuals from ‘Womb to tomb’ is regulated and controlled by the State agencies.”

#### Criteria One:

Number of People having Power – One, Few, Many; Thus he distinguished between Monarchy, Aristocracy and Polity

#### Criteria Two:

To whose interest the Government works for – Working in General Interest, Working in Personal Interest. The respective perverted forms of the three types are Tyranny, Oligarchy and Democracy

No of People having Power	Working in General Interest	Working in Personal Interest
One	Monarchy	Tyranny
Few	Aristocracy	Oligarchy
Many	Polity	Democracy or Mobocracy

### ACTIVITY



Organise a debate on - Compare Aristotle's Classification of Government with contemporary Indian system of Government by discussing the following points namely

1. Whether our government is working on general interest or Personal interest
2. Do our Indian Democracy really represent General will or Personal will of a Few?

### TYPES OF CONSTITUTION

Can you list out some activities which are rendered by the government... womb to tomb

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

### Types of Constitution

Written Constitution / Un Written Constitution

Democracy/ Communism / Monarchy / Dictatorship

Presidential Form of Government / Parliamentary Form of Government

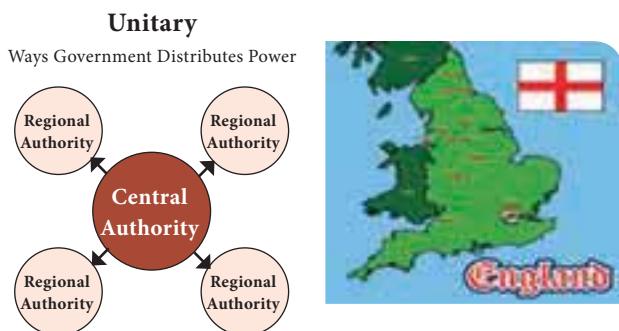
Secular / Theocracy

Single Executive Model

Plural Executive Model

### 6.3 Unitary Form of Government

A unitary system of government, or unitary state, is a sovereign state governed as a single entity. The central government is supreme, and the administrative divisions exercise only powers that the central government has delegated to them.



**England, France, Japan, Sri Lanka are examples of Unitary Form of governments.**

In a Unitary form of government all authority and power vested in a single centre whereas in a federal form of government authority and power distributed between centre and the constituent units. Even in a Unitary form of Government there might be a lot of decentralization of authority but we cannot claim it as a federal system.

#### Definition:

Some leading political thinkers defined unitary form of government as follows:

**A.V.DICEY:** “Habitual exercise of supreme legislative authority is by one central power”

**GARNER:** “Where the whole power of government is conferred by the constitution upon a single central organ”

**C.F.STRONG:** “Two important qualities of the Unitary Government”.

They are:-

1. The supremacy of the central government;
2. The absence of the subsidiary sovereign bodies.

The distinction between subsidiary law-making bodies and subsidiary sovereign bodies is the distinction between the local authorities in a unitary state and constituent units in a federal state.

**Where:** A constitution, Unitary and highly centralised on paper, may be almost federal in practice;

A federal constitution may be, in practice, Unitary, as indeed are the so-called federal constitutions of Mexico, Venezuela, Brazil and Argentina”.

#### Merits Of Unitary Form Of Government

- a. Suitable for small countries.
- b. There is no conflict of authority and responsibility.
- c. A unitary government will make prompt decisions and take speedy action.
- d. A unitary government is less expensive.
- e. Amendments to the constitution are easy.
- f. There is unity, uniformity of law, policy and administration.

#### De-Merits of Unitary Form Government

- a. It is not suitable for big countries.
- b. The central government will have to tackle so many complex problems that lead to administrative delay.
- c. The central government will not concentrate on local problems, local interest and initiative.
- d. The concentration of powers may pave way for the despotism of the central government.

## Unitary Features Of Indian Constitution

### i. Strong Centre

The division of powers is in favour of the Centre and highly inequitable from the federal angle. Firstly, the Union List contains more subjects than the State List. Secondly, the more important subjects have been included in the Union List. Thirdly, the Centre has overriding authority over the Concurrent List. Finally, the residuary powers have also been left with the Centre, while in the US, they are vested in the states. Thus, the Constitution has made the Centre very strong.

### ii. Central Government's control over state territory

Unlike in other federations, the states in India have no right to territorial integrity. The Parliament can by unilateral action change the area, boundaries or name of any state.

### iii. Single Constitution

Usually, in a federation, the states have the right to frame their own Constitution separate from that of the Centre. In India, on the contrary, no such power is given to the states. The Constitution of India embodies not only the Constitution of the Centre but also those of the states. Both the Centre and the states must operate within this single-frame. The only exception in this regard is the case of Jammu and Kashmir which has its own (state) Constitution.

### iv. Flexibility of the Constitution

The bulk of the Constitution can be amended by the unilateral action of the

Parliament, either by simple majority or by special majority. Further, the power to initiate an amendment to the Constitution lies only with the Centre. In India states don't have the right to propose amendment unlike in U.S.A

### v. Unequal representation of states

In a federation states are given with equal representation with regard to upper house, but in India states are not given with equal representation with regard to Rajya Sabha.

### vi. Emergency Provisions

During an emergency, the Central government becomes all powerful and the states go into the total control of the Centre. It converts the federal structure into a unitary one without a formal amendment of the Constitution. This kind of transformation is not found in any other federation.

### vii. Single Citizenship

India adopted the system of single citizenship. There is only Indian Citizenship and no separate state citizenship. All citizens irrespective of the state in which they are born or reside enjoy the same rights all over the country. The other federal states like US, Switzerland and Australia have dual citizenship, that is, national citizenship as well as state citizenship.

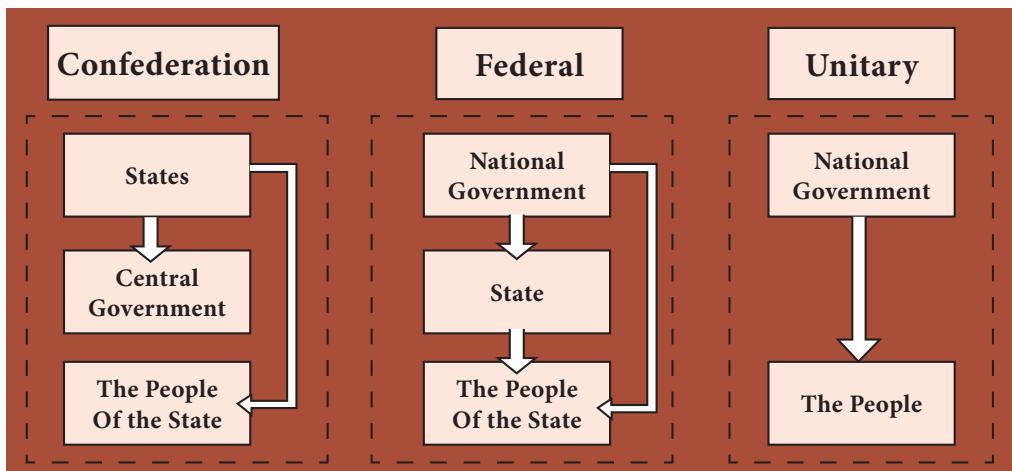
### viii. Single Integrated Judiciary

It means that all the courts of India are in a hierarchical order from the lower courts to the Supreme Court of India. Courts in India have Original and Appellate Jurisdiction.

## ix. All India Services

It has the features of All India Services or Central Services, and the State Civil Services. The Central and All India services promotes uniform administrative system and process throughout India.

### 6.4 Federal Form of Government



The classification of governments into unitary and federal is based on the nature of relations between the national government and the regional governments. A federal government is one in which powers are divided between the national government and the regional governments by the Constitution itself and both operate in their respective jurisdictions independently. US, Switzerland, Australia, Canada, Russia, Brazil, Argentina have the federal form of government. In a federal model, the national government is known as the Federal government or the Central government or the Union government and the regional government is known as the state government or the provincial government.

### Federal Features Of Indian Constitution

#### a. Dual Government

The Indian Constitution establishes

## x. Appointment of Governor

The governor of a state is not elected but appointed by the president and holds office at the pleasure of the president. He is the head of the executive in the state. He has powers like Legislature, Executive, Judicial and emergency powers.

a dual polity consisting the Union at the Centre and the states at the periphery. Each is endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution.

#### b. Written Constitution

The articles of the Constitution are written and cannot be easily changed without due parliamentary approval.

#### c. Division of Powers

The Constitution divided the powers between the Centre and the states in terms of the Union List, State List and Concurrent List in the Seventh Schedule.

#### d. Supremacy of the Constitution

The Constitution is the supreme law of the land. The laws are enacted by the Centre and the states must conform to its provisions.

### e. Rigid Constitution

Amendment of the Constitution is by a procedure of 2/3rd majority in each of the house and laws cannot be easily changed by any ruling party.

### f. Independent Judiciary

The Judiciary is separated from the Executive and Legislature. The Judiciary given its national and state level jurisdictions, exercises Original, Appellate and Judicial Review functions. It functions independently of the Executive and Legislature.

### g. Bicameralism

It provides for a two-house legislature that has an Upper chamber and Lower chamber. With the Lower house having powers of enacting financial legislation.

### Merits Of Federal Form Government

- a. Reconciliation of local autonomy with national unity.
- b. Division power between centre and states leads to administrative efficiency.
- c. It gives rise to big states.
- d. Distribution powers checks the despotism of central government.
- e. More suitable for bigger countries.
- f. It is good for economic and cultural progress.
- g. De-Merits Of Federal Form Government.
- h. Federal government is weaker when compared to the unitary government.
- i. Federal government is more expensive.
- j. Provincial tendencies are very common.

- k. lack of uniformity in Administration.
- l. Threat to national unity.
- m. Distribution powers between centre and states lead to conflict.
- n. Double Citizenship.
- o. Rigid constitution cannot be amended easily for the changing needs.
- p. The state governments sometimes place hindrances in the foreign policy.

### Difference between Unitary form and Federal form of Government

S. No	Unitary Form of Government	Federal Form of Government
1.	Only one Level of Government or Subunits	Two Levels of Government
2.	Mostly Single Citizenship	Dual Citizenship
3.	Sub Units cannot operate Independently	Federal Units are answerable to Central Government
4.	No Division of Power	Division of Power
5.	Centralisation of Power	Decentralisation of Power

S.No	Country	Name of Parliament
1.	Israel	Knesset
2.	Germany	Bundestag
3.	Japan	Diet
4.	Norway	Storting
5.	Nepal	Rashtriya Panchayat
6.	Pakistan	National Assembly
7.	Russia	Duma
8.	U.S.A	Congress
9.	South Africa	Parliament
10.	Switzerland	Federal Assembly

## Summary

S.No	Category	Types	Countries
1.	Forms of government	Presidential form of government	U.S.A
		Parliamentary form of government	U.K
		Direct democracy	Switzerland
		Indirect democracy	India
		Monarchy	Absolute Monarchy - Bahrain
			Constitutional Monarchy - Japan
			Commonwealth Realms - Australia
		Authoritarian	Hitler's Germany and Mussolini's Italy
2.	Role of religion	Secularism	India
		Theocracy	Pakistan, Iran, Vatican City, Nepal
3.	Distribution of power:territorial	Unicameral	China
		Bi-cameral	U.K, U.S.A
4.	Types of executive	Single Executive Model	U.S.A
		Plural Executive Model	France
5.	Types of judiciary	Independent	All Democratic Countries
		Committed	Erstwhile U.S.S.R
6.	Nature of Constitution	Rigid & Written	U.S.A
		Flexible & Un-Written	U.K
7.	Nature of state (In terms of Objectives, Ideology, Policies)	Capitalism	
		Communism	Cuba, China, North Korea
		Socialism	

## ACTIVITY



Discuss where you can situate Indian Form of Government



### Three pillars picture

**Based on the photo discuss the following questions in the class:**

- Can you identify the institutions given in the Photo?
- Why are institutions essential in democratic governments?
- What is the significance of the Parliament in a democratic country?
- How can you say that the Judiciary in India is one of the most powerful in the world?
- What 'values' are associated with Parliament in a democratic country?

### 6.5 Parliamentary form of government

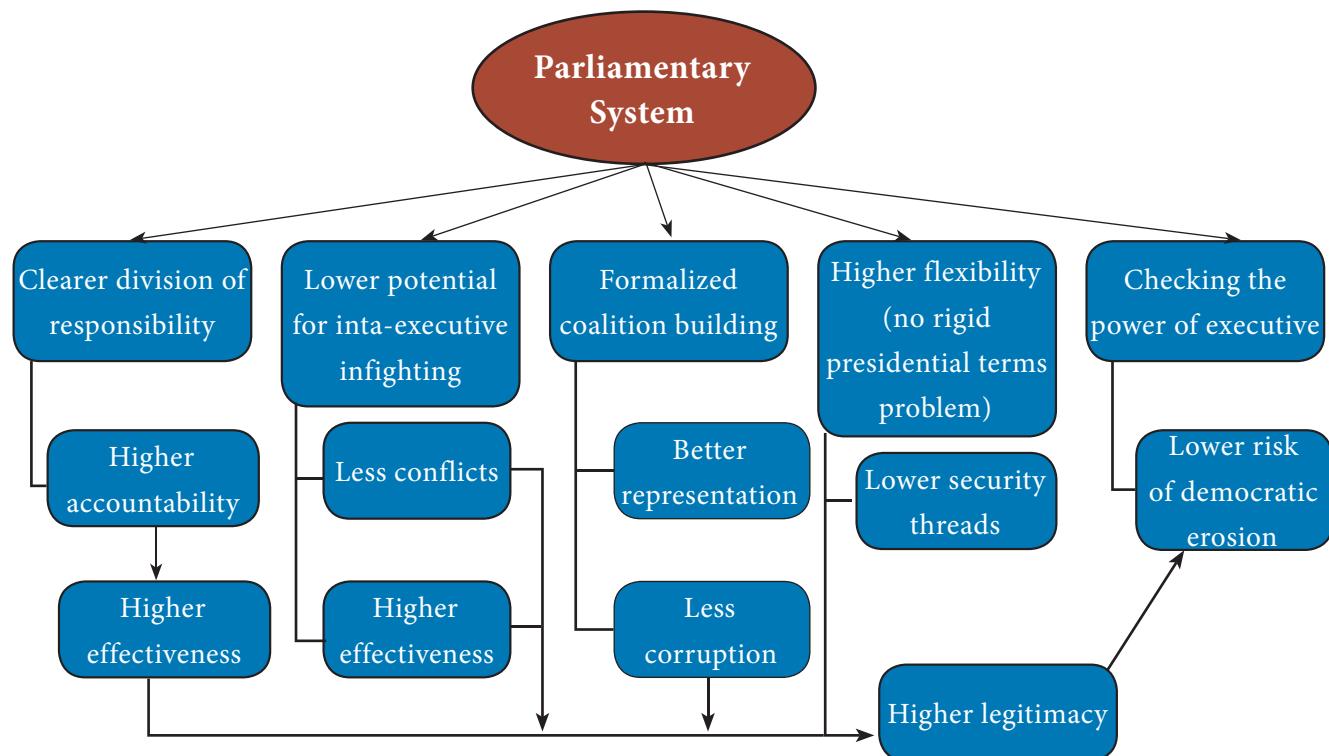
Modern democratic governments are classified into parliamentary and presidential on the basis of nature of relations between the executive and the legislative organs of the government.



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 irresponsible government or Westminster model of government and is prevalent in Britain, Japan, Canada, India among others.



*Ivor Jennings* called the parliamentary system as 'cabinet system' because the cabinet is the nucleus of power in a parliamentary system. The parliamentary government is also known as 'responsible government' as the cabinet (the real executive) is accountable to the Parliament and stays in office so long as it enjoys the latter's confidence.

It is described as 'Westminster model of government' after the location of the British Parliament, where the parliamentary system originated. In the past, the British constitutional and political experts described the Prime Minister as 'primus inter pares' (first among equals) in relation to the cabinet. In the recent period, the Prime Minister's power, influence and position

have increased significantly vis-a-vis the cabinet. He has come to play a 'dominant' role in the British politico-administrative system.

### Features of parliamentary form of 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). Thus, the President is head of the State, while the Prime Minister is head of the government.

**Majority Party Rule:** The political party which secures majority seats in the Lok Sabha forms the government. The

leader of that party is appointed as the Prime Minister by the President; other ministers are appointed by the President on the advice of the prime minister. However, when no single party gets the majority, a coalition of parties may be invited by the President to form the government.

**Collective Responsibility:** This is the bedrock principle of parliamentary government. The ministers are collectively responsible to the Parliament.

**Double Membership:** The ministers are members of both the legislature and the executive.

**Leadership of the Prime Minister:** The Prime Minister plays the leadership role in this system of government. He is the leader of council of ministers, leader of the Parliament and leader of the party in power. In these capacities, he plays a significant and highly crucial role in the functioning of the government.

### Merits of the parliamentary form of government

**Harmony between Legislature and Executive:** The greatest advantage of the parliamentary system is that it ensures harmonious relationship and cooperation between the legislative and executive organs of the government. The executive is a part of the legislature and both are inter dependent at work. As a result, there is less scope for disputes and conflicts between the two organs.

**Responsible Government:** In the parliamentary system establishes a responsible government. The ministers are responsible to the Parliament for all

their acts of omission and commission. The Parliament exercises control over the ministers through various devices like question hour, discussions, adjournment motion, no confidence motion, etc.

**Prevents Despotism:** under this system, the executive authority is vested in a group of individuals (council of ministers) and not in a single person. This dispersal of authority checks the dictatorial tendencies of the executive. Moreover, the executive is responsible to the Parliament and can be removed by a no-confidence motion.

**Wide Representation:** In a parliamentary system, it is possible to provide representation to all sections and regions in the government. The prime minister while selecting his minister can take this factor into consideration.

### Demerits of the parliamentary form of government

**Unstable Government:** The parliamentary system does not provide a stable government. There is no guarantee that a government can survive its tenure. The ministers depend on the majority legislators for their continuity and survival in office. A no-confidence motion or political defection or evils of multiparty coalition can make the government unstable.

**No Continuity of Policies:** The parliamentary system is not conducive for the formulation and implementation of long-term policies. This is due to the uncertainty of the tenure of the government. A change in the ruling party is usually followed by changes in the policies of the government.

**Dictatorship of the Cabinet:** When the ruling party enjoys absolute majority in the Parliament, the cabinet becomes autocratic and exercises nearly unlimited powers.

**Harold J Laski** says that the parliamentary system gives the executive an opportunity for tyranny.

**Ramsay Muir**, the former British Prime Minister, also complained of the 'dictatorship of the cabinet'.

**Against Separation of Powers:** In the parliamentary system, the legislature and the executive are together and inseparable. The cabinet acts as the leader of legislature as well as the executive. Hence, the whole system of government goes against the letter and spirit of the theory of separation of powers.



### Case Study



MARCH 24, 2017 00:15 IST

#### Do we need a presidential system?



*The surrender to the authority of one individual, as in the presidential system, is dangerous for democracy*

**Raju Ramachandran**, senior advocate at the Supreme Court of India

This debate is academic. A switchover to the presidential system is not possible under our present constitutional scheme because of the 'basic structure' doctrine propounded by the Supreme Court in 1973 which has been accepted by the political class without reservation, except for an abortive attempt during the Emergency by Indira Gandhi's government to have it overturned. The Constituent Assembly had made an informed choice after considering both the British model and the American model and after Dr. B.R. Ambedkar had drawn up a balance sheet of their merits and demerits. To alter the informed choice made by the Constituent Assembly would violate the 'basic structure' of the Constitution. I must clarify that I have been a critic of the 'basic structure' doctrine.

#### Abuse of power worries

A presidential system centralises power in one individual unlike the parliamentary system, where the Prime Minister is the first among equals. The surrender to the authority of one individual, as in the presidential system, is dangerous for democracy. The over-centralisation of power in one individual is something we have to guard against. Those who argue in favour of a presidential system often state that the safeguards and checks are in place: that a powerful President can be stalled by a powerful legislature. But if the legislature is dominated by the same party to which the President belongs, a charismatic President or a "strong President" may prevent any move from the legislature. On the other

hand, if the legislature is dominated by a party opposed to the President's party and decides to checkmate him, it could lead to a stalemate in governance because both the President and the legislature would have democratic legitimacy.

A diverse country like India cannot function without consensus-building. This "winner takes it all" approach, which is a necessary consequence of the presidential system, is likely to lead to a situation where the views of an individual can ride roughshod over the interests of different segments.

### What about the States?

The other argument, that it is easier to bring talent to governance in a presidential system, is specious. You can get 'outside' talent in a parliamentary system too. Right from C.D. Deshmukh, T.A. Pai, Manmohan Singh, M.G.K. Menon and Raja Ramanna talent has been coming into the parliamentary system with the added safeguard of democratic accountability, because the 'outsiders' have to get elected after assuming office. On the other hand, bringing 'outside' talent in a presidential system without people being democratically elected would deter people from giving independent advice to the chief executive because they owe their appointment to him/her.

Those who speak in favour of a presidential system have only the Centre in mind. They have not thought of the logical consequence, which is that we will have to move simultaneously to a "gubernatorial" form in the States. A switch at the Centre will also require a change in the States. Are we ready for that?

*Changing to a presidential system is the best way of ensuring a democracy that works*

Our parliamentary system is a perversity only the British could have devised: to vote for a legislature in order to form the executive. It has created a unique breed of legislator, largely unqualified to legislate, who has sought election only in order to wield executive power. There is no genuine separation of powers: the legislature cannot truly hold the executive accountable since the government wields the majority in the House. The parliamentary system does not permit the existence of a legislature distinct from the executive, applying its collective mind freely to the nation's laws.

For 25 years till 2014, our system has also produced coalition governments which have been obliged to focus more on politics than on policy or performance. It has forced governments to concentrate less on governing than on staying in office, and obliged them to cater to the lowest common denominator of their coalitions, since withdrawal of support can bring governments down. The parliamentary system has distorted the voting preferences of an electorate that knows which individuals it wants but not necessarily which parties or policies.

### Failures in the system

India's many challenges require political arrangements that permit decisive action, whereas ours increasingly promote drift and indecision. We must have a system of government whose leaders can focus on governance rather than on staying in power.

A system of directly elected chief executives at all levels – panchayat chiefs, town mayors, Chief Ministers (or Governors) and a national President – elected for a fixed term of office, invulnerable to the whims of the legislature, and with clearly defined authority in their respective domains – would permit India to deal more efficiently with its critical economic and social challenges.

Cabinet posts would not be limited to those who are electable rather than those who are able. At the end of a fixed period of time — say the same five years we currently accord to our Lok Sabha — the public would be able to judge the individual on performance in improving the lives of Indians, rather than on political skill at keeping a government in office.

The fear that an elected President could become a Caesar is ill-founded since the President's power would be balanced by directly elected chief executives in the States. In any case, the Emergency demonstrated that even a parliamentary system can be distorted to permit autocratic rule. Dictatorship is not the result of a particular type of governmental system.

### Direct accountability

Indeed, the President would have to work with Parliament to get his budget through or to pass specific Bills. India's fragmented polity, with dozens of political parties in the fray, makes a U.S.-style two-party gridlock in Parliament impossible. An Indian presidency, instead of facing a monolithic opposition, would have the opportunity to build issue-based coalitions

on different issues, mobilising different temporary alliances of different smaller parties from one policy to the next – the opposite of the dictatorial steamroller some fear a presidential system could produce.

Any politician with aspirations to rule India as President will have to win the support of people beyond his or her home turf; he or she will have to reach out to different groups, interests, and minorities. And since the directly elected President will not have coalition partners to blame for his or her inaction, a presidential term will have to be justified in terms of results, and accountability will be direct and personal.

Democracy, as I have long argued, is vital for India's survival: we are right to be proud of it. But few Indians are proud of the kind of politics our democracy has inflicted upon us. With the needs and challenges of one-sixth of humanity before our leaders, we must have a democracy that delivers progress to our people. Changing to a presidential system is the best way of ensuring a democracy that works. It is time for a change.

**Upendra Baxi**, legal scholar and the former vice-chancellor of Delhi University

I think the debate has a life cycle of its own. It has been brought up and discussed whenever there has been a super-majority government. From Jawaharlal Nehru to Indira Gandhi to the present, the presidential system has been debated extensively around two aspects: is it desirable, and second, is it feasible?

To tackle the second aspect first, unless the Supreme Court changes its

mind, any such amendment would violate the 'basic structure' of the Constitution as was decided with, and since, the Kesavnanda Bharti case. There is no way to get around this unless the Supreme Court now takes a wholly different view.

### Different models

On the desirability aspect, which presidential system are we talking about when we pit the American presidential system against the Westminster model? In the American system, the President appoints his officers; they have limited tenure and their offices are confirmed by the Senate (Upper House). Then, we have the Latin American model, where some Constitutions give Presidents a term often amounting to a life tenure like in Cuba. There are plenty of models to choose from and there are arguments against each. So, which system is being argued for when the votaries of change seek a shift to the presidential system?

Our Rajya Sabha cannot be compared to the U.S. Senate where each state has its own Constitution and has the power to change it. The relationship between the states and the federal government is extraordinary; as is the status of their courts and the manner of appointment of judges. I do not think people have thought about it. Merely stating that a change to the presidential system is needed does not mean much. The Indian debate currently is not focussed on the kind of presidential system envisaged. What is the term we are seeking for the President? Should he/she be re-elected? If so, for how many terms? Then, who decides the change?

Parliament? All this requires a massive amendment to the 'basic structure' of the Constitution. The Supreme Court has spelt its view on the 'basic structure' of the Constitution.

Giving an opinion is one thing. A judgment is a more carefully considered conclusion. Those who support the presidential system should do their homework when they argue against the parliamentary system. There is also the matter of separation of powers. In the U.S., the President, who is also the Supreme Commander, has the power to veto the Congress. Does India need this? The manner of removing the U.S. President through impeachment is a very complex process. There is also the possibility of aggregating more powers to the President.

One could argue that the parliamentary system too runs a similar risk. I do not think it has been thought over. It is not on the table yet.

### Reform the process

On the other hand, there are ideas going around about reforming the electoral processes to make democracy more robust. From limiting expenditure of political parties and deciding the ceiling on the expenditure, to holding simultaneous elections, declaring the results for a combination of booths instead of constituencies — I think it is advisable to debate this and ensure that the gaping loopholes in the electoral processes are speedily plugged.

The present parliamentary system has been tried and tested for nearly 70 years. Rather than change the system, why not reform thoroughly and cleanse the electoral processes?

### Why the framers of the Indian Constitution adopted for the Parliamentary Form of Government?

1. Familiarity with the System
2. Preference to More Responsibility
3. Need to Avoid Legislative—Executive Conflicts
4. Nature of Indian Society, India is one of the most heterogeneous States and most complex plural societies in the world. Hence, the Constitution-makers adopted the parliamentary system as it offers greater scope for giving representation to various section, interests and regions in the government. This promotes a national spirit among the people and builds audited India.

### 6.6 Presidential Form of Government

The Presidential Form Of Government is also known as non-responsible or non-parliamentary or fixed executive system of government basically built on the principle of separation of power, and is prevalent in USA, Brazil, Russia, Sri Lanka among others.

### Features of Presidential Form of Government

The American President is both the head of the State and the head of government. As the head of State, he occupies a ceremonial position. As the head of government, he leads the executive organ of government.

The President is elected by an electoral college for a fixed tenure of four years. He cannot be removed by the Congress except by impeachment for a grave unconstitutional act.

The President governs with the help of a cabinet or a smaller body called 'Kitchen Cabinet'. It is only an advisory body and consists of non-elected departmental secretaries. They are selected and appointed by him, are responsible only to him, and can be removed by him any time.

The President and his secretaries are not responsible to the Congress for their acts. They neither possess membership in the Congress nor attend its sessions.

The President cannot dissolve the House of Representatives—the lower house of the Congress.

The doctrine of separation of powers is the basis of the American presidential system. The legislative, executive and judicial powers of the government are separated and vested in the three independent organs of the government.



## Difference between Parliamentary Form of Government and Presidential Form of Government

S. No	Presidential Form of Government	Parliamentary Form of Government
1.	President is directly elected by the People	Prime Minister is the leader of majority Party
2.	President is Supreme	Central Legislature is supreme
3.	Separation of Powers	Absence of Separation Powers Centralization
4.	Independent branches	Independent branches with Overlapping functions
5.	President - head of the State	President - head of the State
6.	President - head of the Government	Prime Minister - head of the Government
7.	Separation of Powers	Centralization
8.	Independent branches	Independent branches with Overlapping functions
9.	Individual Leadership	Collective leadership
10.	President is not accountable to Congress	Collective and Individual Responsibility

## “World Bank - World Development Report 1997 : The State In A Changing World”.

The report is devoted to the role and effectiveness of the state: what it should do, how it should do it, and how it can improve in a rapidly changing world. Governments with both centrally-planned and mixed economies are shrinking their market role because of failed state interventions.

This report takes an opposite stance: that state's role in the institutional environment underlying the economy, that is, its ability to enforce a rule of law to underpin transactions, is vital to making government contribute more effectively to development. It argues against reducing government to a minimalist state, explaining that development requires an effective state that plays a facilitator role in encouraging and complementing the activities of private businesses and individuals.

The report presents a state reform framework strategy: First, focus the state's activities to match its capabilities; and second, look for ways to improve the state's capability by re-invigorating public institutions.

According to this report, five fundamental tasks are core of every government's mission, without which sustainable, shared and poverty reducing development is impossible.

### They are...

1. Establishing a foundation of law
2. Maintaining macroeconomic stability
3. Investing in basic social services and infrastructure
4. Protecting the vulnerable
5. Protecting the environment

### DEBATE ON STATE VS MARKET



## 6.7 The Concept of Governance from Government to Governance

Good governance is an indeterminate term used in the international development literature to describe how public institutions conduct public affairs and manage public resources. Governance is “the process of decision-making and the process by which decisions are implemented”.



“Government” and “governance” are synonyms, both denoting the exercise of authority in an organization, institution or state. Government and governance became distinguished along the following dimensions:

- What activities are encompassed in the act of governing?
- What actors are involved in governance?
- What processes have made this redefinition necessary?
- What criteria are used to evaluate good governance?
- What capacities should be developed to achieve it?

Governance is the exercise of political, economic and administrative authority to manage a nation’s affairs...Governance

embraces all of the methods – good and bad – that societies use to distribute power and manage public sources and problems (UNDP, 1997):

Governance is the manner in which power is exercised in the management of a country’s social and economic resources for development (ADB, 2000)

The movement from government to governance is not merely a task of creating new institutions but also that of refurbishing old ones. The state has to be strengthened to play a new role. It is also for the civil society to accept that democracy is not going to polls every five years but being vigilant and monitoring institutional performance and holding them accountable throughout these years.

### Partnership with civil society

In the shift of government to governance the role of civil society has been very significant. There have been two kinds of strands in this role,

- Social Movements
- Non-Governmental Organizations

Social Movements which works for the cause of poor and marginalized do influence the governments to be responsive to their needs through changes in institutions, laws and procedures.

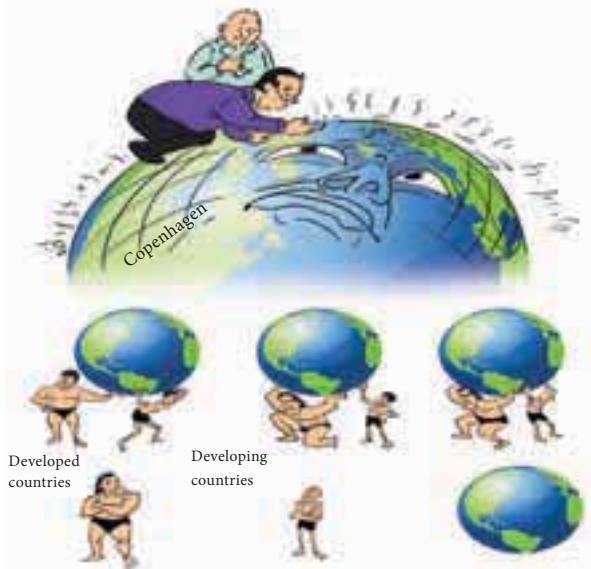
NGO’s have taken up diverse roles that also involve implementation of government programmes.

Social movements and NGO’s occupied new spaces in the political process and delivering public services.

## ACTIVITY



**Cartoons cape Thinking about a global perspective**



**Copenhagen and Climate summit / 09.12.2009 / P.8 and 18.12.2009 / P.10**

**197 Nations agree to phase out AC greenhouse gases.**

Legally – binding deal to tackle global warming, reduce use of gas 1,000 times worse than CO<sub>2</sub>

### 3 GROUPS OF NATIONS

**Developed countries including the US must slash their use of HFCs' by 10 percent by 2019 from 2011-2013 levels, and then by 85 percent by 2036.**

A second group of developing countries, including China and Africa nations, are committed to launching the transition in 2024. A reduction of 10 percent compared with 2020-2022 levels should be achieved by 2029, to be extended to 80 percent by 2045.

A third group of developing countries, which include India, Pakistan, Iran, Iraq and Gulf nations, must begin the process in 2028 and reduce emissions by 10 per cent by 2032 from 2024-2026 levels, and then by 85 percent by 2047

### KIGALI (RWANDA)

In a major step toward curbing global warming, envoys from nearly 200 nations reached an agreement on Saturday to phase out potent greenhouse gases used in refrigerators and air conditioners. Under the amendment to the 1987 Montreal Protocol on protecting the ozone layer, rich countries are to take action sooner than developing nations.

The agreement was greeted by applause from exhausted envoys who had worked through the night in the Rwandan capital Kigali to put the final touches on the deal to phase out production and consumption of hydrofluorocarbons (HFCs).

But some representatives voiced regret that countries such as India, Pakistan, and Gulf nations would begin the transition later than others. "It may not be entirely what the islands wanted, but it is a good agreement," said a representative of the tiny Pacific nation of the Marshall Islands. The elimination of HFCs could reduce global warming by 0.5 degrees by 2100, according to a 2015 study.

However, swapping HFCs for alternatives such as ammonia, water or gases called hydrofluorolefins could prove costly for developing countries with sweltering summer temperatures, such as India. "There are issues of cost, there are issues of technology, there are issues of

finances," said Ajay Narayan Jha of India's environment and climate change ministry before deal was announced. "We would like to emphasize that any agreement will have to be flexible from one side and not from the other," he had said.

HFCs' predecessors, chlorofluorocarbons (CFCs), were discontinued under the Montreal Protocol when scientists realized they were destroying the ozone layer. But it emerged that HFCs, while safe for the now healing ozone, are thousands of times worse for trapping heat than carbon dioxide, the main greenhouse gas.

[The new Indian express: 16.10.2016](#)

### Thinking about a global perspective

A global perspective asks you to think beyond yourself, your family, your school, your community, your village, your district, your state or country where you are living. Issues that are in the news are after global in nature for ex., environmental issue.

Often, a global issue or problem demands a global solution. It would not be possible to solve the global problem of climate change with a local solution, even though local courses of action might be taken to help towards a global solution. For the problem of climate change, for ex., a local course of action might be creating awareness through street play or exhibition or human chain or a poster campaign aimed at encouraging people think globally and act locally.

### Group Discussion

**Teacher can divide the class into three groups.**

<b>Group 1</b>	Arguments in favour of Developed countries with valid reasons.
<b>Group 2</b>	Arguments in favour of Developing countries with valid reasons.
<b>Group 3</b>	Arguments in favour of Under Developed countries with valid reasons.

### Characteristics of good governance

#### i. Participation

All men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.

#### ii. Rule of Law

Legal frameworks should be fair and enforced impartially, particularly the laws on human rights.

#### iii. Transparency

Transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.

#### iv. Responsiveness

Institutions and processes try to serve all stakeholders.

## v. Consensus orientation

Good governance mediates differing interests to reach a broad consensus on what is in the best interests of the group and, where possible, on policies and procedures.



## vi. Equity

All men and women have opportunities to improve or maintain their well-being.

## vii. Effectiveness and efficiency

Processes and institutions produce results that meet needs while making the best use of resources.

## viii. Accountability

Decision-makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organizations and whether the decision is internal or external to an organization.

## ix. Strategic Vision

Leaders and the public have a broad and long-term perspective on good governance and human development,

along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.

Source: UNDP (1997) Governance for Sustainable Human Development. United Nations Development Programme.

## 6.8 How to evaluate the performance of a government?

It is difficult to evaluate the performance of a government with uni-factor analysis; the actual assessment can be done only after considering various aspects of governance, namely Socio Cultural, Political, Economic, and Environmental factors. To evaluate the performance of a government the following factors can be considered.

## Socio Cultural factors

- Gender Parity Index
  - Religious Freedom
  - Equality Based on caste
  - Protection of religious and Linguistic Minority Rights
  - Gender Budgeting

## Political factors

- Effective functioning of Democracy
  - Free and fair elections
  - Corruption free Politics and Administration
  - Transparency in Administration
  - Independent Press

- Independent Judiciary
- Human Rights

### Economic factors

- Human development Index (HDI)
- Gross Domestic Product (GDP)
- Purchasing Power Parity (PPP)
- Growth Vs Development
- Equal Distribution of Wealth

### Environmental factors

- Sustainable Development Goals
- National Action Plan for Climate change(NAPC)
- Green Budget
- Disaster management

### Gross national happiness (GNH):

Gross National Happiness is a developing philosophy as well as an “index” which is used to measure the collective happiness in any specific nation. The Concept was first mentioned in the constitution of Bhutan, which was enacted on 18 July 2008.

The term “gross national happiness” was coined by the fourth king of Bhutan, Jigme Singye Wangchuck, in the 1970s. The GNH’s central tenets are: “Sustainable and equitable socio-economic development; environmental conservation; preservation and promotion of culture; and good governance”.

GNH is distinguishable by for example valuing collective happiness as the goal of governance, and by emphasizing harmony with nature and traditional values.

### Activity



### Discuss the Recently Published Reports of the Following

- ❖ HUMAN DEVELOPMENT INDEX,
- ❖ TRANSPARENCY INTERNATIONAL,
- ❖ ECONOMIC SURVEY OF INDIA,
- ❖ Budget - Green Budget, Gender Budgeting,
- ❖ GENDER PARITY INDEX
- ❖ Annual Reports of following institutions
  - NHRC – National Commission for Human Rights
  - NCSC - National Commission for Schedule Castes
  - NCST - National Commission for Schedule Tribes
  - NCW – National Commission for Woman
  - NCPCR - National Commission for Protection of Child Rights

### Glossary



### Aristocracy

Rule by an upper class.

### Bicameral Legislature

A legislature that comprises two parts or chambers. The USA Congress is a bicameral legislature; its two chambers are the House of Representatives and the Senate. Compare with unicameral legislature.

## Capitalism

An economic system in which the means of production and distribution are mainly in private ownership for private gain at the expense of the non-owners. Mechanisms include free markets and freedom of contract.

## Checks and Balances

A principle of a system of government whereby each branch of the government can check the actions of the others. As originally conceived, this was true of the government of the USA.

## Concurrent Powers

Powers held jointly by the national and state governments.

## Confederal System

A league of independent states, each having essentially sovereign powers. The central government created by such a league has only limited powers over the states.

## Confederation

A voluntary association of states; usually limits central authority to foreign affairs and is less permanent than a federation. A political system where states or regional governments retain ultimate authority, except for powers expressly delegated to a central government.

## Constitution

The fundamental law of a nation. Defines the power of the government; specifies offices and their authority.

## Consent of the People

Governments and laws are legitimate implicitly from the consent of those governed.

## Democratic Republic

A republic in which the representatives elected by the people make and enforce laws and policies.

## Devolution.

Transfer of powers from the national or central government to state or local government. This happened in the United Kingdom in the late twentieth century.

## Direct Democracy

A system of government where political decisions are made by the people directly, rather than by their elected representatives.

## Dominant Culture

Values, customs, and language of the group(s) that control politics and government in a society.

## Federal System

A system of government where power is divided between a central government and regional, or subdivisional, governments. Each of those levels has a domain where its policies are dominant. And each has political or constitutional guarantee of authority.

## Federalism

A political system in which authority is shared between a central government and a state or regional government.

## Federation

An association of states; usually more permanent than a confederation. A political system where states or regional governments retain ultimate authority, except for powers expressly delegated to a central government.

## Legislature

That part of government primarily responsible for making laws.

## Legitimacy

Acceptance by the citizens of the right and power of a government or ruler to exercise authority.

## Liberal Democracy

Democratic government that provides for the protection of individual human rights, in order to prevent a majority from oppressing a minority.

## Liberalism

Advocacy of positive government action to improve the welfare of individuals, support for civil rights, and tolerance for political and social change.

## Limited Government

A government whose powers are limited, particularly by institutional checks.

## Parliamentary System

Representative democracy where political power is vested in an elected legislature. Used in most European countries.

## Presidential System

Representative democracy where political power is vested in separately elected and appointed branches of national government. This system is used in the USA.

## Representative Democracy

A form of government in which representatives are elected by the people to make and enforce laws and policies. Political decisions are made by the officials elected by the people. [Some such democracies retain a monarchy in a ceremonial role.]

## Republic

A form of government in which sovereignty rests with the people (or a portion of the people), as opposed to a king or monarch or dictator. This form of Representative Democracy was created by the framers of the US constitution.

## Separation of Powers

The division of governmental functions and powers among different branches of government, so that the various self-interests of each group would moderate those of the others.

## Theocracy. [From Greek theos = god and krateein = to rule.]

Rule by a god, which in practice means rule by a priesthood. No separation of church and state. Compare with aristocracy.

## Totalitarian

A regime of command by the government and obedience by the citizens. The regime controls all aspects of political and social life (as in George Orwell's 1984). In contrast with an authoritarian state, all social and economic institutions are under government control.

## Unicameral Legislature

A legislature that comprises a single part or chamber. In the USA (early 21st century) only the state of Nebraska has a unicameral legislature. Compare with bicameral legislature.

## Unitary System

A centralized governmental system



### Evaluation



## I Choose the correct answer

1. “Parliamentary form of Government” is also known as

- |                                     |                            |
|-------------------------------------|----------------------------|
| (a) Cabinet Government              | (b) Responsible Government |
| (c) Westminster forms of government | (d) All of the above       |

2. Which of the following characteristics is not related to the federal government?

- |                                   |                           |
|-----------------------------------|---------------------------|
| (a) Written Constitution          | (b) Flexible Constitution |
| (c) Supremacy of the Constitution | (d) Independent Judiciary |

3. The Federal System in India is based on the model of which country?

- |            |        |             |           |
|------------|--------|-------------|-----------|
| (a) Canada | (b) UK | (c) America | (d) Japan |
|------------|--------|-------------|-----------|

4. Which three indicators are used in the Human Development Index (HDI)?

I. Standard of living   II. Education

III. Life expectancy   IV. Condition of environment

- |                    |                       |                 |                      |
|--------------------|-----------------------|-----------------|----------------------|
| (a) Only I,II & IV | (b) Only I, II, & III | (c) Only I & II | (d) All of the above |
|--------------------|-----------------------|-----------------|----------------------|

5. Which of the following are the features on the basis of which the parliamentary system of government in India operates?

- |   |   |
|---|---|
| a. Nominal and real executives          | b. Executive responsible to lower house |
| c. Prime Minister is the real executive | d. All of the above                     |

6. Due to which of following reasons the founding fathers preferred the British parliamentary system?

- 1) Familiarity with system.   2) More responsibility.  
 3) Separation of power.   4) Heterogeneous Indian Society.

- |                 |                 |                 |                     |
|-----------------|-----------------|-----------------|---------------------|
| a. Only 1, 2, 4 | b. Only 1, 2, 3 | c. Only 2, 3, 4 | d. All of the above |
|-----------------|-----------------|-----------------|---------------------|

where local or regional governments exercise only the powers that the central government gives them.

**Universal Suffrage.** [From Latin suffragium = voting tablet, vote.] The right and privilege of all adults to vote for their representatives.

**7. Which federal institution oversees the implementation of Constitutional provisions and procedures?**

- A) Legislature    B) Executive    C) Judiciary    D) Cabinet

**8. In U.S.A. The form of government is:**

- A) Parliamentary    B) Presidential  
C) Absolute monarchy    D) Limited monarchy

**9. Which major country does not have a single, written constitution?**

- A. Russia    B. Iran    C. Germany    D. United Kingdom

### **II Answer the following questions very shortly**

5. Define Government.  
6. Write about the merits of Unitary form of government.

### **III Answer the following questions shortly**

7. List out the Unitary features of Indian constitution.  
8. List out the demerits of Federal form of government  
9. Why the framers of the Indian constitution adopted for Parliamentary form of government?

#### **Internet resource**



1. <http://www.worldbank.org/>
2. <https://openknowledge.worldbank.org/handle/10986/5980>
3. <http://www.grossnationalhappiness.com/articles/>

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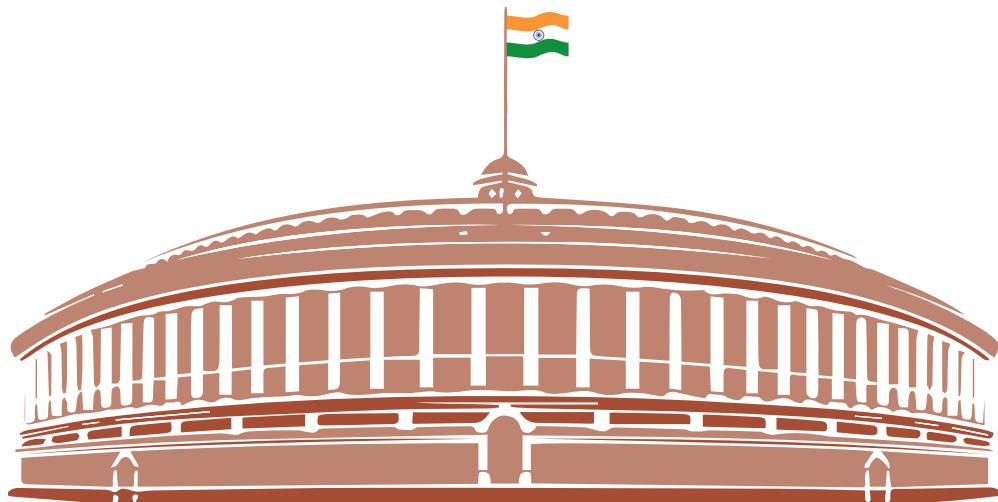


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2. D.D.Basu, Introduction to the Constitution of Indian, New Delhi, Lexisnexis
3. R.C.Agarwal, Political Theory, New Delhi, S.Chand
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GOVERNMENT OF TAMIL NADU

## POLITICAL SCIENCE



HIGHER SECONDARY FIRST YEAR

Volume - II

A publication under Free Textbook Programme of Government of Tamil Nadu

DEPARTMENT OF SCHOOL EDUCATION

Untouchability is Inhuman and a Crime





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UNIT  
10

## Public Opinion and Party System



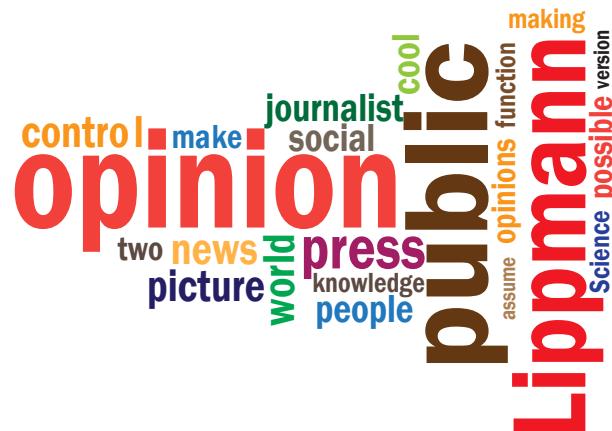
### Introduction

This chapter focuses on the meaning and evolution of the Party system as adopted in various countries of the world. Tracing the emergence of party system in modern democracies we seek to explain the nature, characteristics, types and functions of political parties especially in a democracy. Deriving from this general background, the evolution of the party system in India at the national and regional levels are studied, with a specific focus on Tamil Nadu. The chapter also presents the meaning and importance of public opinion and its role in the effective working of a democracy



### Learning Objectives

- ❖ To define the meaning of party system
- ❖ To identify the role, function and types of party system within a democracy
- ❖ To trace the historical evolution of the party system in modern times.
- ❖ To outline the structure of the party system in India at the national and regional levels
- ❖ To evaluate the importance of public opinion in the effective functioning of a democracy
- ❖ To assess the impact and limitations of the party system



others with similar beliefs. In short it is the collective views of the people, their attitudes and opinions.

It is the people's collective preferences on matters relating to government and politics. It is based on the premise that collective individual opinions matter in a democracy and public opinion should carry more weight than individual opinion. Others opine that public opinion can be influenced and controlled by organized groups, government leaders, and media elite.

### 10.1 Defining Public Opinion:

Public opinion can be defined as a psychological and social process in which the behaviour of each member of the public is conditional to that of all



In fact, democracy derives its authority from the people. Public opinion is not the opinion of an individual, though he or she may be a highly respected person. It is not a private opinion. It is also not an expert opinion, irrespective of the wisdom of the expert. Public opinion is an organized and considered opinion of

a section or many sections of the people on any public issue or concern.

### Role of Public Opinion:

Public opinion is an essential element for successful working of a democracy where the views of all citizens are respected and no government can survive by ignoring it.

### ACTIVITY



#### PUBLIC OPINION

Read the following article by one of the senior political leaders late Madhu Dandavate carefully and answer the questions.

#### GANDHI'S DIALOGUE WITH THE NATION

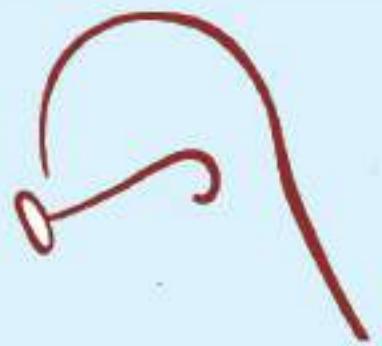
*For Mahatma Gandhi, the Dandi March was not just a non-violent weapon of struggle. It was also a means of dialogue and communication with the people along the route.*

At the 44th session of the Indian National Congress held on the banks of river Ravi at Lahore, a resolution demanding complete independence was passed on December 31, 1929. Jawaharlal Nehru presided over the session and Mahatma Gandhi made a memorable speech while moving the main resolution. However, Gandhi did not rest content with merely delivering a speech. He led the famous Dandi March starting from the Sabarmati Ashram on March 12, 1930, culminating in the Salt Satyagraha at Dandi, a coastal village in Gujarat, on April 6, 1930.

Gandhi had a definite strategy and perspective about the Dandi March and the Salt Satyagraha. He did not want the march to be too massive to remain under control. At the same time, he did not want it to be too small to have any perceptible impact. These considerations made Gandhi reject Vallabhai Patel's suggestion of a massive march to Delhi. He also did not approve of the romantic idea of Nehru to set up a parallel government. Gandhi proposed a march of 78 dedicated and disciplined satyagrahis from Sabarmati to Dandi village to offer Salt Satyagraha. Gandhi chose salt as the symbol of satyagraha because it was the lowest common denominator of the food consumption of the nation. The rich needed salt for a change of taste and the poorest of the poor needed it for mixing with water so that they could dip their dry and stale bread in the mixture as an alternative to the rich man's spicy curry. During the Dandi March, some overenthusiastic admirers of Gandhi brought for him and his fellow pilgrims large quantities of fresh fruit and wholesome milk from dairies.



Gandhi, however, humbly refused to accept them on the ground that those who were involved in the noble cause of fighting for the poor through their march must not avail themselves of such lavish hospitality. Gandhi looked at the Dandi March not only as a non-violent weapon of struggle against injustice but also as a medium of dialogue and communication with the people along the route of the march. On their way to Dandi, Gandhi and his satyagrahis halted for night rest at various villages. He used this interlude to speak to the satyagrahis, the residents of the villages and accompanying journalists about the background of the Salt Satyagraha and wider issues of national importance. He treated the Dandi March as an educative process. He continued this dialogue with the people during all the 25 days of the march. Thrilled by the march, several journalists sent elaborate reports every day. These were well displayed by newspapers and journals. Thus what Gandhi said during the Dandi March became a dialogue with the nation.



**Courtesy : The Hindu, article by MadhuDandavate- 6.4.2005**

**On the basis of your reading and understanding of the above article answer the following questions briefly :**

- A. What is the importance of the Lahore Congress Session of 1929?
- B. Why did Gandhi choose 'Salt' as the symbol of Satyagraha?
- C. What, according to Gandhi, revealed the most oppressive face of the British rule?
- D. What was the Civil Disobedience Movement associated with?
- E. Describe briefly the 'Salt March' undertaken by Mahatma Gandhi.

## **10.2 Hindrances to formation of a genuine public opinion**

Public opinion needs to be the true reflection of the peoples' ideas and opinion, however there are some hindrances to genuine public opinion;

**Selfish interests (Me above nation):** The interest of the people seeking personal advancement over the affairs of their own country. People need to be sensitized

towards important issues related to unity, commitment, integrity and progress of the nation.

**Illiteracy:** It is expected that literate and responsible public make good citizens by exercising their franchise without fear or favour. Illiterate masses are often misled by party workers and guided by sentiments, favours and rhetoric. A sound public opinion can be formed only in the environment of free thought and knowledge.



**(a) Poverty:** The poor in any country are easily influenced by the false promise of political leaders and cast their votes subjectively. Sound and objective public opinion is possible only by alleviating poverty.

**(b) Racist and Caste based Discrimination:** Sentiments that provoke discrimination based on caste, creed and religion create a divide among the masses that are often manipulated by political parties for their advantage. Social disharmony in the country is detrimental to the effective working of a democracy.

**(c) Freedom of speech and the media:**



Unbiased, objective and independent media as well as respect for individual freedom of speech and assembly play a very significant role in the formation of healthy opinion. The vital importance of an independent and impartial media that respects peoples freedom and exercises responsible news reporting are important criteria for formation of mature and responsive public opinion.

### 10.3 Definition of Political Parties

Political parties are indispensable instruments in a democratic system. They are formed with definite ideologies, and programme of action. They enlighten the

general public on issues concerning the society and state and they also prescribe alternatives. Through propaganda they educate people on political issues and garner their support for their policies and programme. In legislative bodies they represent organized opinion of the voters. In parliamentary democracies the party or an alliance of parties can win a majority of seats in legislature and forms the ministry (executive) examples: UK, India. In presidential democracies, the chief executives (president) are elected on party basis (USA, France). In any system political parties function as intermediaries between the government and people.

There is consistent competition between the various political parties and this competition ensures the mature functioning of a democracy.

#### ACTIVITY



Following are the lists of various functions of political parties in a democracy:

- ❖ Parties contest in elections
- ❖ Parties put forward different policies and programmes
- ❖ Parties make laws for the country
- ❖ Parties form and run government
- ❖ Parties play the role of the opposition
- ❖ Parties shape public opinion
- ❖ Parties provide people the access to government welfare schemes

Follow the newspaper for one month and collect news items related to the various functions of political parties



## Quotable quote

In a democracy public opinion is harnessed through political parties.

### 10.4 Functions of Political Parties

In a democracy, political parties serve as an integral link through which government and the public can interact. Political Parties act as a foundation that orients the people towards political initiatives and public experience. Political Parties work to influence political thought and opinion with the intention of mobilizing votes. They provide a platform for political, economic and social activism that serves as a training ground for future regional and national leadership. In the long run they hold leaders accountable for their actions through rigorous debate and queries both within the party as well as through opposition parties. Thus the people are presented with a diverse choice of candidates, ideologies and approaches to various issues governing the nation. Their confidence in democracy is thus reinforced in the knowledge that they can bring about change and transformation should a majority of the population desire a transformation in the way they are governed.

### The Party System

The party system helps to operate and stabilize governments and they are particularly relevant for the effective functioning of democracies. The party system provides a system of checks and balances against the government's policies. By soliciting popular support among the masses and providing a structure for leadership and dialogue within the party

according to specific party objectives and agenda, it helps sustain good governance.

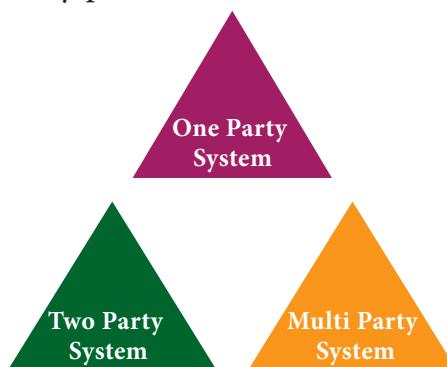


A political party is a group of people who come together to contest elections and hold power in the government. They agree on some policies and programmes for the society with a view to promote the collective good. (Symbols or Flag of different political parties)

Three components of a Political Party – Leaders, Active Members and Followers.

### Types of Party Systems

Different types of party system have evolved in various parts of the globe depending on the particular elements of democracy practiced. By and large the quality of a democracy is determined by how the government is representative of its people, how accountable the government is to its people, how human rights and equality of status and opportunity is guaranteed to all citizens and the level of political participation exercised by the people. The various types of party system address these issues in different ways, thereby determining the quality of democracy practiced.





## A. One Party System

In a one party system, a single political party exercises its right to form the government, which is often derived from a written or unwritten constitution. In most cases under a one party system, there is less participation and weaker accountability. **Examples:** Communist Party of China, (CPC) the Peoples' Action Party (PAP) in Singapore, Korean Workers Party, (KWP) North Korea, Communist Party of Vietnam (CPV) Vietnam, Communist Party of Cuba (CPC) Cuba. The single party system does not provide adequate space for democratic expressions and not provide scope for alternative. For example in the 1920s fascist movements advocating nationalistic militarism, captured power in Germany under Hitler, in Italy under Mussolini and in Spain under General Franco. They prevented other political parties to emerge.

## B. Two Party System

In the two party system, two political parties, with distinctly different interests have equal opportunity to attain a majority and form the government. The majority party is the governing party and the minority party forms the opposition party in two-party systems. The Two-Party system has far greater accountability by the political leaders and greater political participation. The threat of being voted out by the opposition hangs as a 'Damocles sword' on the incumbent thereby guaranteeing a higher degree of responsible conduct and action. However since the political atmosphere is heavily polarized, drastic changes can happen once a party loses power which may

prove detrimental to national interests. Examples of the two-party system include USA –Democrats and Republicans and UK Conservatives and Liberals.

However, in either country there is no constitutional restriction on number of parties. The constitutional procedures and peoples' political maturity led to the emergence of two party system.

## C. Multi-Party system

In the Multi-party system, multiple political parties are capable of garnering popular support and forming a government, either as a majority party or in coalition with many non-majority parties with similar political objectives. In this system, the political leaders are constantly observed and checked by checks and balances by their coalition partners. They are also subject to rigorous accountability to the people. The multi-party system offers the electorate the multiple avenues of political participation and the ability to bring about political change for greater national development.

The proportional representation system in France and Italy results in multi-party systems and coalition cabinets.

Examples of countries with multi-party systems include Canada, France, Germany, India and Sweden.

### ACTIVITY



#### THINK – PAIR – SHARE

**Topic for Pair 1:** Why is one party system not considered a good option?



**Topic for Pair 2:** Why do we need at least two parties in a democratic system?

**Topic for Pair 3:** If all the decision of a political party are made by a single family and all other members are neglected, then what challenge is being faced by that party?

**Topic for Pair 4:** Do you think that dynasty (family) politics is confined to only a few states or parties?

## 10.5 Role of Political Parties in a Democracy

The existence of political parties is largely responsible for ensuring the quality and effectiveness of a democracy. In a federal multicultural and plural societies such as the United States of America and India, the maintenance of peace, unity and communal harmony are vital for social-economic progress. While single party system may have greater flexibility towards quicker decisions making and cohesive action, these decisions may not represent mass opinion and thus it would create greater opposition and dissent for the government.

### The Role of Political Parties in a Democracy

#### What are political parties?

- ❖ They recruit and run candidates for public office under the party level
- ❖ They try to organize and coordinate the activities of government officials under the party name.

#### Many political scientists believe that parties are essential to democracy

- ❖ The political party is seen by some as the main instrument of popular sovereignty and majority rule.
- ❖ When political parties are working properly they can be essential tools of popular sovereignty

In the dual party system due to the nature of the party structure and leadership, this usually result in public policies and decisions blocked in political polarization rather than collaboration. While in Multi party systems, the performance is on the basis of deliberation and negotiation between coalition members, and issues are mostly settled by reaching a mutually derived consensus after debate and discussion. Thus, political parties are the drivers of a democracy that are necessary to safeguard the rights and freedoms of the people. Through effective

Citizenship training and greater civic participation, youth in democratic nations can play a greater role in political parties thereby fostering more mature and wider democratization in countries.

#### Quotable Quote

Political parties are the drivers of a democracy.

Politicians exercised oratorical and leadership skills to create public opinion.



## 10.6 Modern Party system

### A. Party system in the United Kingdom



In the United Kingdom, polarization of opinions on issues relating to the status and role of monarchy led to the emergence of two parties:

- Tories or Conservatives and
- Whigs or liberals.

In the 20th century labour party became a major force eclipsing the liberals.

### B. Party System in the USA



The founding fathers of the United States wanted to steer clear of political parties and the ensuing factional conflict

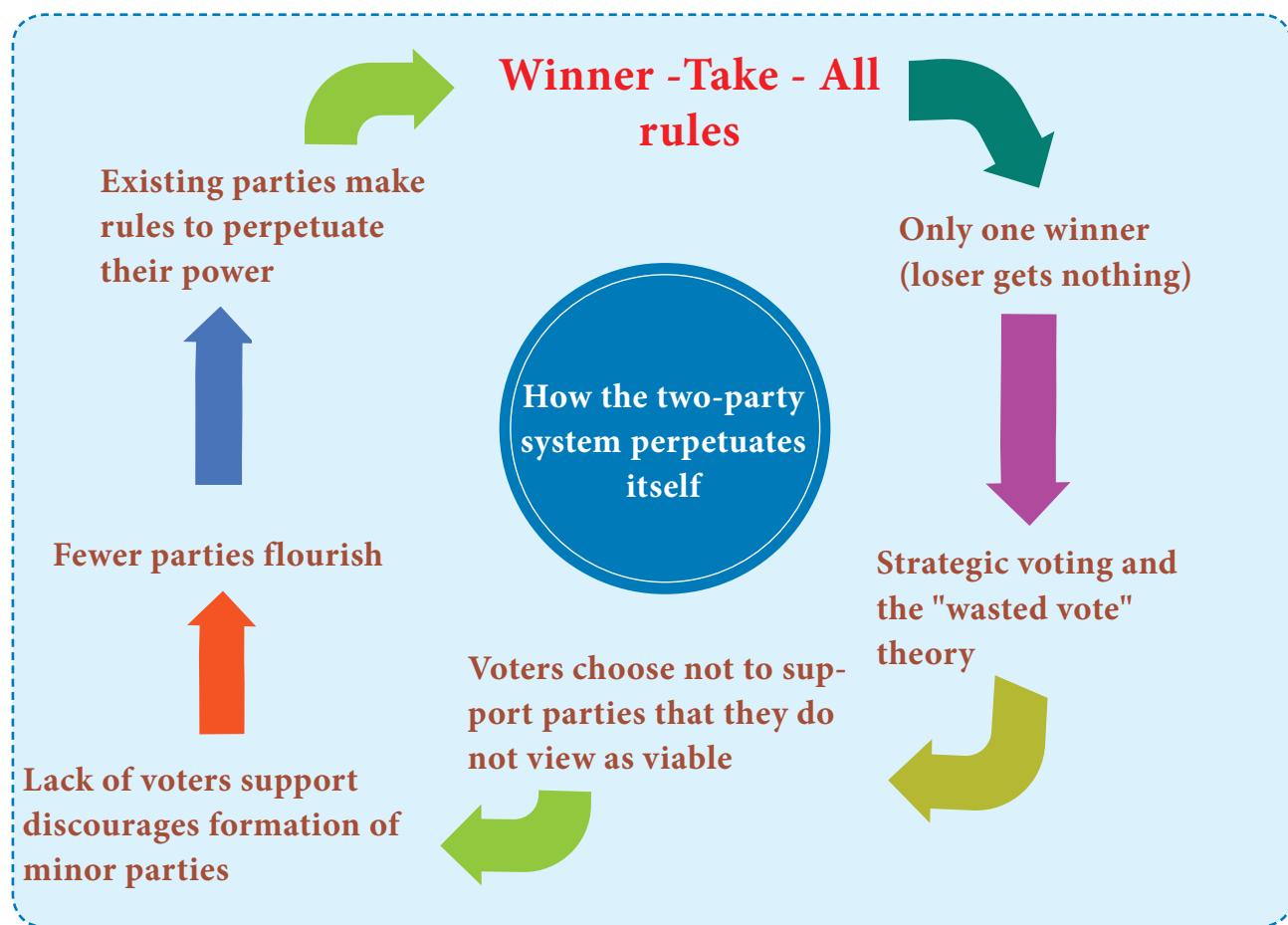
between them. Nevertheless, after American Independence, the first parties in the newly constituted nation under the Presidency of George Washington were the Federalist Party supporting a strong national government and the Democratic Republican Party supporting state autonomy.

### Two Party System

- ❖ Rare around the world
- ❖ Evenly balanced national at National and local level
- ❖ Electoral system
- ❖ Winner take all
- ❖ Wasted vote
- ❖ Priority system
- ❖ Broad coalitions form before election
- ❖ Opinion of voters
- ❖ Difficult for third parties to get on ballot

In 1828, the democratic Republican Party was renamed as the Democratic Party which championed state rights. In 1854, the Republican Party established itself on the anti slavery platform and gained pre-dominance with Abraham Lincoln as President of USA.

Since the United States settled for the Two-Party system, the Republican and Democratic parties have dominated the American political scene, though third party candidates have been floated on and off.



### C. Party system in Europe:



After the French Revolution (1789), democratic forces gained strength in European Nations, and political parties emerged. Political parties in Continental Europe were largely divided into Conservatives, Liberals, and Christian

Democrats. By the 19th century socialist movements gained popularity and social democratic or labor parties emerged which became popular and gained trade union support.

In Soviet Russia, the Bolshevik Party, was responsible for the Communist Revolution in 1917 which created the USSR (Union of Soviet Socialist Republics), popularly called the Soviet Union. The COMINTERN (Communist International) was established with the task of encouraging world communist revolution by supporting Communist parties in other countries. After the end of the Cold War era, the Communist party lost its popularity in Russia, though some minor communist parties still influence governmental policies within democratic states. Communist Parties



however continue to control authoritarian governments in China and North Korea.

Democratic political systems are often reactive and responsive to the basic socio-economic values of their citizens. There has always been significant transformations in values and these are reflected in the political opinion of the people through political parties and their varying objectives. By late 20th century, socio-economic factors impacting Europe were reflected in the emergent types of parties some of which were more nationalistic and less open-minded, vocalizing their sentiments against immigration and the refugee influx that they see as a threat to European culture, security and economy.

#### D. Party System in South Africa



In African countries, political parties were at first formed to secure decolonization. In many decolonized African countries, political parties are struggling hard against militarism.

#### The Constitution of South Africa

- ❖ Universal adult suffrage vote at 18
- ❖ A national common voters roll

- ❖ Regular election
- ❖ A multi-party system of democratic government to ensure accountability, responsiveness and openness

#### ACTIVITY



#### GROUP DISCUSSION

Following are the challenges faced by political parties in our country:

- ❖ Lack of internal democracy within parties
- ❖ Dynastic succession
- ❖ Growing role of money and muscle power
- ❖ Parties do not seem to offer a meaningful choice to the voters

#### E. Party System in India

The party system in India emerged along with the rise of nationalism and out of the freedom struggle against British rule. While Indian politics today represent a multi-party system, for long periods in Indian political history, one party has dominated the political stage. The Indian National Congress (INC) was established in 1885 by A. O Hume, as the indigenous base for the political participation of Indians in legislative and political wings. It demanded political reforms in gradual stages. After the non-cooperation movement (1921-23) Indian National Congress began to demand absolute





political freedom. In the 20th century, the parties with communal agenda have also come up i.e. The All India Muslim League in 1906 and Hindu Maha Sabha in 1916. In the Madras Presidency the South Indian Liberal Federation (Justice Party) was formed to project their interest of the Non-Brahmins (Dravidian).

### ACTIVITY



**I want to see how many of you are against the new policy- please raise your hands**

**Topic for Group Discussion : Why do we have a multi-party system in India? What are the advantages and disadvantages of a Multi-party system?**

Divide the class into three or four groups and conduct Group Discussion. Select anyone of the teams and present their views to others.

*(Courtesy: Cartoon, The Hindu)*

However, the Indian National Congress represented the urban, upper caste elite, mostly western educated and provided a platform for negotiations

with the British government. Gradually the Indian National Congress evolved to play a pivotal role in the development of India's political party system. After the partition of Bengal in 1905, the Indian National Congress was divided between the Moderates (policy of petitions) and the Extremists (aggressive militant strategy). The formation of the Muslim league in 1906 resulted in the era of conflicting political bargaining, reflected the true beginnings of the Indian party system.

The entry of Mahatma Gandhi into the political scene with his moral-ethical focus on non-violence as a political ideology and strategy, transformed the Indian National Congress to represent all sections of Indian society- the poor agriculturalists and lower caste people. Other parties that also emerged representing specific goals which included the Swaraj Party formed by Chittaranjan Das in 1922, the Congress Socialist Party, formed in 1934 by Acharya Narendra Dev and Jayaprakash Narayan and the





Communist Party, formed in the 1920's by the efforts of M. N. Roy were the other major political parties.

There were a number of political parties which carry on political campaigns and propaganda, but do not contest elections, they function as pressure groups. Till 1977, the Communist Party, the socialist parties, and the right wing Janasangh were the mentionable opposition parties at the national level.

Until 1977, no single party could become an alternative to Indian National Congress at national level. Hence, a number of so called national parties, under the stewardship of Jayaprakash Narayan, merged to create a large national alternative party known as Janata Party. In 1977, it captured power at the centre. Yet this party lacked cohesion and unity and became shattered after 1980. The Jana Sangh was revived with a new name Bhartiya Janata Party, Meanwhile Kanshi Ram's Bahujan Samaj Party emerged as national level party with social justice as its main plank. The Communist Party of India (Marxist) became very powerful in a few states like Kerala, West Bengal and Tripura.

The 1990s was the period of an increasing quest towards coalition governments in Indian politics. The Indian Political System became more competitive, more democratized and more representative of the multicultural social nexus and diversity that is observed in contemporary India. It is observed that old parties became obsolete and defunct, and

new parties have emerged that represent and seek to address the trans formative challenges faced by various diverse sections of the people. Since the 1990's we see a federalization of politics with regional parties gaining greater influence, representative of regional aspirations against the dominance of the Centre.



In the present period, regional alliances indicate a growing trend towards coalition governments that form an effective voice in favour of federal polity. This fragmentation is largely due to the regionalization of politics, with parties having high support base in specific areas.



## Regional Parties

Shiromani Akali Dal in the Punjab, Samajwadi Party in the Uttar Pradesh, Telugu Desam Party in Andhra Pradesh, Rashtriya Janata Dal (RJD) in Bihar, Trinamool Congress in West Bengal, Telangana Rashtra Samithi in Telangana, Asom Gana Parishad in Assam, Shiv Sena in Maharashtra, National Conference, People Democratic Party in Jammu & Kashmir, Dravida Munnetra Kazhagam (DMK)

and All India Anna Dravida Munnetra Kazhagam (AIADMK) in Tamil Nadu are some of the major regional parties.

While there is growing political awareness among the electorate, there is also greater mobilization along lines of regional, social and religious identities. There is a widespread difference in the composition of political groups, and characteristics of political and social groups between one region and another.

Parties that gained seats in Parliament in 2009 Elections	Parties that gained seats in Parliament in 2014 Elections
Indian National Congress (INC)	Bharatiya Janata Party (BJP)
Bharatiya Janata Party (BJP)	Indian National Congress (INC)
Communist Party of India (Marxist)	All India Anna Dravida Munnetra Kazhagam (AIADMK)
Samajwadi Party (SP)	All India Trinamool Congress (AITC)
Bahujan Samaj Party (BSP)	Biju Janata Dal (BJD)
Dravida Munnetra Kazhagam (DMK)	Shivsena (SHS)
Shivsena	Telugu Desam (TDP)
Rashtriya Janata Dal (RJD)	Telangana Rashtra Samithi (TRS)
All India Trinamool Congress (AITC)	Yuvajana Sramika Rythu Congress Party (YSRP)
All India Anna Dravida Munnetra Kazhagam (AIADMK)	Nationalist Congress Party (NCP)

## Party System in Tamil Nadu

In Tamil Nadu, like most Indian states, the early independence period was dominated by the Congress party. However, issues of caste hierarchy, and the rising North South divide eroded the popularity of Congress leadership in the state. The Dravidian movement regenerated in Tamil Nadu under Periyar E.V Ramasamy and garnered popularity on assertion of Dravidian Rights and Dignity and through an anti-North, anti-Hindi, anti-Brahmin social agenda.



The Party System in Tamil Nadu is a pioneer model of the pre-eminence of the regional parties in state politics of

independent India. There are very clear socio-economic, cultural and historical reasons for this development. The long history of rationalist and social justice movements from the colonial era and the mobilization of Dravidian consciousness since the beginning of 20th century have fundamentally transformed the nature of politics and the future of party system in state politics.

### ACTIVITY

Anbu, Kumaran, Rajumar and Amuthan were friends. They went to watch a film that showed the hero becoming Chief Minister for a day and making big changes in the State. Anbu said this what the country needs. Kumaran said this kind of a personal rule without institution is dangerous. Rajkumar said all this is a fantasy. No minister can do anything in one day.

Imagine you are the fourth person what would be your reaction to such a film?

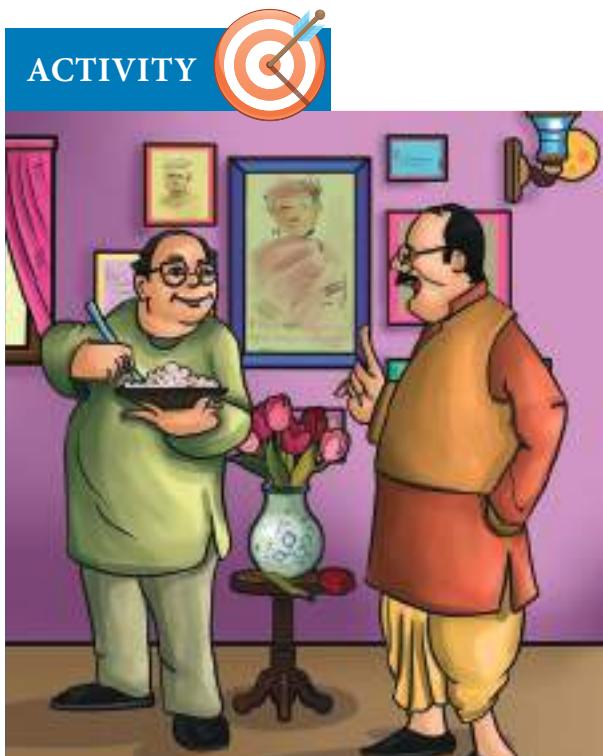
### 10.7 Role of Political Parties in a Democracy

For the effective functioning of a democracy, the existence of political parties that represent conflicting interests is mandatory. While they advocate various interests and policies, largely political parties adopt Rightist ideology (conservative, traditional and capitalistic) or Leftist (pro-equality, liberal and labour interests). While it is true that political parties are essential for attaining the democratic ideal, the rise of individual parties with non-democratic agenda and



authoritarian leadership is a critical challenge to Democracy. This is very relevant in the case of a multicultural, multilingual, multi religious and economically diverse country like India, only political parties can truly represent the multidimensional interests of people from every corner of the country. It is vital in a democracy like India that political parties exercise maturity and maintain a secular position, the precious and precarious unity and stability of India cannot be maintained. It is in the interests of the nation, that responsibly and principled parties show a level of maturity and responsibility in exercising their duties and functions for the sustainability of democratic institutions.

### ACTIVITY



Cartoon Courtesy : The Hindu, 5.5.2004.

The exit polls will be proved all wrong – an astrologer told me

The above mentioned cartoon is open to many views and comments, what are yours? Share your views in the classroom.

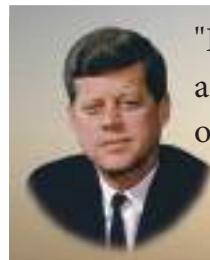
### Role of Opposition in a Democracy

The relationship between party system and democracy will be incomplete without the discussion of the role of opposition parties in democracy. Democracy has no meaning without an effective opposition party or parties in the country. The nature of democracy is not only determined by the strength of ruling party alliance but also in the role and functioning of the opposition party alliance. In fact, the leader of the Opposition party enjoys the status and privileges of the rank of cabinet minister. A weak opposition leads to either a government without accountability or the tyranny of the majority.

**Pressure or Interest groups** also play an important role in special issues and events. These are organized groups, having common political and social interests, which influence decisions from outside. Pressure groups have voluntary membership and lobby for specific interests. Unlike political parties, pressure groups do not contest elections. The Pressure Groups are able to influence the government through various techniques with various public policy issues and are therefore called pressure groups. Professional pressure groups may include business interests, trade unions, Farmers, Teachers and Students, Doctors, culture groups, and institutional groups. Pressure Groups play an important role in the Indian political system by acting as a link and source of communication between the masses and the political parties. They sensitize the public towards vital socio-economic issues and through their



lobbying, influence both the government and the administrative policies.



"Leadership and learning are indispensable to each other."

*John F. Kennedy*

## Psephology

Psephology deals with the study and statistical analysis of elections and polls. Public opinion polls play an important role in psephology. They analyze both Opinion Polls and Exit Polls as well as election results. Opinion Polls and Exit



Polls are both important indicators of voter's choice during the elections.



The main difference between the two is that opinion poll is conducted before the voter actually votes and the exit poll is conducted after a voter comes out after casting his or her vote. Results of exit polls are generally considered to be more trustworthy than that of opinion polls.

The result of opinion polls may or may not actually collaborate the

actual results. Yet they are important in generating opinions among the unsure and undecided as well as help to sustain a balance in voting practices for all parties concerned.

## Glossary



**Political Party:** An organization that seeks to achieve political power by electing its members to public office

**One-party system:** A system in which a single political party has the right to form the government, usually based on the existing constitution, or where only one party has the exclusive control over political power

**Two-party system:** A system where only two parties or alliances, typically placed either side of the centre, have a realistic chance of forming a majority. Other parties are very minor or solely regional.

**Multi-party system:** A system in which multiple political parties have the capacity to gain control of government offices, separately or in coalition.

**Ballot:** This piece of paper contains information on the symbols and names of the candidates contesting in a constituency.

**By-election:** When a seat in Legislature becomes vacant between general elections (often because the incumbent has either resigned, defected to another party or died), a by-election is held.

**Election:** The process whereby eligible persons vote to determine who will hold a political office.

**Elector:** A person who is included in the electoral roll for an electorate.



**Election Commission:** The Election Commission is an independent autonomous entity responsible for the administration of Parliamentary and State Legislature Assembly elections and related works.

**Ballot box :** The box at a polling place into which a stamped ballot paper is to be dropped.

**Coalition:** A Government is formed by more than one party when no single party sets absolute majority.

**Electoral roll:** The list of all the registered electors for a particular electorate kept by the Registrar of Electors.

**Electoral System:** The general name for all the rules concerning elections, i.e. the voting system, boundaries, registration of electors, candidacy, campaign spending, broadcasting, etc.

**Majority Government:** A government made up of one or more political parties is formed by a political party which has absolute majority in legislature.

**Democracy:** Government by the people, through free, fair and periodical elections.

### Evaluation



#### I Choose the correct answer:

1. A group of people who come close to each other to attain their common aim of power is known as
  - a) Political party
  - b) Factional group
  - c) Interest group
  - d) Political leadership
2. Which of these is the main component of political party?
  - (a) Leaders
  - (b) Followers
  - (c) Active members
  - (d) All of these
3. Which of these are a function of political party?
  - (a) To contest election
  - (b) To form and run government
  - (c) To form public opinion
  - (d) All of these
4. Political party that runs the government is ....
  - (a) Ruling party
  - (b) Interest group
  - (c) Opposition party
  - (d) Factional group
5. The rise of political parties is directly linked to....
  - (a) Emergence of representative democracies
  - (b) Large scale societies
  - (c) Mechanism of restrain and support the government
  - (d) All of these





6. System with one party is known as....

- (a) Single party system
- (b) Multi-party system
- (c) Bi-party system
- (d) None of these

7. System of two parties is known as....

- (a) Single party system
- (b) Multi-party system
- (c) Bi-party system
- (d) None of these

8. Which of these countries have Uni-party system?

- (a) China
- (b) North Korea
- (c) Cuba
- (d) All of these

9. Which of these countries have Bi-party system?

- (a) India
- (b) England
- (c) France
- (d) Pakistan

10. What is the symbol of Congress Party?

- (a) Symbol of Lotus
- (b) Symbol of Hand
- (c) Symbol of elephant
- (d) Symbol of clock

11. 'Lotus' is the symbol of which party?

- (a) Indian National Congress
- (b) Bahujan Samaj Party
- (c) Bhartiya Janata Party
- (d) CPI (M)

12. Public Opinion plays a vital role in:

- (a) Democratic system
- (b) Dictatorial system
- (c) Both democratic as well as dictatorial systems
- (d) The smooth working of all types of political systems

13. The two major political parties of U.S.A. are

- (a) Independent and Democratic
- (b) Republican and Democratic
- (c) Democratic and Socialist
- (d) Republican and Communist

14. Psephology deals with

- (a) statistical analysis of elections and polls
- (b) Opinion Polls and Exit Polls
- (c) Public opinion
- (d) All the above.

15. Assertion: Political parties mobilize public opinion.

Reason: Public opinion influences election results.

Directions: Given below are two statements labelled as Assertion (A) and Reason (R) in the context of the two statements which of the following is correct?

- (a) Both A and R are true and R is the correct explanation of A.



- (b) Both A and R are true but R is not the correct explanation of A.
- (c) A is true but R is false.
- (d) A is false but R is true.

## II. Answer the following questions very shortly

- 16. Define political party.
- 17. Explain about Single Party System.
- 18. Write a short note on Multi-Party system.
- 19. Make a brief note on regional political party.
- 20. List out the major political parties in India.
- 21. Define public opinion.
- 22. Explain the role of opposition party in India.

## III Answer the following questions shortly

- 23. Explain the role of political parties in a democracy.
- 24. List out the functions of political parties.
- 25. Bring out the types of party system.
- 26. Discuss the merits and demerits of multi- party system.
- 27. Describe the party system in the UK.

## IV Answer the following questions in detail

- 28. Analyze the different kinds of political party systems and indicate which type is best suited in a democracy?
- 29. Elucidate the merits and demerits of bi-party system.
- 30. Give an account on political parties in India.
- 31. Evaluate the party system in South Africa.
- 32. Write an essay on Public opinion in India.

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UNIT  
11

## Election and Representation



### 11.1 Meaning and nature of Franchise and Representation

#### What is Franchise and Election?

The right to vote in public elections. The word “Franchise” is of Anglo-French derivation - from Franc, meaning FREE. An election is the process of voting to choose someone to be their political leader or representative in government.



Part xv, Articles 324-329 deals with  
Elections

#### And what is Representation?

It is nothing but the action of speaking or acting on behalf of someone or the state of being so represented.



#### Learning Objectives

- ❖ To enable the students to understand the meaning of election and representation.
- ❖ To explain the term ‘Psephology’.
- ❖ To enable students to understand the various methods of election.
- ❖ To gain awareness about the Election Commission of India.
- ❖ To know the importance of Anti-Defection Law.
- ❖ To enlighten about the need of free and fair elections.
- ❖ To bring out the role of youth in politics.

Part XV of the Indian Constitution titled “Elections” is of great importance. The constitution-makers had been anxious to safeguard this political right as an integral part of the constitution itself. It is for this important reason that the subject of elections has been accorded a constitutional recognition in our country.



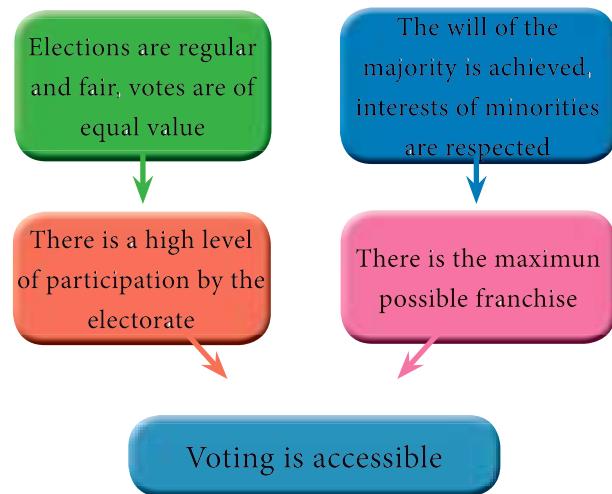
Article 326 of the Indian Constitution says that the elections to the Lok Sabha and to the Vidhan Sabha of every state shall be on the basis of Adult Suffrage.

Although elections were used in Ancient Athens, Rome and in the selection of Popes and Holy Roman Emperors, the origins of elections in the contemporary world was in the gradual emergence of representative government in Europe and North America which began in the 17th century. In a representative democracy elections are extremely important. Voting, in elections is the best way to make your voice heard. One fact that makes elections more important is when political parties try to suppress voting with the use of laws to disallow people to vote. Election and representation is the core for the formation of government.



## Democratic Electoral System

Let us study the most essential features of a democratic electoral system. A democratic electoral system can be said to be one where...



### Features of a Democratic Electoral System

#### Why do we need Elections ?

Let us try to imagine a democracy without elections. A rule of the people is possible without any elections if all the people can sit together every day and take all the decisions. This is not possible in any large community nor it is possible for everyone to have the time and knowledge to take decisions in all matters. Let us presume that the people can resolve these difficulties and such a place do not require elections. In such case can we call this place a democracy?

How do we find out if the people like their representatives or not? How do we ensure that these representatives rule as per the wishes of the people? How to make sure that those whom the people don't like do not remain their representatives? This requires a mechanism by which people can choose their representatives at regular intervals

and change them if they wish to do so. This mechanism is called Election. Therefore, elections are considered essential in our times for any representative government. Hence in most democracies, people rule through their representatives.

#### In an election the voters make many choices:

- ❖ They can choose who will make laws for them
- ❖ They can choose who will form the government and take major decisions
- ❖ They can choose the party whose policies will guide the government and law making.



Psephology is the study of results and other statistics relating to Elections...

#### ACTIVITY



*Courtesy : The Hindu, 27.12.2012.*

Students can think individually for three or four minutes, and then discuss and compare their responses with a partner before sharing with the entire class.

**ACTIVITY****THINK-PAIR-SHARE**

“When a political party puts up candidates with criminal charges, it results in the alienation of large sections of people from the political class and politics itself.” Do you agree?

**What makes an Election Democratic?**

- ❖ Everyone should be able to choose. This means that everyone should have one vote and every vote should have equal value.
- ❖ There should be something to choose from parties and candidate should be free to contest elections and should offer some real choice to the voters.
- ❖ The choice should be offered at regular intervals. Elections should be held regularly after every few years.
- ❖ The candidate preferred by the people should get elected.
- ❖ Elections should be conducted in a free and fair manner where people can choose as they really wish.

An election is a formal decision making process by which a population chooses an individual to hold public office. Elections fill offices in the legislatures, sometimes in the executive and judiciary and for regional and local government.

### 11.2 Types of Representation/ Reservation of Constituencies

### Election Systems-Plurality/Majority Systems

What are Plurality / Majority Systems? The principle of plurality/majority system is simple. After votes have been cast and totalled, those candidates or parties with the most votes are declared the winners. However, the way this is achieved in practice varies widely. Five types of plurality/majority systems can be identified.

**ACTIVITY**

Do you know when the last Assembly Election was held in your State? Which other elections have taken place in your locality in the last five years? Write down the level of elections (National, Assembly, Panchayat etc.) When were they held? Find out the details of the MLA/MP who got elected from your area.

- A. First Past The Post (FPTP)
- B. Block Vote(BV)
- C. Party Block Vote(PBV)
- D. Alternative Vote(AV)
- E. Two-Round Systems(TRS)

**ACTIVITY**

India follows first past the post system in elections. What are the positives and negatives of this system in the present political scenario of India

#### A. First Past The Post (FPTP)

The First Past The Post system is the simplest form of plurality/majority system, using single member districts and candidate-centered voting. FPTP systems

are found primarily in the UK and those countries historically influenced by Britain. Along with the UK, the other countries are Canada, India and the USA. FPTP is also used by a number of Caribbean countries, Bangladesh, Burma, India, Malaysia, Nepal and small island countries of the South Pacific.



FPTP is the simplest form of plurality/majority electoral system. The winning candidate is the one who gains more votes than any other candidate, even if this is not an absolute majority of valid votes. The system uses single-member districts and the voters vote for candidates rather than political parties.

### B. Block Vote (BV)

The Block -Vote is common in countries with weak or non-existent political parties. The Cayman Islands, The Falkland Islands, Guernsey, Kuwait, Laos, Lebanon, the Maldives, Palestine, the Syrian Arab Republic etc use Block Vote electoral systems.



Block Vote is a plurality/majority system used in multi-member districts. Electors have as many votes as there are candidates to be selected. The candidates with the highest vote totals win the seats. Usually voters vote for candidates rather than parties and in most systems may use as many, or as few, of their votes as they wish.

The Block Vote is often applauded for retaining the voter's ability to vote for individual candidates and allowing for reasonably-organized geographical

districts while at the same time, increasing the role of political parties compared with FPTP and strengthening those parties which demonstrate most coherence and organizational structure.

### C. Party Block Vote (PBV)

PBV is simple to use, encourages strong parties and allows for parties to put up mixed slates of candidates in order to facilitate minority representation. It can be used to help to ensure balanced ethnic representation. Djibouti, Singapore, Senegal, Tunisia use the PBV method.



Party-Block Vote is a plurality/majority system using multi- member districts in which voters cast a single party-centered vote for a party of choice, and do not choose between candidates

### D. The Alternative Vote (AV)

This system enables voters to express their preferences between candidates rather than simply their first choice. Hence it is known as 'Preferential Voting'. AV is used in Australia, Fiji and Papua Guinea. By transferring ballots, it enables the votes of several candidates to accumulate, so that diverse but related interests can be combined to win representation.



The Alternative Vote is a preferential plurality system that voters use in single member districts. Voters use numbers to mark their preference on the Ballot paper.



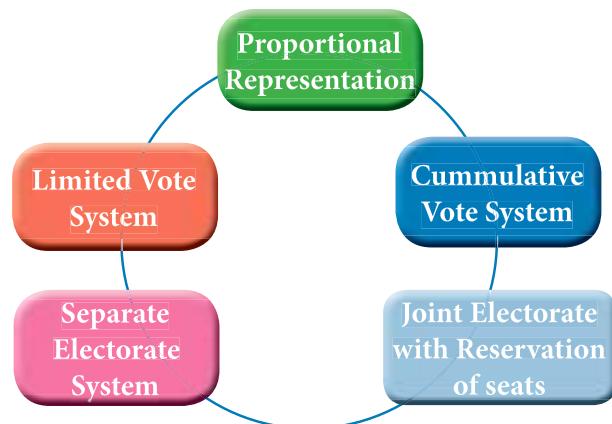
## E. The Two- Round System (TRS)

The central feature of the Two-Round System is as the name suggests: it is not one election but takes place in two rounds, often a week or a fortnight apart. This system is used to elect national legislatures and are most common methods used worldwide for the direct election of Presidents. TRS is used by the Central African Republic, Congo, Gabon, Mali, Mauritania, Haiti, Iran, Vietnam, Tajikistan, Uzbekistan etc.



The Two-Round System is a plurality/majority system in which a second election is held if no candidate or party achieves a given level of votes, most commonly an absolute majority (50 percent plus one), in the first election round. A TRS may take a majority –plurality form where more than two candidates contest the second round and the one who wins the highest number of votes in the second round is elected regardless of whether they have won an absolute majority or not.

## Various Methods Of Minority Representation



## Is it good to have political competition?

Elections are all about political competition. This competition takes various forms. The most obvious form is the competition among political parties. At the constituency level, it takes the form of competition among several candidates. If there is no competition, elections will become pointless. Though an electoral competition leads to a sense of disunity and factionalism in every locality, regular electoral competition provides incentives to political parties and leaders. They know that if they raise issues that people want to raise, their popularity and chances of victory will increase in the next elections. But if they fail to satisfy the voters with their work they will not be able to win again.



Ah.....

So, elections are like exams where politicians and parties know if they have passed or failed. But who are the Examiners!!!!!!

## What is our system of Elections?

Can we say that Indian elections are democratic? To answer this question, let us take a look at how elections are held regularly after every five years. After five years the term of all the elected representatives comes to an end. The Lok Sabha or Vidhan Sabha stands dissolved. Elections are held in all the constituencies at the same time, either on the same day or within a few days. This is called a general election. Sometimes election is held only for one constituency to fill the vacancy caused by death or resignation of a member. This is called *By-Election*.



## Electoral Constituencies

You would have heard about the people of Tamilnadu electing 39 lok sabha MPs. You may have wondered how they did that. Did every person in Tamilnadu vote for all the 39 MPs? You perhaps know that this is not the case. In our country we follow an area based system of representation. The country is divided into different areas for the purpose of elections. These areas are called Electoral Constituencies. The voters who live in an area elect one representative.

For Lok sabha elections, the country is divided into 543 constituencies. The representative elected from each constituency is called a member of Parliament or an MP. One of the features of a democratic election is that every vote should have equal value. That is why our constitution requires that each constituency should have a roughly equal population within it. Similarly each state is divided into a specific number of assembly constituencies. In this case the elected representative is called the Member of Legislative Assembly or a MLA. Each Parliamentary constituency has within itself several assembly constituencies. The same principle applies for Panchayat and Municipal elections. Each village or town is divided into wards that are like constituencies. Each ward elects one member of the village or the urban local body. Sometimes these constituencies are counted as Seats, for each constituency represents one seat in the assembly.

## Reserved Constituencies

Our Constitution entitles every citizen to elect its representative and to be

elected as a representative. In an open electoral competition, certain weaker sections may not stand a good chance to get elected to the Lok Sabha and the State Legislative Assemblies. They may not have the required resources, education and contacts to contest and win elections against others. If that happens our Parliament and Assemblies would be deprived of a significant section of our population. That would make our democracy less representative and less democratic.

### ACTIVITY



What is the status of women reservation bill in the Parliament of India?

So, the makers of our Constitution thought of special system of reserved constituencies for the weaker sections. Some constituencies are reserved for the people who belong to the Scheduled Castes (SC) and Scheduled Tribes (ST). This system of reservation was extended later on to other weaker sections at the district and local levels.

## Delimitation

The division of each state into as many constituencies as in the Loksabha from that state and State Legislative Assemblies is done primarily on the basis of population census. As far as practicable, geographical area of constituencies were to be delimited taking into account physical features, existing boundaries of administrative units, facilities of communication and public convenience.



## Delimitation Acts

First Delimitation Commission Act, 1952  
Second Delimitation Commission Act, 1963  
Third Delimitation Act, 1973  
Fourth Delimitation Act, 2002.

## Voters' List

Once the constituencies are decided, the next step is to decide who can and who cannot vote. This decision cannot be left to anyone till the last day. In a democratic election, the list of those who are eligible to vote is prepared much before the election and given to everyone. This list is officially called the Electoral Roll or the Voters' List.



Like in Panchayat should we not have at least one-third seats in the Parliament and assemblies reserved for WOMEN?

## ACTIVITY



### Time Sequence

Arrange the different election related activities mentioned in the left side of the table given below in a time sequence, beginning with the first activity and ending with the last.

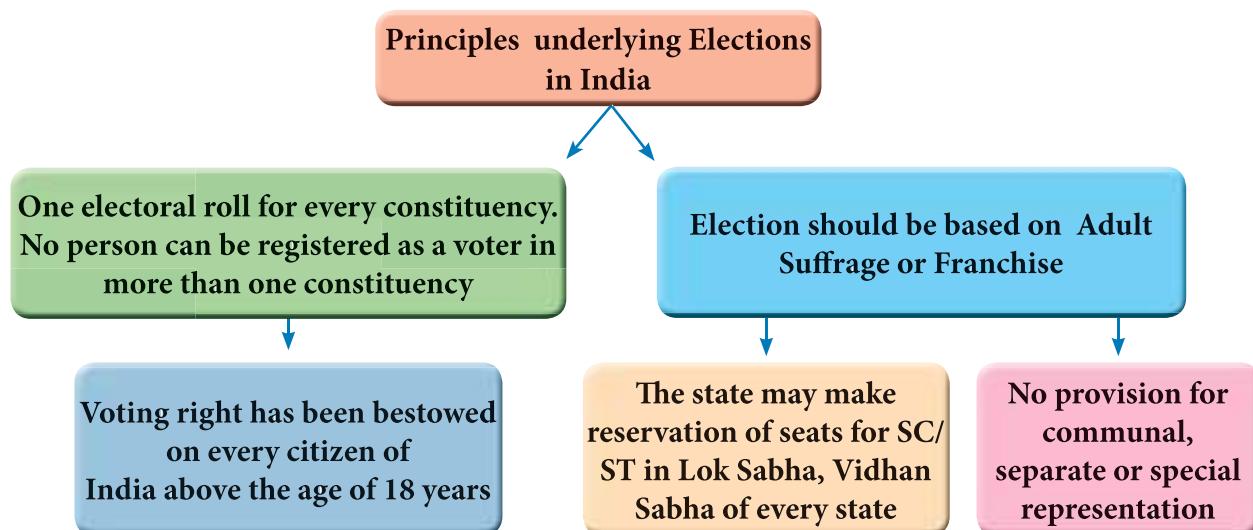
Disorder	Order
Releasing election manifesto	
Preparing the voter's list	
Counting of votes	
Election campaign	
Declaration of election results	
Filing nomination	
Ordering of re-poll	
Casting of votes	
Announcing election schedule	



## Electoral Process In India

- ❖ Delimitation of Constituencies
- ❖ Notification of the Election
- ❖ Notification by the Election Commission regarding Nomination and withdrawal
- ❖ Filing of nomination papers by the intending candidates
- ❖ Verification and the acceptance or rejection of the nomination papers
- ❖ Election campaign
- ❖ Polling process
- ❖ Counting of votes and announcement of Election Results

## Provisions Regarding Elections in India



**DO YOU KNOW?** Which Amendment Act reduced the Voting age of Indian citizens from 21 to 18?

### ACTIVITY

**Find out the importance of the following:**

- ❖ Representation of people's act 1950 and 1951
- ❖ Representation of people's act 1966
- ❖ Delimitation commission acts 1962 and 1972

## Nomination of Candidates

In a democratic election the people should have a real choice. This happens only when there are no restrictions on

anyone to contest an election. This is what our system provides. Anyone who can be a voter can also become a candidate in the elections. The only difference is that in order to be a candidate, the minimum age is 25 years, while it is only 18 years for being a voter. Political parties nominate their candidates who get the party symbol and support. Party's nomination is often called as party 'ticket'.

Every person who wishes to fill a 'nomination form' has to give some money as security deposit. According to the direction of the Supreme Court, every candidate has to make a legal declaration, giving full details of:

- ❖ Serious criminal cases pending against the candidate



- ❖ Details of the assets and liabilities of the candidate and his or her family
- ❖ Educational qualifications of the candidate

### ACTIVITY



#### Our Representatives and Our Responsibility

##### Where Answers Lie ...

Mumbai based Non-governmental organization has requested voters to ask the candidates the following questions on the eve of the upcoming elections:

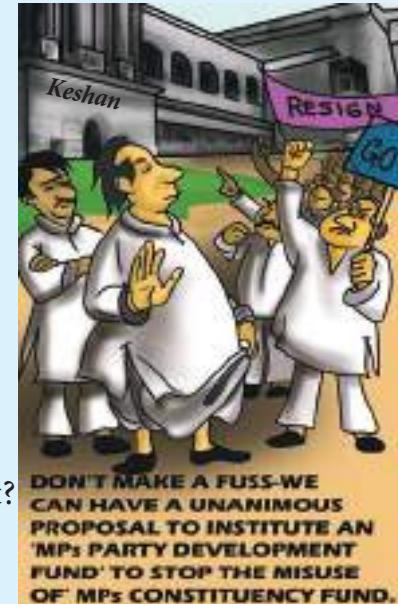
- ❖ What is your qualification?
- ❖ What is your occupation?
- ❖ What is your source of income?
- ❖ Are you paying your income tax honestly?
- ❖ How many times in the last five years did you defect? Why so?
- ❖ Can you mention three good qualities of yourself?
- ❖ What is your personal achievement in politics?
- ❖ Have you been charge sheeted in any criminal case? Any litigation pending against you? What are the details?
- ❖ Do you figure in the rowdies list of the Police?
- ❖ What is your opinion on the preposition that those with a criminal record should not contest elections?
- ❖ Would you restrict expenditure to the limits set by the Election Commission?

The questionnaire is open to many views/comments what are yours? Share it in the class.

#### Election Campaign

The main purpose of election is to give people a chance to choose the representatives, the government and the policies they prefer. Therefore it is necessary to have a free and open discussion about who is a better representative, which party will make a better government or what is a good policy. This is what happens during election campaigns.

This information has to be made public. This provides an opportunity to the voters to make their decision on the basis of the information provided by the candidates.



In our country such campaigns take place for a two week period between the announcement of the final list of candidates and the date of polling. During this period the candidates approach their voters, political leaders address election meetings and political parties mobilise their supporters. This is also the period when newspapers, social media, televisions are full of election related stories and debates. Election campaign is



not limited to these two weeks only. Political parties start preparing for elections months before they actually take place.

### ACTIVITY



Prepare a list of what the candidates and parties said and did in the last election campaign in your constituency.

In election campaigns, political parties try to focus public attention on some big issues. They want to attract the public to that issue and get them vote for their party on that basis. In a democracy it is best to leave political parties and candidates free to conduct their election campaigns the way they want to. But it is sometimes necessary to regulate campaigns to ensure that every political party and candidate gets a fair and equal chance to compete.

According to our election law, no party or candidate can:

- ❖ Bribe or threaten voters
- ❖ Appeal to them in the name of caste or religion
- ❖ Use government resources for election campaign

If they do so, their election can be rejected by the court even after they have been declared elected. In addition to the laws, all the political parties in our country have agreed to a model Code of Conduct for election campaigns. According to this no party or candidate can:

- ❖ Use any place of worship for election propaganda

- ❖ Use government vehicles, aircrafts and officials for elections
- ❖ Once elections are announced, Ministers shall not lay foundation stones of any projects, take any big policy decisions or make any promises of providing public facilities.

### ACTIVITY



Draw a cartoon here about the model code of conduct for the guidance of political parties and candidates during elections.

### 11.3 Free and Fair Elections

The true test of any election system is its ability to ensure a free and fair electoral process. If we want democracy to be translated into reality on the ground, it is important that the election system is impartial and transparent. The system of election must allow the aspirations of the voter to find legitimate expression through the electoral results. Elections in India are basically free and fair. The party that wins an election and forms government does so because people have chosen it over its rivals. This may not be true for every constituency. A few candidates may win purely on the basis of money power and unfair means. But the overall verdict of a general election still reflects popular preference. But still if deeper questions are asked, the picture looks different. Are people's preferences based on real knowledge? Are the voters getting a real choice? Is election really a level playing field for everyone? Can an ordinary citizen hope to win elections?

**ACTIVITY**

What is an Independent body?

Find out what are the other independent constitutional bodies in India?

Questions of this kind bring the many limitations and challenges of Indian Elections to our attention. These include:

- ❖ Candidates and parties with a lot of money may not be sure of their victory but they do enjoy a big and unfair advantage over smaller parties and independents.
- ❖ Candidates with criminal connection have been able to push others out of the electoral race and to secure a ticket from major parties
- ❖ Some families tend to dominate political parties; tickets are distributed to relatives from these families.
- ❖ Very often elections offer little choice to ordinary citizens, for both the major parties are quite similar to each other both in policies and practice.
- ❖ Smaller parties and independent candidates suffer a huge disadvantage compared to bigger parties.

These challenges exist not just in India but also in many established democracies. These deeper issues are a matter of concern for those who believe in democracy. Hence citizens, social activists and organisations have been demanding reforms in our electoral system. In a democracy, the electoral process has a strategic role. Every ordinary man of this country would have basic elementary right to know about a candidate who is to

represent him in Parliament where laws to bind his liberty and property may be enacted.

The right to get information in democracy is recognised all throughout and it is a natural right flowing from the concept of democracy. Article 19(1)(a) of Indian Constitution provides for freedom of speech and expression. Voters' speech or expression incase of election would include casting of votes, that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is must. The ordinary man may think over before making his choice of electing law breakers as law makers.



#### First General Elections In India:

All You Need to Know.....

The first general election of 1951-1952 elected the first Lok Sabha since India became independent. The Congress had won 364 out of 489 Lok Sabha seats. Its vote share was 45 percent. The CPI was the second party with just 16 seats. Jawaharlal Nehru became the Prime Minister, the first of independent India. The voters' turnout was 67.6 percent. 54 parties had contested this election. Elections took around four months; October 25, 1951 to February 21, 1952. Election was held in 26 Indian states and 401 constituencies.

#### 11.4 Election Commission of India

For the conduct of free, fair and regular elections, Article 324 of the Indian Constitution provides for a single



Election Commission which is entrusted with the superintendence, direction and control of all elections to Parliament,

### DEBATE



#### Have a critical debate on social media. Is social media an effective electoral tool?

- Social media has changed the way people think, write and react but politicians believe it has also influenced the way people vote. Most of the national and regional parties are aware of the impact of social media in elections. Digital strategies become more meaningful when it allows campaigners to know the voters, target a specific audience, splice demographics, mobilize support, and urge people to support and participate. Reaching out to the voters through memes, FM Radio, TV Channels, Mobile phones and Social media are very crucial to the political campaigns.
- Teacher can conduct a debate on positive and negative aspects of Social Media in the election campaign.



### Election Commission - An independent body.

The Main objective of the constitution of Election Commission of India is to have a permanent and independent election machinery, which is free from political pressure of the party in power and the executive of the day, and which could be entrusted with the task of holding free and fair elections to the parliament and the state legislatures and to the offices of the President and Vice-President of India.

### Election Commission of India-Structure

#### ACTIVITY



Which Article deals with the appointment, powers and functions of the Chief Election Commissioner?

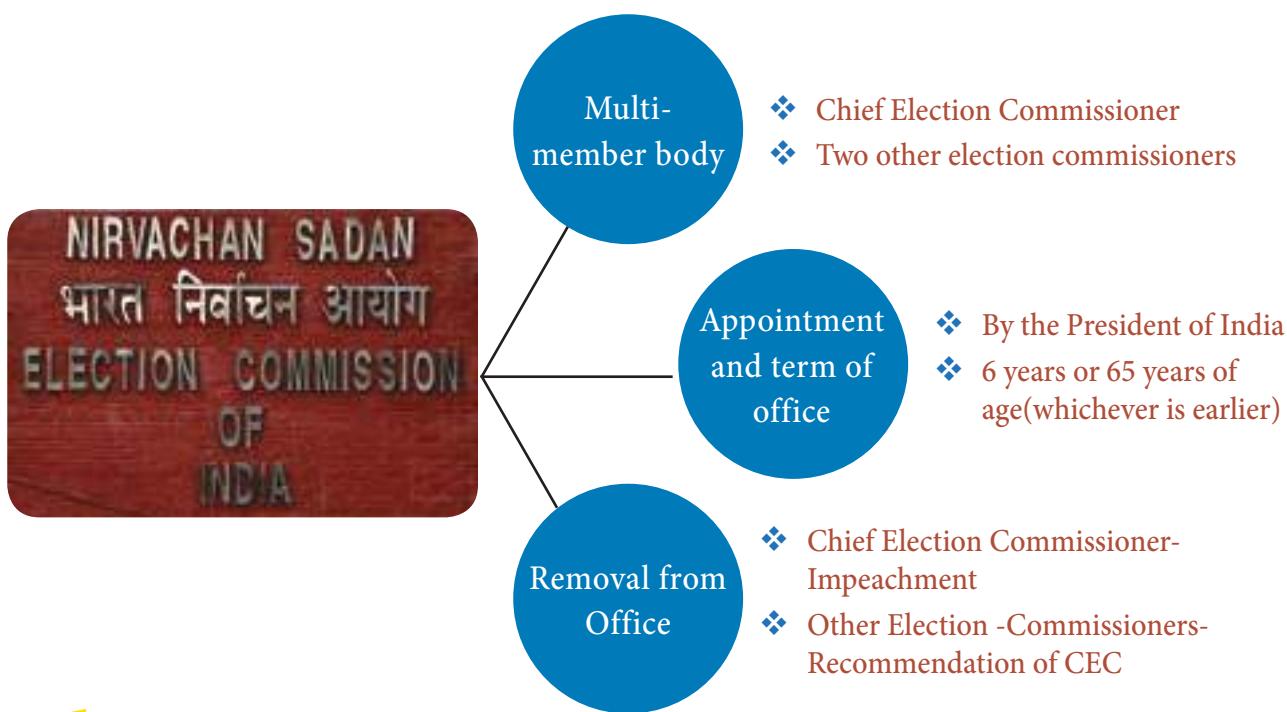


More than 553 million voters in our country exercised their franchise in the 16th Lok Sabha in 2014 in 930,000 polling stations. India's voting pool is larger than the total population of the United States of America and Western Europe combined. It is for the first time after three decades that a single party receives a majority.

### DEBATE



Debate about the feasibilities and consequences of giving more punitive power to the Election Commission of India



#### Details of Legislative Assembly Elections Conducted in Tamilnadu

No. of Elections	Duration of the Assembly	Election Dates
1	1952-1957	1952 January 2, 5, 8, 9, 11, 12, 16, 21 and 25 (9 days)
2	1957-1962	1957 March 1, 4, 6, 8 and 11 (5 days)
3	1962-1967	1962 February 17, 19, 21 and 24 (4 days)
4	1967-1971	1967 February 5, 16 and 21 (3 days)
5	1971-1976	1971 March 1, 4 and 7 (3 days)
6	1977-1980	1977 June 12 and 14 (2 days)
7	1980-1984	1980 May 20 and 31 (2 days)
8	1985-1986	1984 December 24 (1 day only)
9	1989-1991	1969 January 21 (1 day only)
10	1991-1996	1991 June 16 (1 day only)
11	1996-2001	1996 April 27 and May 2 (2 days)
12	2001-2006	2001 May 10 (1 day only)
13	2006-2011	2006 May 8 (1 day only)
14	2011-2016	2011 April 13 (1 day only)
15	2016-ongoing	2016 May 16 (1 day only)



## Powers and functions of the Election Commission of India

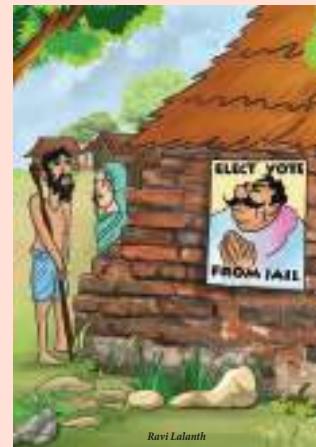
- ❖ Preparation of the electoral rolls
- ❖ Revision of electoral rolls
- ❖ Allotment of seats
- ❖ Conduct of elections
- ❖ Superintendence, direction and control of all matters pertaining to the elections
- ❖ Granting of recognition of political parties
- ❖ Allotment of symbols
- ❖ Ensuring fair and free elections
- ❖ The Election Commission of India advises the President of India or the Governor of the concerned state regarding all electoral matters including questions relating to disqualifications of members.

- ❖ Settles disputes and petitions referred to it by the President of India or the Governor of a state.
- ❖ Decides disputes pertaining to election symbol in the event of a split in the political party.
- ❖ Has power to impose ceiling on the election expenses of the contestants.
- ❖ Entrusted with the task of collecting affidavits from the contestants to the elections regarding their assets.
- ❖ Has the power and duty to disqualify a candidate if he/she fails to submit election returns within the prescribed period.
- ❖ It issues a notification after the election is over, that the house is duly constituted.



### SUPREME COURT's Landmark Verdict To Cleanse the Polity

In a landmark judgement, the Supreme Court held on July 11, 2013 that a person, who is in jail or police custody, cannot contest elections to legislative bodies. A day earlier, on July 10, 2013, the same Bench had held that charge-sheeted Members of Parliament (MP's), Members of Legislative Assembly (MLA's) and Members of Legislative Councils (MLC's), once they are convicted for the offences, will be immediately disqualified from holding office. The Bench struck down Section 8(4) of the Representation of the People's Act, which allowed convicted MP's and MLA's, a three-month period for filing their appeal to the High Court.



*Courtesy : The Hindu, Pocket Watch, 3.5.2004*

## Chief Electoral Officer(CEO)

The chief electoral officer of a state/union territory is authorised to supervise the election work in the state/union territory subject to the overall superintendence, direction and control

of the election commission. The Election commission of India nominates or designates an officer of the government of the state / union territory as the chief electoral officer in consultation with the state government/ union territory administration.



## District Election Officer(DEO)

Subject to the superintendence, direction and control of the chief electoral officer, the district election officer supervises the election work of a district. The Election Commission of India nominates or designates an officer of the state government as the district election officer in consultation with the state government.

## Returning Officer (RO)

The returning officer of a Parliamentary or Assembly constituency is responsible for the conduct of elections in the Parliamentary or Assembly constituency concerned. The Election Commission of India nominates or designates an officer of the government or a local authority as the returning officer for each of the assembly or parliamentary constituencies in consultation with the state government/union territory administration. In addition, the election commission of India also appoints one or more assistant returning officers for each of the assembly or parliamentary constituencies to assist the returning officer in the performance of his functions in connection with the conduct of elections.

## Electoral Registration Officer(ERO)

The Electoral registration officer is responsible for the preparation of electoral rolls for a parliamentary/ assembly constituency. The Election commission of India, in consultation with the state/ union territory government, appoints an officer of the government or the local authorities as the Electoral registration

officer. One or more Assistant electoral registration officers to assist the Electoral registration officer are appointed by the Election commission of India.

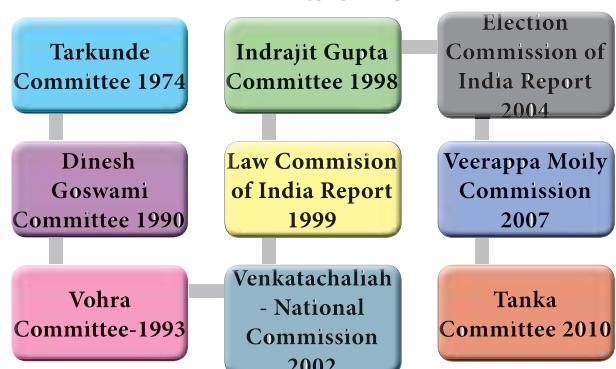
## Presiding Officer (PO)

The Presiding officer with the assistance of Polling officers conducts the poll at a polling station. The district election officer appoints the Presiding officers and the Polling officers. In the case of union territories, such appointments are made by the returning officers.

## Election Observers (EO)

The Election Commission of India nominates officers of government as Election observers (general observers and election expenditure observers) for Parliamentary and Assembly constituencies. They perform such functions as are entrusted to them by the commission. They report directly to the commission.

### 11.5 Electoral Reforms, Anti-Defection Law and Committees related to Electoral Reforms



**Based on the recommendations made by the above committees and commissions, various reforms have been introduced from time to time in our electoral system. Let us have a look at them.**



- ❖ Lowering the voting age from 21 to 18 through the 61st amendment act of 1988.
- ❖ Officers, and staff engaged in preparation, revision and correction of electoral rolls for elections to be on deputation to the Election commission.
- ❖ Increase of number of proposers to 10% of the electors of the constituency or 10 electors, whichever is less.
- ❖ In 1989, a provision was made to facilitate the use of electronic voting machines in elections.
- ❖ In 1989, a provision was made for adjournment of poll in case of booth capturing.
- ❖ Listing the name of candidates as candidates of recognised political parties, candidates of registered-unrecognized political parties and other(independent) candidates.
- ❖ Prohibition on the sale of liquor within a polling area during the period of 48 hours ending with the hour fixed for the conclusion of poll.
- ❖ On the death of a contesting candidate, the party concerned would be given an option to propose another candidate within 7 days.
- ❖ The registered voters are entitled for a paid holiday on the polling day.
- ❖ Prohibition of arms.
- ❖ In 1998 a provision was made whereby the employees of local authorities, nationalized banks, universities, LIC, government undertakings and other government aided institutions can be requisitioned for deployment on election day.
- ❖ In 1999, a provision was made for voting by certain classes of persons through postal ballot.
- ❖ In 2003, the facility to opt for voting through proxy was provided to the service voters belonging to the armed forces and members belonging to a force to which provisions of the Army Act apply.
- ❖ In 2003, the Election commission issued an order for the declaration of criminal antecedents, assets etc.
- ❖ In 2003, Rajya Sabha elections were reformed by removing the domicile of the contesting candidate and further introduction of open ballot system was introduced.
- ❖ In 2003, an exemption of travelling expenditure from being included in the election expenses of the candidate was made.
- ❖ Free supply of electoral rolls by the government.
- ❖ In 2009, restrictions were imposed on conducting exit polls and publishing the results of exit polls.
- ❖ In 2009, a provision was made for the disqualification of a person found guilty of corrupt practices which provided for a three month time limit within which the specified authority will have to submit the case of the person found to be guilty.
- ❖ All officials have to be included in corrupt practice.



- ❖ Increase in security deposit.
- ❖ Appointment of appellate authorities within the district.
- ❖ Voting rights to citizens of India living abroad were provided in 2010.
- ❖ Ceiling on election expenditure was increased in 2011.

### Anti-Defection Law

The 52nd Amendment Act of 1985 provided for the disqualification of the members of Parliament and the State legislatures on the ground of defection from one political party to another. For this purpose it added the Tenth Schedule to the Constitution. This act is often referred to as "Anti-defection law". Later the 91st Amendment Act of 2003 made one change in the provision i.e., disqualification on ground of defection not to apply in case of split.

### Provisions of the Act

#### A. Disqualification:

A member of a house belonging to any political party becomes disqualified if he voluntarily gives up his membership or if he votes or abstains from voting contrary to any direction issued by his political party without obtaining prior permission of the party.

An independent member of the house becomes disqualified to remain a member of the house if he joins any political party after such election.

A nominated member of the house gets disqualified if he joins any political party after the expiry of six months from

the date on which he takes his seat in the house.

#### B. Exceptions:

Disqualifications on the ground of defection does not apply, if a member goes out of his party as a result of a merger of the party with another party; if a member, after being elected as the Presiding officer of the house, voluntarily gives up the membership of his party or rejoins after he ceases to hold that office.

#### C. Deciding Authority:

Any question regarding disqualification arising out of defection is to be decided by the Presiding officer of the house.

#### D. Rule making power:

The Presiding officer of a house is empowered to make rules to give effect to the provisions of the tenth schedule. All such rules must be placed before the house for 30 days. The house may approve or disapprove them. Further he may direct that any willful contravention by any member of such rules may be dealt with in the same manner as a breach of privilege of the house.

### Evaluation of the Act

- A. The tenth schedule of the constitution is designed to prevent the mischief of political defections motivated by the lure of office or material benefits
- B. It is intended to strengthen the fabric of Indian Parliamentary democracy by curbing unprincipled and unethical political defections



- C. It provides for greater stability in the body politic by checking the propensity of the legislators to change parties
- D. It facilitates democratic realignment of parties in the legislature by way of merger of parties
- E. It gives a clear cut constitutional recognition to the existence of political parties.

### DEBATE



Some say that Anti-Defection law has reduced the freedom of the elected representatives in the Parliament/ Legislatures. Have a debate on it in your classroom.

### Let us learn about the Rajya Sabha Elections.....

Transferable Vote System is followed for Rajya Sabha elections. Every state has a specific quota of seats in the Rajya Sabha. The members are elected by the respective State Legislative assemblies. The voters are the MLAs in that state. Every voter is required to rank candidates according to her or his preference. To be declared winner, a candidate must secure a minimum quota of votes, which is determined by a formula:

$$\left\{ \frac{\text{Total votes polled}}{\text{Total number of candidates to be elected}} \right\} + 1$$

For example if 4 Rajya Sabha members have to be elected by the 200 MLAs in Tamilnadu, the winner would require  $(200/4+1=40+1)$  41 votes. When

the votes are counted, it is done on the basis of first preference votes secured by each candidate; If after the counting of all first preference votes, required number of candidates fail to fulfill the quota, the candidate who secured the lowest votes of first preference is eliminated and his/her votes are transferred to those who are mentioned as second preference on those ballot papers. This process continues till the required number of candidates are declared elected.

### Why did India adopt the FPTP System?

The answer is not very difficult to guess. If you have read carefully the method of election of Rajya Sabha members, you would have noticed that it is a very complicated system which may work in a small country but would be difficult to work in a sub-continental country like India. *The reason for the popularity and success of the FPTP system is its simplicity.* The entire election system is extremely simple to understand even for common voters who may have no specialized knowledge about politics and elections. There is also a clear choice presented to the voters at the time of elections. Voters have to simply endorse a candidate or a party while voting. Depending on the nature of actual politics, voters may either give greater importance to the party or to the candidate or balance the two.

The FPTP system offers voters a choice not simply between parties but specific candidates too. In other electoral systems, especially Proportional Representation Systems, voters are often asked to choose a party and the representatives are elected on the basis of party lists. As



a result, there is no one representative who represents and is responsible for one locality. In constituency based system like the FPTP, the voters know who their own representative is and can hold him or her accountable. The FPTP system generally gives the largest party or coalition some extra bonus seats, more than their share of votes would allow.

Thus this system makes it possible for Parliamentary government to function smoothly and effectively by facilitating the formation of a stable government. The FPTP system encourages voters from different social groups to come together to win an election in a locality. The FPTP system has proved to be simple and familiar to ordinary voters.



Open Ballot is a system of choosing the representative by raising one's hands!!

Secret Ballot is a system in which the voter casts his vote without the knowledge of anyone into a Ballot Box or uses an Electronic Voting Machine!!

## 11.6 State Funding of Elections

### What is state funding?

- ❖ State funding of elections is a concept designed to reduce corruption by funding elections with government money as opposed to individual campaign contributions
- ❖ It is recommended that the state funding of elections can be the best way to achieve transparency in political funding

- ❖ It is also believed that state funding is a natural and necessary cost of democracy. It brings new and growing parties, thus ensuring fair elections
- ❖ If parties and candidates are financed with only private funds, economical inequalities in the society might translate into political inequalities in government.

### Indrajit Gupta Committee on state funding of Elections, 1998

The Indrajit Gupta Committee on State Funding of Elections, 1998, backed the idea of state funding of elections on principle, stating that "The committee see full jurisdiction constitutional, legal as well as on the ground of public interest, for grant of state subvention to political parties, so as to establish such conditions where even the parties with modest financial resources may be able to compete with those who have superior financial resources.

### It added two limitations

- A. Such funds could not be doled out to independent candidates, and only to national and state parties having granted a symbol and proven the popularity among the electorate
- B. In the short -term, state funding may be given only in kind, in the form of certain facilities to the recognized political parties and their candidates.

The committee has recommended the creation of a separate Election Fund with an annual contribution of Rs. 600 crore by the centre and a matching



amount contributed by all state governments together. The committee has suggested that in order to be eligible for state funding, political parties and other candidates should have submitted their income tax returns up to the previous assessment year.

### ACTIVITY



What are the recent steps taken by the government regarding state funding of election?



“He alone, who owns the youth gains the future”

-Adolf Hitler

### ACTIVITY



#### Essay writing

**Topic:** If you were the Prime Minister of India, what would you do to make India a superpower by 2035?

### 11.7 Role of Youth in Politics

This must all be the exact thought running through the minds of all the political leaders in the fray to win elections. With a huge Percentage of first time voters being added to the voters' list every year, the decisions of the youth will go a big way in elections.

Today youth has the power to transform our nation, and it will. The responsibility of transformation, progress and innovation lies on their shoulders.

### Why youngsters should vote??

- ❖ Elections play a vital role in a system of representative democracy. Youngsters who are involved in the electoral process affirm their support as well as acquire a stake in the system and an appreciation that they too can affect politics and policy
- ❖ Voting is the only form of participation in which each citizen has an equal say (one person, one vote). By voting, youth have the same ability as others to exercise political influence or pressure
- ❖ Universal participation in elections ensures the faithful representation of the popular will
- ❖ Young people should vote to develop a habit of voting from the start, and thus ensure high turnout
- ❖ Young people may have political interests that differ from those of old voters. If young people don't vote, they and their distinct interests are more likely to be ignored or neglected by policy makers.

### ACTIVITY



Discuss more ways in which Youth can be utilized by a Returning Officer during Elections.

### What is NOTA?

**None Of The Above** - A voter's right to reject a step towards electoral reforms.

In its efforts of cleansing the political system, the Supreme Court of India upheld the right of voters to reject all candidates contesting the elections. The apex court directed the Election Commission to have



an option of “None Of The Above”(NOTA) on the electronic voting machines (EVMs).

## ACTIVITY



## Interpretation of cartoon



Courtesy: The Hindu, 28.9.2013.

*Identify the context. Can you explain what this cartoon is about?*

## Quotable Quote

**NOTA** is the option at the end of the Candidates' List, on the EVMs

The logo for "DO YOU KNOW?" is displayed. It features the word "DO" in a black, bold, sans-serif font at the top. Below it, the word "YOU" is written in a large, white, bold, sans-serif font. The "U" is partially cut off on the right. At the bottom, the word "KNOW?" is written in a black, bold, sans-serif font, with a question mark at the end. The entire logo is set against a background of yellow and red diagonal stripes.

Do you know that there was a similar provision before NOTA?

It was called Negative Voting.

Before the NOTA option was introduced, people who wanted to cast negative votes, had to enter their names in a register and cast their vote on a separate ballot paper.

Under Section 49(O) of the conduct of election rules, 1961, a voter could enter his electoral serial number in the form 17A and cast negative vote.



## ACTIVITY



Find out how 49(O) and NOTA are different?

## Countries which allow NOTA are...

Columbia, Ukraine, Brazil, Bangladesh, Finland, Spain, Sweden, Chile, France, Belgium and Greece. USA also allows it in few cases. The state of Texas permits the provision since 1975.

## Glossary



**Election** : A formal and organised choice by vote of a person for a political office or other position.

**Representation** : The action of speaking or acting on behalf of someone.



**Franchise** : The right to vote in public elections.

**Voting** : Go to the polls, mark one's ballot paper

**Electoral system** : The way in which votes can be translated into elected representatives

**Psephology** : The statistical study of elections and trends in voting.

**Plurality** : Number of votes cast for a candidate who receives more than any other but does not receive an absolute majority

**Panchayat** : A village council in India

**Minority representation** : The number of elected candidates supporting the minority positions.

**Factionalism** : Arguments or disputes between two or more small groups from within a larger group.

**Democracy** : A system of government by the whole population, typically through elected representatives

**Delimitation** : The act or process of fixing limits or boundaries of territorial constituencies in a country or a province having a legislative body.

**Electoral Roll/ voters' list** : Grouping of candidates for election

**Nomination** : The act of officially suggesting someone or something for a position.

**Election campaign** : A time when a politician or party try to persuade people to vote for them

**Electoral reform** : A change in electoral systems to improve how public desires are expressed in election results

**Anti-defection law** : Law passed in 1985 which disqualifies elected members on the grounds of defection to another party.

**Constituency** : A group of voters in a specified area who elect a representative to a legislative body.

**Secret ballot** : A voting method where voter's choices are confidential

**Voters' turnout** : Percentage of eligible voters who cast a ballot in an election

### Evaluation



#### I Choose the correct answer:

1. The word 'Franchise' is of \_\_\_\_\_ origin.
  - a. Anglo-French
  - b. Anglo-Indian
  - c. Anglo-German
  - d. Anglo-Italian
  
2. Part XV of the Indian Constitution deals with \_\_\_\_\_.
  - a. Elections
  - b. Citizenship
  - c. Fundamental rights
  - d. DPSP







13. The Indrajit Gupta Committee 1998 deals with \_\_\_\_\_.

- a. Electoral Reforms
- b. Anti-Defection
- c. FPTP system
- d. Secret ballot

14. First general elections in India took place in the year \_\_\_\_\_.

- a. 1952
- b. 1951
- c. 1950
- d. 1947

15. State funding of elections was backed by \_\_\_\_\_ committee.

- a. Indrajit Gupta Committee
- b. Tarkunde Committee
- c. Vohra Committee
- d. Tanka Committee

16. Assertion: Indian Parliament has a bicameral legislature.

Reason: Loksabha is the lower house and Rajya sabha is the upper house.

- (a) Both A and R are true and R is the correct explanation of A.
- (b) Both A and R are true but R is not the correct explanation of A.
- (c) A is true but R is false.
- (d) A is false but R is true.

## II. Answer the following questions very shortly

- 16. What is Franchise?
- 17. Define Psephology.
- 18. Expand the term FPTP.
- 19. What are electoral constituencies?
- 20. Explain Voters' List.
- 21. What is election campaign?
- 22. What is Anti-Defection Law?

## III Answer the following questions shortly

- 23. What are the features of a democratic electoral system?
- 24. Mention the various methods of minority representation?
- 25. Explain the Delimitation of constituencies.
- 26. What are the committees related to electoral reforms?
- 27. Why did India adopt the FPTP system?
- 28. Write about the first general election in India.
- 29. Explain about open ballot and secret ballot.



#### IV Answer the following questions in detail

30. What does Part XV of the Indian Constitution deal with?
31. Explain the various types of representation.
32. Explain the need for free and fair elections.
33. Bring out the powers and functions of Election Commission of India.
34. Bring out the various electoral reforms in India.

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UNIT  
12

## Local Governments



### Learning Objectives

- ❖ This chapter provides insights in to the local governments in India and as well as in Tamil Nadu state.
- ❖ It also provides the significance of local self government today
- ❖ This chapter would explain the scope of the Local Self government in the lives of the people today.
- ❖ This chapter would throws light on historical development and the major changes that have been made in powers and functions of local government since independence.
- ❖ Students would learn the structure, functions, elections, sources of revenue and issues in the rural and urban local governments in India.



### 12.1 Meaning, Nature and Importance of Local Government

Local Government means, the government which manages services and amenities in our villages, towns and cities with focus on local problems. The local governments normally functions within a specified limited territory of a village, a town, a city and also a large metropolitan city. The local governments function as the basic link between the people in a village or town with the government. As and when people have problems such as road repairs, water stagnation in the streets, non functioning of street lights and construction of small water bodies recreation parks, etc. The local governments have the responsibility to attend to any emergency situations,

birth or death of persons in the village or town. The local governments are the institutions, which issues certificates of proof of residence, birth, death and incomes etc to the residents in that area. In total, the local governments are the institutions which are responsible for all such local needs of the people. They are the lowest unit of administration in the administrative structure of the government. The local government has council, which is normally elected by the people of the village or town concerned, which is responsible for the representing the problems of the citizens in the council and find solutions to the problems. The council representatives are elected once in five years, or four years, depending upon the law in operation in the country.



The local governments are representative institutions, representing people in the council. There are legally mandated to discuss and give solutions to the problems of the people of that area and also represent the problem to the higher levels of the government such as state. Since the local governments are established on the basis of democratic process, all the problems discussed by the council of the local governments should go through the process of discussion, debate and deliberations and unanimously accepted by the council. The members of the council are given freedom to discuss and also to take decisions at same time within the framework of the fundamental law of the land called Constitution.

The importance of the local government lies in the nature of the problems handled by the local governments, which are basically “local” in nature and also the variety of problems attended by the local government cannot be attended by the higher levels of the government like state or central governments. Because the local problems are specific to the local areas and the solutions found for those problems should also be relevant to the situation. An irrelevant solution to the problems may hamper the situation and also it is also concerned with the spending of the taxes collected from the people. If solutions are irrelevant to the local problems, the resources used for that programme may be wasted and it gives more burden on the people again.



Athilakshmi and Bala are travelling through **CASE STUDY** Sivakasi (Virudhunagar district) in a share auto. As they go round the town, they observe the following problems :

1. Water scarcity
2. Heavily damaged interior roads
3. Poor maintenance of water bodies
4. Poor implementation of rain water harvesting system
5. Lack of sanitation facilities

You have seen the five problems illustrated above. Based on these, what impression do you get about your town or city or village?

Write a paragraph describing the public facilities available in your area (not more than 200 words).

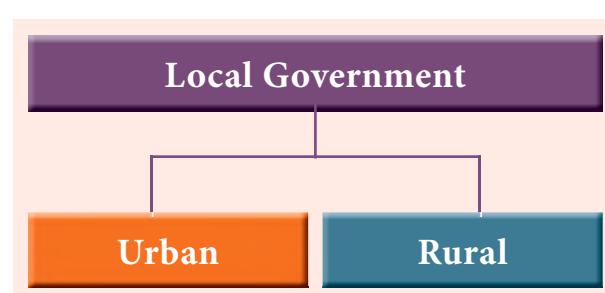
Therefore, local governments are the institutions created for the purposes of solving the local issues and addressing the local level problems. The local governments normally consist of elected representatives drawn from the local population representing the local people and they represent the local issues in the council and try to find solutions to the problems. The local governments are the important channel of flow of resources and programmes to the people at the lowest levels normally called “grassroots” level. No country today afford to ignore local governments because of the fact that local issues at present becomes global issues. With development of Information and communication Technology (ICT), the whole world have become global village.



## 12.2 Classification of local government institutions

Local governments are classified as Rural and Urban based local governments. The Rural and Urban divide is made based on the nature of the occupation of the residents viz; agriculture based or non-agriculture based occupations. The agriculture based occupation means that almost or most of the residents of an area are engaged in agriculture related occupation and the nature of the functions normally would be farming, dairying, poultry, and other similar types of activities. Whereas, in urban areas the citizens would be engaged in industrial, trade and business and other activities.

The urban areas are the places where the people's livelihood is based on occupations in industry, trade, commercial institutions and administration like government offices and private company offices. The urban areas are the link between the outside world to the local villages. The local governments formed in rural and urban areas are called rural local governments and urban local governments respectively.



### DEBATE



- ❖ Critically think the need for local government both in rural and urban areas in India.
- ❖ Critically view the responsibilities of the citizens towards the local governments in India.

In India, the rural local governments have given a general name "Panchayati Raj" which means the system of Panchayat institutions, that is, the institutions which does the panchayat, (deliberate, discuss, and deliberate). The Urban local governments in India are classified into various types depending upon the political and economic basis of the formation of the urban local governments such as, Municipal Corporations, Townships, Area Planning Committees and Cantonment Boards. For example, in India the urban local governments are classified into various types such, Municipal Corporations in metropolitan cities, Municipalities in small towns, Townships in industrial towns, Cantonment Boards in military establishments.

### Types of Urban Local bodies

- ❖ Municipal Corporations
- ❖ Municipalities
- ❖ Municipal Townships
- ❖ Town Panchayats
- ❖ Cantonment Boards

**ACTIVITY**

The students group themselves into two or three groups and discuss about some local issues such as outbreak of a disease in the area or breach of water bodies due to heavy rains, or education to illiterate adults in the local body area or ward areas.

The Municipal Corporations are established in metropolitan cities with population with 1 million plus cities, which are large and need an elaborate

machinery for providing amenities and services to the metropolitan population.

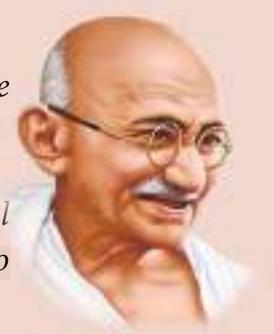
The increase in the number of the population in metropolitan cities due to migration of people from rural and other small and medium towns and other metropolitan areas over the years make these cities mega polis.

The Municipalities are established in small and medium cities and town with population of less than 1 million. The Municipalities too are reclassified as Class I, Class -II etc., depending upon

**ACTIVITY**

*"Corporate cleanliness can only be ensured if there is a corporate conscience and a corporate insistence on cleanliness in public places"*

*Today on 2nd October, we pay homage to the father of our Nation and work towards his vision of providing basic sanitation facilities to the poor.*



## Towards Total Sanitation

- ❖ Revised Guidelines of Integrated Low Cost Sanitation (ILCS) Scheme with the goal of eradication of manual scavenging by 2010 and increased subsidy for urban proof for conversion of dry latrines to water sealed systems.
- ❖ Basic services (Water, Sanitation, Sewerage, Electricity, Health, Social Security, Affordable House) in all slums under Jawaharlal Nehru National Urban Renewal Mission (Basic Services to the urban Poor and integrated Housing and Slum Development Programme) and Proposed Rajiv Award Yojana (RAY) with individual water sealed toilets in each home.
- ❖ Emphasis on upgrading sewage, sanitation and solid waste management under JNNURM (Urban Infrastructure & Governance and Urban Infrastructure Development Scheme for Small & Medium Towns).
- ❖ Total Sanitation Policy announced by Government.



the number of the population and also range of the revenue collection. The grades of the Municipalities are reviewed periodically by the higher levels of the governments to facilitate the classification of the municipalities.

The Townships and the Notified Area Committees are emerging urban areas, where the new industries are established, the changing occupations of the residents of that area from farm employment to non-farm employment.

The Cantonment Boards are established in military establishments, where the defense establishments such as Training institutes for defense personnel, defense industry etc. Both the Rural and Urban local governments are lowest tier in the government hierarchy.

### ACTIVITY



Do you think the distribution of public facilities such as water, electricity, roads, public transport, sanitation, etc., in your district or area is adequate and fair? Give an example of your own to explain.

In various countries of the world, rural and urban local governments are organized differently. However, the basis and principles of which local governments are being established are almost same. Local governments are being established for the local people with revenue predominantly derived from local resources. The upper layer of the governments normally does the function of supervision and monitoring the local bodies

### ACTIVITY



Find out the various kinds of taxes (property tax, water tax, drainage tax etc.,) people pay to the government by talking to a salaried person, a person running own factory or business and a shopkeeper. Share your findings in the classroom.

### 12.3 Local Government around the world

Local Governments are as old as that of human civilization and in many countries around the world local governments are the foundation upon which the modern state is established. A preliminary reading about the Local Governments in various countries of the world show us that large or small, developed or under developed, some form of Local governments exist to deliver amenities and services at local level.

However they differ widely in their structure, powers, functional domain, fiscal resources etc. In many of the European countries there has been efforts on the part of the government to decentralize the powers and functions, which were otherwise centralized. The question of devolution of finances, the jurisdictional issues in policing, transport and inter-state commerce are some of the pending and irritants in the case of the developed countries. Whereas in the developing countries, there is more and more attempt on the part of the central or federal governments to centralize the powers and financial resources. In India the constant pressure is being exerted on

**ACTIVITY****Design a poster**

Water bodies in your village or town or city often hear the brunt of carelessness, with several lakes, ponds or rivers filled with plastic trash becoming the dump yards and sewer drains. Our country is fast losing critical habitats. To reclaim lost habitats and to ensure protection of what is left, you organize an awareness programme aimed at cleaning major portion of the lakes or pond or beach to ensure a garbage free natural environment for all life forms.

**What can you do?**

- ❖ You design a poster with catch phrase and invite people from different walks of life to eliminate trash from water bodies.
- ❖ **Catch phrase:** “Remove trash, Secure the water bodies.”
- ❖ Remember, any effort you make is helpful for the future.

**ACTIVITY**

Take some of the public facilities in your area such as water, electricity, drainage, sanitation, etc., Is there any scope to improve these? What in your opinion should be done? Complete the table.

Facilities	Is it available?	How can it be improved?
Water		
Drainage		
Sanitation		
Electricity		
Road		
Public Transport system		



of the system of village administration prevailing in his time. In the days of Maurya the village and the district were units of administration.

In the South Indian peninsula, the existence of the local self governing institutions could be traced well before the period of the Christian calendar. The historical period can be grouped in to early Chola period, Kalabira period, and the later Chola period, the emergence of Vijayanagara empire, entry of Muslims and Moghuls and the British. There were very little evidence available about the system of local governance in the early Chola Period (which dates back to Before Christ) and the Kalabira Period.

But there were some account of existence of local governments during the times of Pandiyas (rulers of deep south India) and the Pallavas (rulers of mid south India). But Cholas (rulers who ruled mid Tamil country) period witnessed a well developed local self governments. The inscriptions of Paranthaka Chola – I (919.C.E. – 922.C.E) from Utthiramerur in Kanchipuram district of Tamilnadu state, give detailed account of local self government. They inform that each village had an assembly consisting of all adult males and their involvement in general matters. These assemblies are of two types, the “Ur” and the Mahasabha”. The third kind was the nagaram (town) confined to mercantile towns (trading centers) and the fourth was the “nadu”. Hence two types of institutions were mentioned one nadu (village and other areas) and nagaram (urban centers).

In general there is little information on the functioning of any village assemblies prior to the 9<sup>th</sup> century. Both “nadu” and “Nagaram” were concerned about the control and regulation of land holdings, management of irrigation works, temples, collection and remission of taxes, floating of loans for capital works and the management of charitable institutions. The “ur” and the “mahasabha” were the two institutions that assisted the officers in executing the orders of the king.

It has been found that Raja Raja Chola, the First, ordered the “mahasabha” of the Viranarayana Chaturvedi Mangalam to confiscate the property of traitors. Many historians such as Sir Charles Metcalfe, Sir George Bird wood and Eliphinstone opined that a strong system of local government existed in Ancient and medieval South India. But doubts are expressed by some of the historians about the elaborate existence of the local self government in ancient and medieval South India.

During the Moghul period A.D (C.E.) 1500 to A.D (C.E.) 1777, the fundamental principles of central local relationships hardly changed with change of kingdoms. When the Mughal Empire was at its zenith of glory, it was divided into provinces (Subhas), and Provinces into sub divisions (Sarkars), and Sakars into union of villages (Paraganas). At each level the government is organized and the officials were appointed by the Emperor. In the Twilight of the Mughal Empire, the self governing institutions in rural areas had been severely damaged at vital points, but they had withstood the onslaughts with remarkable tactics.



After the Battle of Plassey in A.D (C.E.) 1757, the British East India Company derived land taxing rights (Diwani rights) from Bengal ruler (Nawab), which was the first step in the ascendency of the British rule in India. The rural and the other urban trading centers during the British East India company rule, was not under any control or supervision, except the three Presidency towns of Calcutta, Bombay and Madras. The District administration under the charge of the district collector was the king pin in the British control over vast rural areas.

The important mile stone during the company rule was the establishment of the Municipal Corporations, as mentioned earlier at Calcutta (Kolkata), Bombay (Mumbai) and Madras (Chennai). Viceroy Lord Rippon in 1882 brought out a resolution, proposing a smaller unit for constituting rural local boards, a sub division, tehsil (taluk) and district boards to supervise.

Lord Rippon's resolution emphasized that the institutions he proposed should have a majority of non-officials who should be elected wherever it was feasible. Nearly 500 rural boards were created with a two third majority of non officials who depended upon the district magistrate (district collector) for the favour of nomination. The main activities of the district boards till 1909 were police, public works, education and village sanitation.

The rural local government introduced by Lord Rippon faced many criticisms and in the A.D (C.E.) 1907, the British government appointed a

commission to enquire into the question of administrative and financial relations between the Government of India, Provincial governments and subordinate authorities under them so as to simplify and improve the prevalent system through devolution or otherwise. With the passing of Government of India Act, 1919, the local governments were entrusted with the elected elements of the provincial government under the diarchy system of government.

The number of the village bodies in Tamilnadu increased from 1417 in 1926 to 6250 in 1937. There are three tier system of rural local bodies viz; District Boards, Taluk Boards, and Village Boards. The District and Taluk boards have undergone changes by 1923, the non-official chairman in all provinces replaced official chairman. In Tamilnadu, most of the District Boards came to be dominated by Justice Party members, which stood at 545 in 1927. From 1937 upto 1947, the rural local authorities faced many challenges including the national freedom movement.

After Indian Independence in 1947, an attempt was made to revive local governments in India. Mahatma Gandhi argued for the decentralized administrative system in India entrusting responsibility of governance with the village panchayats (self sufficient Gram Swaraj). Shrima Naryan with blessings of Gandhiji published a blue print of the Gandhian Constitution for Free India wherein panchayats are the basic institutions for organizing social, economic and political activities of the citizens. In addition to the



### Diarchy

The diarchy system entries that the subjects of the administration had been divided into reserved subjects and transferred subjects. The police, law and order, finance are the reserved subjects, which will be under the Governor and other subjects like education and other as mentioned earlier will be entrusted to the elected representatives.

civic, political and administrative roles, the Panchayat was to play the economic role of organizing production and distributing resources in such a way that the village communities became self sufficient for meeting most of their basic needs.

Thus Article 40 came to be incorporated in the Constitution, as part of the Directive Principles of the State policy (Part -IV) of the Constitution of India adopted on Nov. 26<sup>th</sup> 1949. The Art. 40. States that, “ the state shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government”

In compliance with the provisions of the Directive Principles of the State Policy, an ambitious rural sector initiative, the Community Development Programme was launched in 1952 with main focus of securing social- economic transformations of village through people's own democratic and cooperative organizations with the government

providing technical services, supply and credit. This programme was extended to most of the blocks as National Extensions Service aimed at transferring scientific and technical knowledge to agricultural, animal husbandry and rural craft sectors. In 1956, under the Second Five Year Plan, (1956-1961), it was recommended that village panchayats should organically link with popular organizations at higher levels and in stages, the popular body should take over the whole administration. In 1957, Government of India appointed a Committee on Plan Projects under the Chairmanship of Balwant Rai Mehta. The Mehta Committee recommended two points namely, the administration should be decentralized and the administration should be placed under the control of local bodies.

Secondly, the community development blocks should be designed as administrative democratic units with an elected Panchayat Union to operate as a fulcrum of developmental activity in the area. It also recommended for the formation of District Development Councils (Zila Parishad) at the district level consisting of all the Presidents of the Panchayat Unions (Samities), Member of legislative assemblies and Members of Parliament with district level officers of the public health, agriculture, veterinary and education departments as members and the collector as the chairman. The district body is only an advisory body. The recommendation of the Mehta Committee were generally welcomed and Panchayati Raj legislations were enacted and by 1960s about 90 per cent of the population were covered by the Panchayati Raj bodies.



In 1977, the Government of India formed a committee under the chairmanship of Ashoka Mehta to go into the working of the Panchayati Raj bodies and suggest measures to strengthen it. It recommended that Panchayati Raj should emerge as the system of democratic local government, discharging developmental, municipal and ultimate regulatory functions. Hence the first recommendation was to set up district Panchayat (Zilla Parishad) as the directly elected body. As a temporary arrangement, the committee recommended continuation of the Panchayat union at the block level. Not as a unit of local self government but as a nominated middle level support arm for the District Development Council. The Ashoka Mehta Committee submitted its report in 1978, which was well received and led many states to introduce appropriate amendments in their Panchayat Acts such as Karnataka, Maharashtra, Andhra Pradesh, West Bengal and Gujarat.

A number of committees were formed between 1978 and 1986, to look into various aspects of strengthening the local self government institutions, such as, C.H. Hanumantha Rao Committee, G.V.K. Rao Committee and L.M. Singhvi Committee. Only minor changes were suggested by these committees from the Ashok Mehta committee. The next landmark was the introduction of 64<sup>th</sup> and 65<sup>th</sup> Constitutional Amendment Bills, in July 1989 by Rajiv Gandhi government, which could not be passed in the Council of States (Rajya Sabha).

After many attempts, in 1992, incorporating important features of earlier

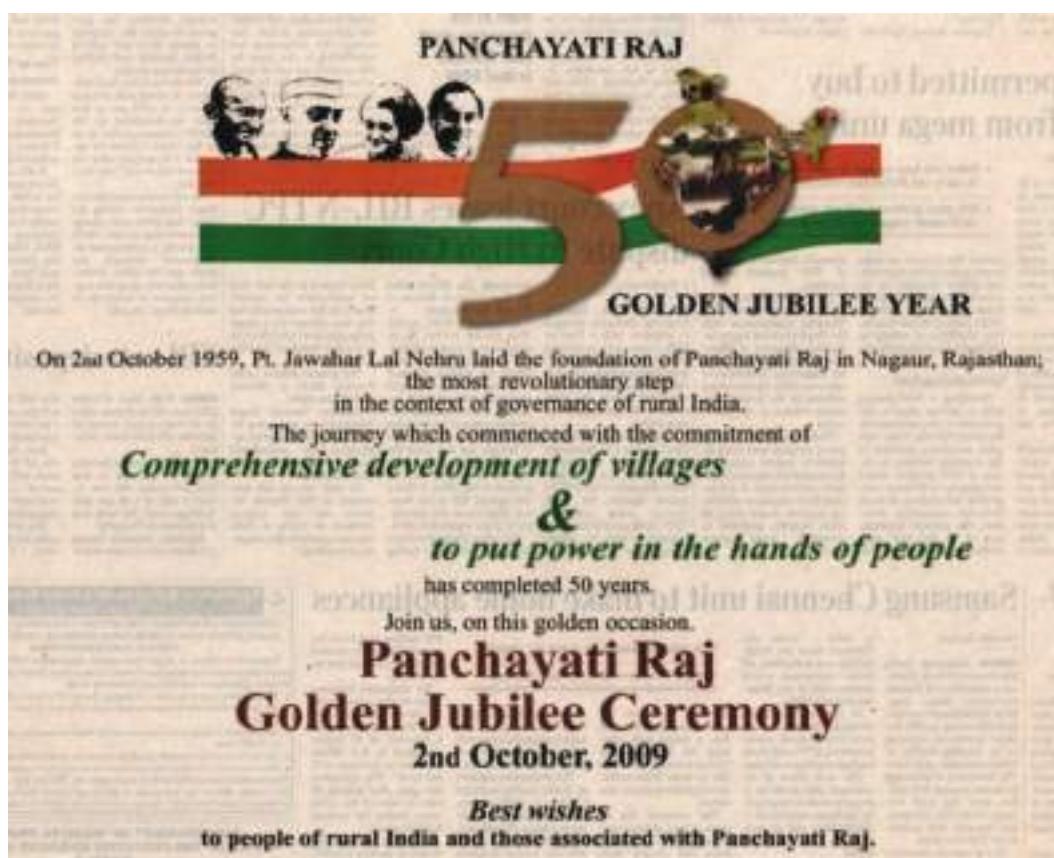
exercises on this subject, government drafted and introduced the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment bills in Parliament in 1992 which was passed by the Indian Parliament in 1993. The 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments introduced new parts IX and IXA in the Indian Constitution containing Articles 243 to 243 ZG.

### 12.5 73<sup>rd</sup> Constitutional Amendment – implementation and implications.

Article 243 B of the Constitution which was inserted into the Constitution under the 73<sup>rd</sup> Constitutional Amendment, envisages that states and union territories except those with population not exceeding 20 lakhs, will have to constitute a three tier system of Panchayat i.e., village, intermediate and district levels. While the district has been defined as a normal district in state, the jurisdiction of village and intermediate levels have not been specifically defined in the Act.

The territorial area of a village Panchayat can be specified by a public notification by the Governor of the state, and may consist of more than one village. Similarly, the intermediate level which can be a Taluk or Block is also to be specified by the Governor through a public notification in this regard. This provides a certain amount of flexibility to the States in constituting Panchayats at the lower and middle levels.

A new schedule, Eleventh Schedule was inserted into the Constitution of India, which provided for obligatory and discretionary functions of the Panchayats at three levels,



- (a) The Village Level
- (b) The District Panchayat at the district level
- (c) The Intermediate Panchayat which stands between the village and district Panchayats in the states where the population is above 20 lakhs

All the seats in a Panchayat shall be filled by persons by direct election from territorial constituencies in the Panchayat area. The electorate is named as "Gram sabha" consisting of persons registered in the electoral rolls relating to a village comprised within the area of a Panchayat.

The Chairperson of each Panchayat shall be elected according to the law passed by a State and such State law shall also provide for the representation of Chairpersons of Village and Intermediate Panchayats in the District Panchayat, as

well as members of the Union and State legislature in the Panchayats above the village level.

Hence, the new Amendment Act provided for participation of Members of Parliament and Members of Legislative Assemblies in the Panchayat Union Councils and also in the District Panchayats. The Amendment Act also provided reservation of seats in the three tiers for Scheduled Castes and Scheduled Tribes and not less than one third of the total seats for women. The tenure of the Panchayats shall be five years.

The law provides that any person who is eligible to be elected to the state legislature shall be qualified to be chosen as a member of a Panchayat. The responsibilities of the Panchayats are clearly laid down in the Eleventh Schedule. (Box.1). Like the National Finance



### Box-1 : Eleventh Schedule (Article 243 G)

- ❖ Agriculture, including agricultural extension
- ❖ Land improvement, implementation of land reforms, land consolidation and soil conservation
- ❖ Minor irrigation water management and watershed development
- ❖ Animal Husbandry, dairying and poultry
- ❖ Fisheries
- ❖ Social forestry and farm forestry
- ❖ Minor forest produce
- ❖ Small scale industries, including food processing industries
- ❖ Khadi, village and cottage industries
- ❖ Rural housing
- ❖ Drinking water
- ❖ Fuel and fodder
- ❖ Roads, culverts, bridges, ferries, waterways and other means of communication
- ❖ Rural electrification, including distribution of electricity
- ❖ Non-conventional energy sources
- ❖ Poverty alleviation programme
- ❖ Education including primary and secondary schools
- ❖ Technical training and vocational education
- ❖ Adult and non – formal education
- ❖ Libraries
- ❖ Cultural activities
- ❖ Market and fairs
- ❖ Health and sanitation including hospitals, primary health centres and dispensaries
- ❖ Family welfare
- ❖ Women and child development
- ❖ Social welfare including welfare of the handicapped and mentally retarded
- ❖ Welfare of the weaker sections and in particular of the scheduled castes and the scheduled tribes.
- ❖ Public distribution system
- ❖ Maintenance of community assets.

commission, the Constitution Amendment Act also provided for the State Finance commission for recommending the formula for transfer of the financial aid to local governments from the states.



There are around 2,50,000 village panchayats in India as per 2011 Census

Consequent to the 73<sup>rd</sup> Constitutional Amendment as well as the Supreme court's rulings which effectively mandate that local authorities are also to

be treated as "Government or state", The Panchayats that have acquired substantial legitimacy are recognized as an instrument of the Government and have created participatory structure of grass roots democracy for the rural people. Creation of constitutional bodies like the State Election Commissions and the State Finance Commissions have also given permanency and stability to these institutions. However, most Panchayats continue to be treated as agencies of the state for implementation of prescribed schemes, even though essential services such as provision of drinking water, rural



sanitation, preventive health and primary education are accepted as their legitimate core functions. The structure of district administration under the control of the Collector, characteristically by a command structure and lack of horizontal coordination at the grass roots level, has become somewhat anachronistic in the modern democratic framework of our polity. In order to make local administration more responsive, transparent and accountable to citizens there is a need to have a representative government not only in the Union and States but also at the District and Village levels with an equitable division of functions among them.



### Panchayati Raj (1959 – 2009)

Golden Jubilee Year – on 2nd October 1959, Pt. Jawaharlal Nehru laid the foundation of Panchayati Raj in Nagaur, Rajasthan; the most revolutionary step in the context of governance of rural India. The journey which commenced with the commitment of comprehensive development of villages and to put power in the hands of people.

### Three tier Panchayati Raj system under 73rd Constitutional Amendment(1993)

- ❖ District Panchayats  
(Elected and nominated)
- ❖ Panchayat Union Councils (Elected)
- ❖ Village Panchayats (Elected)
- ❖ Gram Sabha (All Voters in a village)  
(Advisory Body)

### 12.6 74<sup>th</sup> Constitutional Amendment Implementation and Implications

Under the 74<sup>th</sup> Constitutional Amendment, the urban areas comprise different types of municipal bodies constituted with reference to character, size and importance of different towns and cities. Municipal Corporations, Municipal Committees, Notified Area Committees, Town Area Committees, and Cantonment Boards are the usual types of municipal bodies and while the first four types were created under the state municipal laws, the Cantonment Boards owed their origin to the Central Act called the Cantonments Act, 1924.

In most of the states, all these types of urban local bodies existed except the Town Area Committees, which had since been abolished and converted into class – III Municipal Committees. Town Area Committees were semi municipal committees constituted for small towns by a separate act of the state legislative assembly.

After passing the Constitution (74<sup>th</sup> Amendment) Act, 1992, the Government of India notified the Amendment in June 1993. The Act of 1992 provided for a period of one year from the date of its commencement, the states were required to change amend or modify



The Grama Sabha meetings are held four times in a year ie. January, 26 (Republic Day), May, 01 (May Day) August, 15 (Independence Day) and October, 02 (Gandhi Jayanthi).



there legislations in order to incorporate the Central Amendment. Various states and union territories have enacted legislations for the governance of the urban local bodies in their respective jurisdictions. For example, the Punjab government enacted the Punjab Municipal Bill, 1998 to replace the Punjab Municipal Act, 1911.

A three tier structure of urban local bodies were proposed in the 74<sup>th</sup> Constitutional Amendment act namely, Nagar Panchayat or Town Panchayat, Municipalities and Municipal Corporations. We shall discuss briefly the details of the above three urban local bodies established under the 74<sup>th</sup> Constitutional Amendment Act.

### **Nagar Panchayat or Town Panchayat**

A Nagar Panchayat or Town Panchayat is constituted for a transitional area, i.e., an area in transition from a rural area to an urban area. The population of such an area is 5000 or more but less than 15,000 and the revenue generated from tax and sources exceeds such amount per capita per annum as many be specified by the government from time to time. Every Nagar Panchayat is a body corporate and has a perpetual succession and a common seal with power to acquire and hold, or dispose of properties and may sue and be sued.

A Town panchayat shall consist of such number of elected members not less than 9 or not more than 15, as the state government may determine by rules. The members of the legislative assembly representing the constituencies

comprising transitional area or any part of thereof, and two members nominated by the state government from amongst persons having special knowledge or experience in municipal administration. The nominated members shall not have the right to vote in the Town panchayat meetings. The term of a Town Panchayat shall be 5 years.

The government shall divide a transitional area (town panchayat area) in to a number of territorial constituencies known as wards and each ward shall elect only one member. Out of the total number of seats in Town Panchayat to be filled by direct election, seats are reserved for Scheduled Castes (SC) and Scheduled Tribes (ST) in the same proportion of the population of SCs and STs to the total population of that town panchayat area. In addition, one third of the total number of seats of that area are reserved for women, including the seats reserved for SCs and STs. The town panchayat members shall be elected from amongst its members, One President and one Vice President in a meeting convened by the Deputy commissioner. Every Town Panchayat shall perform obligatory functions such as water supply, drainage, clearing the streets etc. Every town panchayat shall have an executive officer appointed by the state government

### **Municipal Council**

A Municipal Council or municipality is constituted for a small urban area with a population of 15,000 or more but is less than 3 lakhs and the revenue generated from the tax and other sources exceeds



such amount per capita per annum as may be specified by state government from time to time.

Municipality Grade	Population
Class A	1 Lakh or more
Class -B	50,000 – less than one lakh
Class – C	Less than 50,000

A Municipal Council or Municipality for example in Class-A, not less than 20 and not more than 50 elected members; Class-B 15-30, and Class-C, 10-15. The members of State Legislative Assembly representing the constituencies lying within the municipal area are “Ex-Officio” members of the Municipal Council. Not more than 3 members are nominated by the state government. The nominated members do not have the right to vote in the elections of the chairpersons and vice chairpersons. The members are elected through secret ballot.

The whole municipal area is divided into wards, as per the number of councilors to be elected, say 15 or 30 or 10. The electoral rolls of the legislative assembly in relation to municipal area are generally taken as the voters list. The candidates contesting in the elections are allotted symbols. The symbols of the recognized political parties are allotted only to the candidates sponsored or adopted by them.

The Deputy Commissioner has to call the meeting of the elected members within 14 days of the notification of the election results to administer the Oath of office and to hold the election of the

President and Vice-President. As that of Town Panchayats, seats are reserved for the SCs and STs according to the proportion of the population of SCs and STs to the total population of the municipal area. In addition, 30 per cent of total seats are reserved for women including the SCs and STs seats.

The 74<sup>th</sup> Amendment provide the constitution of ward committees consisting of one or more wards within the territorial area of a Municipality, having a population of 3 lakhs or more. A member of a Municipality representing a ward with in the territorial area of the ward committee shall be a member of the ward committee. The Standing Committees shall be constituted for each Municipality consisting of the President, senior Vice-President, and Vice president and 4 other members in the case of Class- A, 2 in the case of Class-B from among the elected members for a period of 2 and half years. The term of office of Municipality is five years. The elected municipality can be dissolved if it is not performing as per the provisions of law.

The Municipal Council meets at least once in a month, presided over by the President or in his/her absence Vice- President. The Municipal Council with the increasing load of work, elects subcommittees comprising councillors from amongst itself to study a problem in depth and make recommendation for its solution. The sub committees are of two types statutory committees and, non-statutory committees. Municipal bodies also appoint special sub committees for certain specific purposes and follow the



same procedure for their election as it adopts the constitution of standing sub committees.

A Municipal Council elects its President from amongst members within one month of the constitution of Municipal Council. The Municipal Council is constituted after elections are held. The President is elected for a period of 5 years. The Municipal Council also elects one or two Vice- Presidents. The Presidents of the municipalities in various states draw monthly salary in addition to travelling allowance. The President convenes and presides over the meeting of the Municipal Council. He / She is empowered to take disciplinary action against offending councilors. The President is the chief spokesperson of the Municipal Council and represents it at official functions and also with regard to correspondence with the government.

The state government in every municipality appoints an Executive Officer. The Executive Officer is the principal executive authority and all municipal staff is sub-ordinate to him/ her. He/ She is the important officer to execute, supervise monitor and report the activities of the Municipalities to the council. The Municipal Council is the governing body of the Municipality, responsible for Municipal Administration. It makes by laws the governing place and time of council meetings, the manner of giving notices, the conduct of meetings.

The councilors are expected to keep themselves in touch with the citizens and enquire about their grievances against

municipal staff, and bringing to the notice of the appropriate administrative head or to raise the matter in the council meetings. The powers and responsibilities of municipalities are enshrined in the Twelfth Schedule of the Constitution. (See Box-2)

### ACTIVITY

Examine why local governments have been entrusted with the very important responsibilities provided in the 11th and 12th Schedule of the Constitution.

The 74<sup>th</sup> Constitutional Amendment provided the constitution of committee for district planning, to prepare a draft development plan for the district as a whole. The Committee shall consolidate the plans prepared by the panchayats and municipalities in the district. The composition of the District Planning Committee as provided in the Act of 1992, consists of that not less than 4/5<sup>th</sup> of the total members of the committee. They shall be elected by and from amongst the elected members of the Panchayats at the district level and of the municipalities in the district, in proportion to the ratio between the population of the rural areas and of the urban areas in the district.

The Municipalities have been provided with the power to raise revenue for discharging its duties and performing its functions such as the taxes, duties and fees which could be levied and collected by the Municipalities (For example: tax on lands and buildings, scavenging tax on octroi, a tax on advertisements, a fire tax, toll on roads and bridges etc) the 74<sup>th</sup>



### Box No-2 : Twelfth Schedule of the constitution: Powers and Responsibilities of Municipalities

#### Subject

- ❖ Urban Planning including town planning
- ❖ Regulation of land use and construction of buildings
- ❖ Planning for economic and social development
- ❖ Roads and Bridges
- ❖ Water supply for domestic purposes,
- ❖ Public Health, sanitation conservancy, and solid waste management
- ❖ Fire services
- ❖ Urban forestry, protection of the environment, and promotion of ecological aspects
- ❖ Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded
- ❖ Slum improvement and up gradation
- ❖ Urban poverty alleviation
- ❖ Provision of urban amenities and facilities such as parks, gardens and play grounds
- ❖ Promotion of cultural, educational and aesthetic aspects
- ❖ Burials and burial grounds, cremations, cremation grounds and electric crematoriums
- ❖ Cattle ponds, prevention of cruelty to animals
- ❖ Vital statistics including registration of births and deaths
- ❖ Public amenities including street lighting , parking, bus stops and public conveniences
- ❖ Regulation of slaughter houses and tanneries

Amendment Act made it obligatory for the state governments to Constitute State Finance Commission within one year from the commencement of Act.

**The State Finance Commission shall make recommendations regarding:**

(i) Distribution between the state government and municipalities of the net proceeds of taxes, duties, tolls and fees to be assigned or appropriated by the state;

- (ii) Allocation of share of such proceeds between the municipalities at all levels in the states;
- (iii) Determination of taxes, duties tolls and fees to be assigned or appropriated by the municipalities;
- (iv) Grants-in-aid to fund the state;
- (v) Measures needed to improve the financial position of the municipalities.



However in practice, the Municipalities in our country undertake only such functions which have been specifically assigned to them by respective state legislative enactments. This restrictive approach to municipal functions no longer holds good in the changed political context and needs of the country. There has been increasing tendency on the part of the state government to take over more and more local functions either directly or by creating special purpose agencies.

### ACTIVITY



Imagine a city's commercial area. The footpaths on either side of the road have trees, vendors, junction boxes, electricity poles and parked vehicles too. With the lack of space, people walk on the road instead of the foot path. Can you give suggestions to local self-government institutions/ corporation to make public facilities accessible to all in not more than 200 words.

### Municipal Corporations

The Municipal Corporations constitute the highest or the top most form of urban local government in India. They are created for big cities by the enactments of the State Legislatures or of the Parliament in the case of Union Territory. The various categories of the cities are determined by its population, area or revenues. Municipal Corporations in the early period were established in three Presidency towns viz; Bombay, Madras and Calcutta. A Municipal Corporation is based on the democratic

principle of management of local affairs by the representatives of the people of the city concerned, who are to be elected periodically on the basis of universal adult franchise with reservation of seats for SCs and STs in proportion to their population and also for women. The Municipal Corporation is marked by statutory separation of deliberative and executive wings.

The Corporation Council and the Standing Committees Constituted the deliberative wing and the executive wing. The Council, consisting of elected representatives and a few nominated members, is responsible for the exercise of legislative powers. The Standing Committees function as an auxiliary of the Corporations. All the matters to be passed by the council pass through it after it considers the proposals and recommendation made by the Municipal Commissioner. The Municipal Commissioner is the chief executive and implementing the decisions taken by the council.

Municipal Corporations in India are generally structured on the pattern of Bombay Municipal Corporation. The tenure of the Municipal Corporation is 5 years. The 74<sup>th</sup> Amendment provides wards committees, which shall be considered for one or more wards within the territorial areas of the Corporation. The chairperson shall be elected for one year and shall be eligible for re-election. A ward committee supervises provision of water supply, pipes and sewage, drainage connections to premises removal of accumulated water on streets



or public places due to rain or other, collection and removal of solid waste, provision of health immunization, services for the civic services in slum and lighting, repair of roads, maintenance parks drains and etc.,.

A Municipal Corporation shall have a Standing Committee constituted by it, consisting of Mayor, the senior deputy Mayor and other councilors elected by the councilors of the Corporation

from amongst the members. The Mayor shall be the chairperson of the Standing Committee. The Municipal Corporation also constitutes committees to deal with subject matters such as water supply, sewage etc.,. Each subject committee shall consist of not less than three and not more than five members.

The term of the subject committees is one year. The Municipal Corporations have been provided with financial resources to carry out its duties assigned

## ACTIVITY



### Pune Tops In Urban Governance, Bengaluru Worst, Finds Survey

#### Top Five Cities

Top Five Cities	Ranking	Bottom Five Cities	Ranking
Pune	5.1	Chennai	3.3
Kolkata	4.6	Patna	3.3
Thiruvananthapuram	4.6	Dehradun	3.1
Bhubaneswar	4.6	Chandigarh	3.1
Surat	4.5	Bengaluru	3.0

#### Ranking of cities out of 10

#### Cities Face Five Systemic Challenges

- A. Lack of modern contemporary framework of spatial planning of Cities and design standards for public utilities such as roads, footpaths, bus stops and other underground utilities.
- B. Weak finances, both in terms of financial sustainability and Financial accountability of cities.
- C. Poor Human Resource Management, in terms of number of staff, Skills and competencies of staff, organization design among others.
- D. Powerless mayors and city councils and severe fragmentation of Governance across municipalities, parastatal agencies and state departments.
- E. Total absence of platforms for systematic citizen participation and lack of transparency in finances and operations of cities.

*Source : Annual Survey of India's City Systems (ASICS)*

*Courtesy : The New Indian Express, 15.3.2018.*



to it by the 74<sup>th</sup> Amendment. A list of 18 functions to be performed by Municipal Corporations has been given in the 12<sup>th</sup> Schedule of the Constitution. Like the 73<sup>rd</sup> Amendment Act, the 74<sup>th</sup> Amendment Act also provided for a committee planning metropolitan area.

The Committee consists of not less than 2/3<sup>rd</sup> of the members who shall be elected by and from the elected members of the Municipalities and chairpersons of the panchayats in the metropolitan area in proportion to the ratio between the population of Municipalities and of the Panchayats in that area.

All Municipal Corporations are provided with the office of the Mayor and Deputy Mayor. Mayor in some states are directly elected by all the voters with in the metro city. In some states, Mayor is elected from amongst the elected councilors. The Mayor presides over council meetings, guide its deliberations to maintain decorum and exclude any objectionable portion from the record of the proceedings of the council. He/ She is also empowered to expel and even suspend members for gross misconduct or disorderly behaviour. In case of a tie he/she exercises his /her casting vote.

The Municipal Commissioner is the chief executive officer of the Corporation. Normally the commissioner is being appointed from officers in I.A.S (Indian Administrative Service) cadre. The commissioner's appointment vested in the state government, has been a subject of great controversy. The term of the commissioner is three years, which

can be extended by the state government. He/she is one of the statutory municipal authorities to carry out the provisions of the Corporation Act.

## 12.7 The case of Tamilnadu

The Tamilnadu State Election Commission established under the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments, gives a brief account of the status of local government in the state of Tamilnadu.

As stated by the Tamilnadu State Election Commission, under the 73<sup>rd</sup> Constitutional Amendment Act (Rural Local Bodies) the government of Tamilnadu as a constitutional obligation has taken into account important points including: formation of Gram Sabha in every village with powers of general supervision over the elected village Panchayat and the power to grant approval to the annual plans of the Panchayats; formation of three tier Panchayats i.e., District Panchayats, Panchayat Unions and Village Panchayats made obligatory; reservation of seats for weaker sections of society like SCs, STs and Women; powers to impose taxes and provision for grants , assignments etc., from government funds through constitution of a State Finance Commission.

### ACTIVITY



Students are divide into, as many groups as needed to visit nearby local body office for understanding the problems of the local bodies.



The State of Tamilnadu has 12,564 village panchayats, 388 panchayat unions and 31 district panchayats.

Under the 74<sup>th</sup> Constitutional Amendment Act, devolution of more functions and taxing powers; revenue sharing with state governments; regular conduct of elections; reservation of seats for SCs and STs and for women; uniform composition of the urban bodies throughout the country were provided.

Following 73<sup>rd</sup> constitutional amendment the Tamilnadu Panchayats Act was passed in 1994, which replaced the earlier Tamilnadu Panchayats Act, 1958. The Tamilnadu Panchayats Act, 1994 was amended in 1996. The Act of 1996 provided as far as Panchayats are concerned: to plan for their developmental needs, constitution of District Planning Committee; constitution of State Election Commission and constitution of State Finance Commission. In the first elections under the 1994 Act, 1,17,000 representatives were elected for the three different tiers of local government across Tamilnadu.

### ACTIVITY



- ❖ Do you feel that local governments are the channels of development in your area?
- ❖ What is your assessment of the functioning of the local government in your area? Give a report card to your teacher.

### Urban Local Governments

As far as urban local bodies are concerned, the 74<sup>th</sup> Constitutional Amendment Act, paved the way for setting up urban local bodies in various states. Elections were held to the rural and urban local bodies in Tamilnadu in 1996, 2001, 2006 and 2011.

### 12.8 Contemporary Issues

There are many issues which are highlighted by the experts in the field of local governance from time to time. The main issues brought out by the experts are provided in the following section. First there is considerable expansion in responsibilities of local governments, which were previously state government responsibilities.

Taking into account the capacities of the levels of government and the line of control, throughout government apparatus should be considered and reclassification of list is needed. Second, maintenance of village courts is also an important issue, where the policing is state wise centralized, which can not be entrusted practically to the local governments.

Third, urban local bodies are entrusted with many functions out of which many of them are connection with the state government departments.

In sum, the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Acts brought reforms in local government in India. The rural and urban local bodies prior to the reforms were the creation of the British. Many new and innovative changes were brought in the amendments. So far only



### Panchayati Raj (1959 – 2009)

The Tamilnadu Municipal Laws (Fourth Amendment) Bill, 2018 and the Tamilnadu Panchayats (Second Amendment) Bill, 2018 – for extending the tenure of the special officers of the urban and rural local bodies for a period of six more months.

18 states in India have ratified or approved the amendments in their legislative assemblies, which is required as per the law. In addition, many state government even after enacting the amendments and ratified them, have not put in to operation many provisions, because of the issues mentioned above. Unless these issues are resolved, the objectives for which the 73rd and 74th amendments were made, could not be realized.

#### ACTIVITY



Take some leading dailies and collect information about the local issues published in the paper, and among the class students, try to evolve some solution to the issues.



There are 12 Municipal Corporations, 148 Municipalities and 561 Town Panchayats in Tamilnadu as urban local bodies.

### Glossary



**Municipal Corporation:** Municipal Corporation is the legal term for a local governing body. A Municipal Corporation or city corporation is a local government in India that administers urban areas with a population of more than one million.

**Municipality:** A Municipality is usually a single urban or administrative division having corporate status and powers of self-government or jurisdiction as granted by national and state laws to which it is subordinate.

**Cantonment Board:** A Cantonment Board is a civic administration body in India under the control of the Ministry of Defence. The Board comprises elected members besides ex-officio and nominated members as per the Cantonments Act, 2006.

**Town Panchayat:** A town panchayat is a small town of approximately 20,000 to 25,000 inhabitants. It is formed under the panchayati raj administrative system.

**Panchayati Raj:** Panchayati Raj generally refers to the system of local self-government in India introduced by a Constitutional Amendment in 1992.

**Gram Sabha:** Gram Sabha is a body consisting of all persons whose names are included in the electoral rolls for the Panchayat at the village level.

**Mayor:** Mayor is a person who is elected or chosen to lead the group who governs a town or city



**Ward:** A ward is a local authority area, typically used for electoral purposes.

**Nagar Palika:** In India, Nagar Palika, is an urban local body that administers a city of population 100,000 or more

**Councillor:** A member of a council

**Dyarchy:** Government by two independent authorities (especially in India 1919–35).

### Evaluation



#### I Choose the correct answer:

1. When was the Madras (Chennai) Municipal Corporation established ?

- |          |          |
|----------|----------|
| (a) 1870 | (b) 1882 |
| (c) 1687 | (d) 1992 |

2. When was the Lord Rippon's Resolution adopted ?

- |          |          |
|----------|----------|
| (a) 1992 | (b) 1858 |
| (c) 1882 | (d) 1870 |



3. The dyarchy system was established for the first time under

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (a) Government of India Act, 1909 | (b) Government of India Act, 1919 |
| (c) Government of India Act, 1935 | (d) Government of India Act, 1958 |

4. The Nagarpalika Bill was passed in the year

- |          |          |
|----------|----------|
| (a) 1989 | (b) 1990 |
| (c) 1991 | (d) 1992 |

5. What is the percentage of reservation of seats in local bodies for women under 73rd and 74th Constitutional Amendment Acts?

- |  |        |
|--|--------|
| (a) 45   | (b) 50 |
| (c) Proportionate to the percentage of population of women in the constituencies | (d) 20 |

6. State Finance Commission is the organ responsible for

- (a) Recommend to the state government about sharing of taxes between state and the local bodies
- (b) Recommend to the state governor on the issue of elections
- (c) Recommend to the President of India on issues connected with financial emergencies
- (d) Recommend to the chief Minister about the law and financial situations in the state



7. District Planning Committee is provided under

- (a) 93<sup>rd</sup> Constitutional Amendment Act
- (b) 73<sup>rd</sup> Constitutional Amendment Act
- (c) 89<sup>th</sup> Constitutional Amendment Act
- (d) 94<sup>th</sup> Constitutional Amendment Act

8. Jawahar Rozgar Yojana is a programme

- (a) To provide employment guarantee
- (b) To get loan from Public sector banks
- (c) To construct housing units
- (d) To get employment abroad

9. The Delhi Development Authority (DDA) was set up on 30 December 1957 under

- (a) An act of Delhi Assembly
- (b) An executive order of the President of India
- (c) An Act of the Parliament
- (d) The order of the Lieutenant Governor of Delhi.

10. Which of the following election has no place for political parties?

- (a) Municipal Corporation Mayor Election
- (b) Municipal Council Election
- (c) Panchayat President and Panchayat Ward Member Election
- (d) District Councillor Election

11. Who is considered as the father of Local self Government in India?

- |                     |                  |
|---------------------|------------------|
| (a) Lord Mayo       | (b) Robert Clive |
| (c) Warren Hastings | (d) Lord Rippon  |

12. Who conducts Local body elections in states?

- |                                 |                                  |
|---------------------------------|----------------------------------|
| (a) State Election commission   | (b) Election commission of India |
| (c) Chief election commissioner | (d) The State Government         |

13. Which are the Articles in the Constitution of India that deals with Local Government?

- (a) Art. 40, Art. 243 to 243 O, Art. 243 p to 243 ZG
- (b) Art. 300, Art. 300A
- (c) Art. 3A, Art. 43 A
- (d) Art. 31, Art. 117 (1)



14. Arrange the Three tier Panchayati Raj System as per the Constitutional Provisions

- (a) Village Panchayat – Intermediate Panchayat – District Panchayat
- (b) Panchayat Union – District Panchayat – Village Panchayat
- (c) District Panchayat – village Panchayat – Intermediate Pachayat
- (d) Village Panchayat – Town Panchayat – District Pachayat – Intermediate Panchayat

15. Assertion: 73<sup>rd</sup> Amendment Act brought rural local bodies

Reason: Democracy reached grass root level through local governments

Directions: Given below are two statements labelled as Assertion (A) and Reason (R) in the context of the two statements, which of the following is correct?

- (a) Both A and R are true and R is the correct explanation of A.
- (b) Both A and R are true but R is not the correct explanation of A.
- (c) A is true but R is false.
- (d) A is false but R is true.

## II Answer the following questions very shortly

16. What is the lowest unit of the Panchayati Raj system in Tamilnadu?
17. What are the days the Gram Sabha meets in a year?
18. What is the term of office of a Mayor of Municipal Corporation.
19. Describe the powers and functions of the State Finance Commission.
20. Does the local bodies in Russia have any executive powers to do anything?
21. Which committee recommended the establishment of Panchayati Raj Institutions?
22. What are the sources of revenue of a village Panchayats?
23. Give at least two reasons for the need for the PRI institutions in India?
24. How many municipal corporations are there in the state of TamilNadu?
25. Who is levying and collecting Entertainment Tax?

## III Answer the following questions shortly

26. Give at least three salient features of the PRI.
27. Define an urban area
28. Explain the concept of local self government
29. What are the main problems of big cities in India ?
30. Explain the organization of Mahasabhas.
31. What were the major changes brought by the British in local administration?
32. Explain that functions of the Metropolitan Planning committee.



#### IV Answer the following questions in detail

33. Explain the system of Panchayati Raj in India .
34. Describe the functions and powers of the Mayor of a Municipal corporation
35. Write a short note on the State Election Commission.
36. Trace the developments in Local governments in India after passing of the 73rd and 74th Constitutional Amendments.
37. Trace the origin of the local self government in India

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[http://www.tnsec.tn.in/about\\_us/introduction.html](http://www.tnsec.tn.in/about_us/introduction.html)



GOVERNMENT OF TAMIL NADU

## HIGHER SECONDARY SECOND YEAR



# POLITICAL SCIENCE

Volume - I

A publication under Free Textbook Programme of Government of Tamil Nadu

**Department of School Education**

**Untouchability is Inhuman and a Crime**



**Government of Tamil Nadu**

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## HOW TO USE THE BOOK?



### Introduction

A brief abstract of the unit.



### Learning objective

Describes about what students are expected to learn by the end of every unit.



### Do you know?

A piece of information which provides a surprise element for the students.



### Knowledge Boxes

Additional inputs to the content are provided.



### Activity

To explore further about the subject in order to get better understanding of the subject.



### Debate

A formal discussion need to be conducted by the students on a particular issue in order to arrive at a synthesis about that issue.



### Case study

A research strategy and an empirical inquiry that investigates a phenomenon within to a real life context.



### Conversation

Exchange of ideas which will give better clarity to the subject.



### Quotable quote

Quotes of eminent political thinkers that helps to bring enlightenment among students.



### QR Code

To motivate the students to further explore and enrich the concept



### Diagrams

Schematic representation that illustrates the political happenings which will link the theory with practice.



### Glossary

Helps the students to become familiar with newly introduced, uncommon and specialised terms.



### Evaluation

To check the understanding of the students and helps in arriving at most suitable conclusions.



### Reference

List of books that can be referred when there needs a better understanding.



### Further readings

Books that will enlarge the knowledge of subject in study.



### Web links

List of digital resources



### ICT

Lead to improved students learning and better teaching methods.

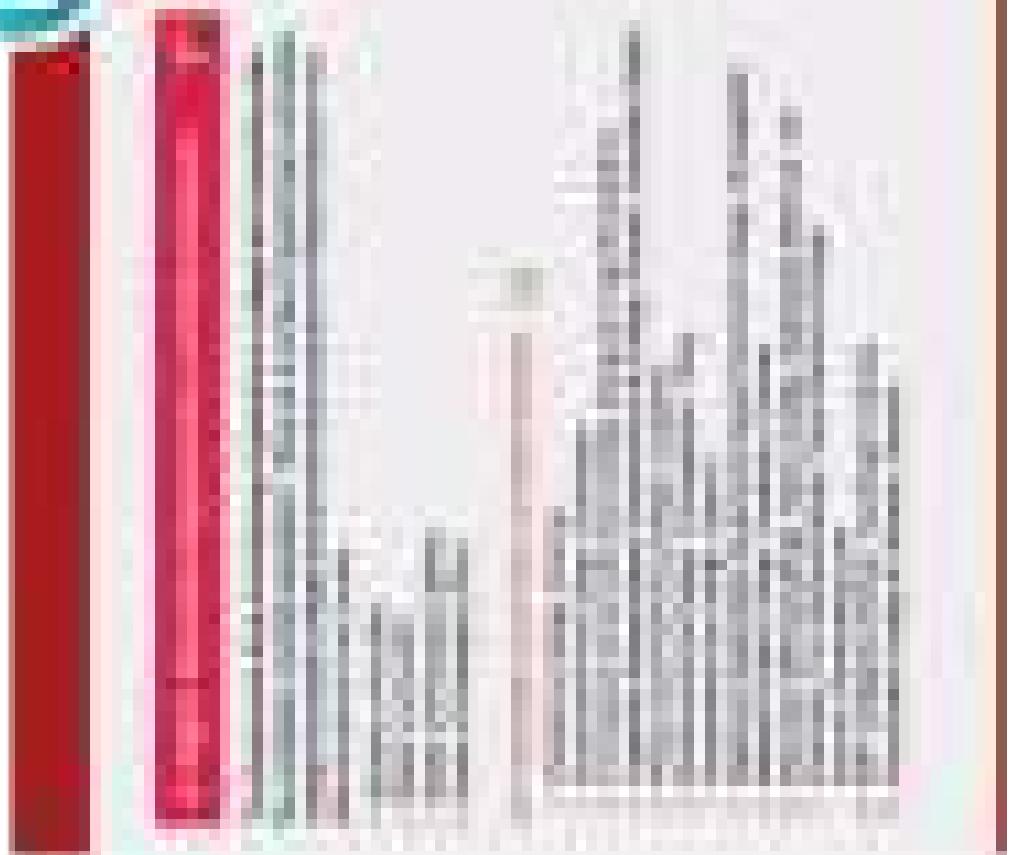
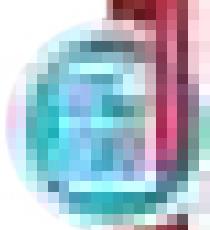


### Key Terms

Helps the students to know the Tamil translation of key terms.



There are plenty of career opportunities available to the students of political science. The options and opportunities can be detailed in **two categories** of higher education and employment.





V



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VI





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E Book



Assessment



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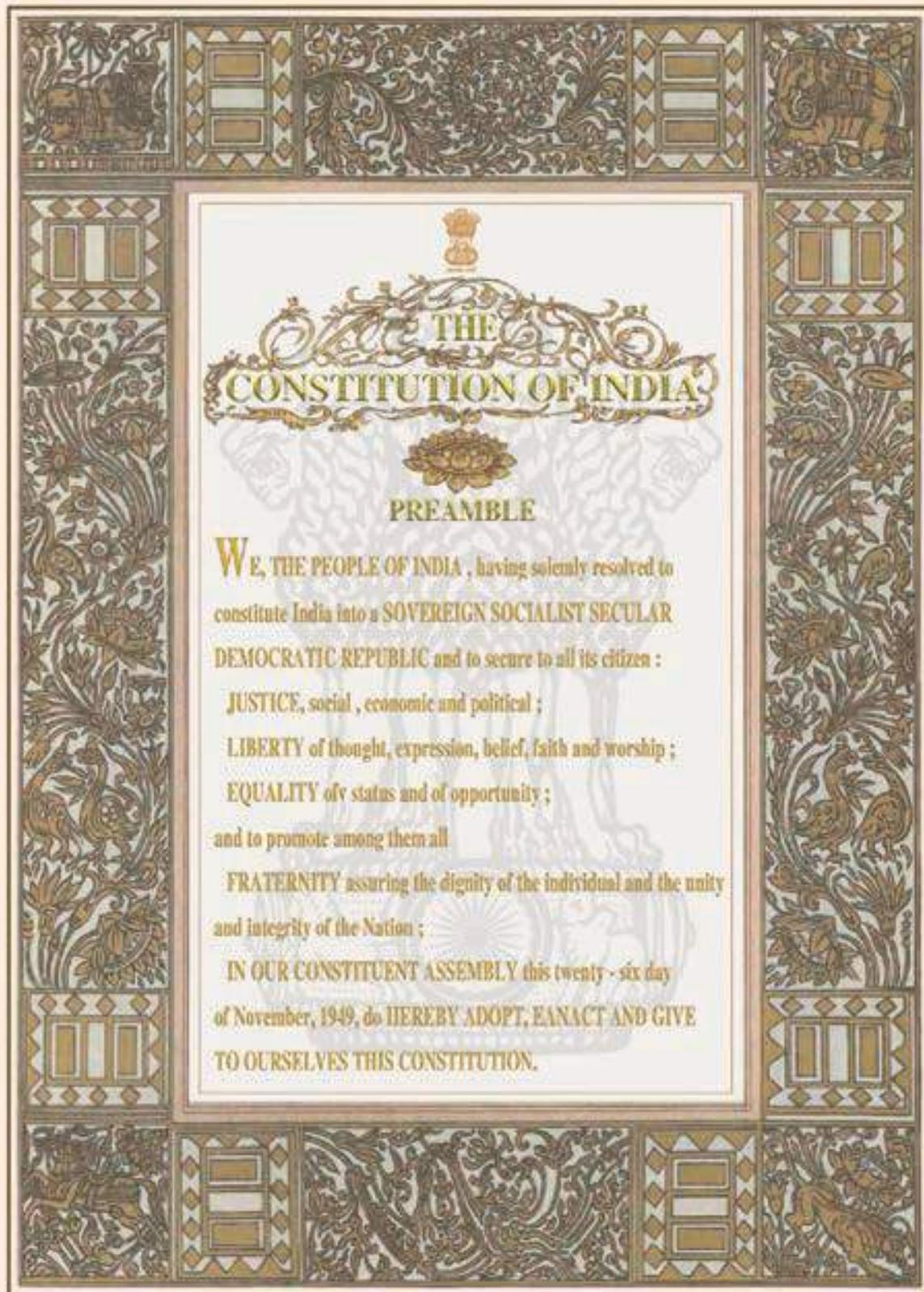
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## Unit

## 1

## Constitution of India



## Learning Objectives



- ❖ This chapter discusses the meaning, nature, and significance of the Indian Constitution.
- ❖ This chapter provides insights into the philosophy of the Indian Constitution.
- ❖ It throws light on the making of the Constitution.
- ❖ This chapter identifies the sources that had inspired the framers of the Constitution to improvise and incorporate these into our Constitution.
- ❖ This chapter will explain the salient features of the Indian Constitution.
- ❖ This chapter will elucidate the parliamentary type of democracy in India.



### 1.1 Meaning, Functions and Significance of the Constitution



Nationalism during the colonial period strived not only for political independence but also for territorial integration, constitutionalism and democratization.

India is a culturally diverse country, yet united as a political state. Indians are dependent upon each other in many ways, and they cooperate in many ways. There is a felt need to have specific agreed basic rules and regulations which could

facilitate the people of this country to live together. The absence of the basic rules and regulations may imperil the very statehood of India also make the people feel insecure. Colonial rule was based on Charters, councils Acts and government of India Acts. The leaders and political movements of the newly emerging Indian nation to based on a definite written constitution. The central legislative body was converted into a constituent Assembly (i.e. a constitution writing body). The proposed constitution was meant to bind different shatter and different categories of society into one state, facilitating a union of states and co-operation and co-ordination between various segments that constitute the federal narrow.

The most critical function of a constitution is to provide a set of basic rules that allow for optimal coordination amongst members of the state. A



constitution is a body of necessary codes according to which a state is constituted and governed. The constitution specifies the necessary allocation of power between the various segments of the state. Indian diversities necessitated a Union of states, and the freedom movements favoured a democratic form of government. For example, Accordingly the Parliament in India decides laws and policies.

## Activity



### Think-Pair-Share

**Topic :** Constitution is called the “Fundamental Law of Land”

Students are asked to think about the topic for two or three minutes and share his/her views with his/her pair. Teacher can ask randomly any three pairs to share their views in the classroom.

Constitution empowers the government to fulfill the aspirations of a society and create conditions for a just society. The part four of the Indian Constitution has provisions for the government to make laws to address many problems prevalent in Indian society. The constitution expresses the fundamental identity of the people in a country. People in a community may have many similar ethnic identities that exist before the enactment of the constitution. The people of a country will have a political identity after the promulgation of the structure by accepting the fundamental laws of the state put forth by the constitution. The individual's objectives, aspirations, and freedoms should comply with the constitutional regulations of a country. The constitution puts forth specific

fundamental laws which cannot be violated by its citizens. It also protects certain fundamental rights of the people living in a country. The constitution of a country defines who are all the citizens of a nation. It also sets the framework that illustrates the relationship between the states or parts of a country with each other and even with the central government. Most of the constitutions in the world are written documents that comprise many articles and schedules. There are still a few constitutions like that of the United Kingdom which do not have one single document, which could be called as a district constitution. The United Kingdom, instead has a series of customs, conventions and historical precedents which are collectively referred to as its constitutional components.

## Theocratic State



**What is the opposite of secular state? Name any state that is not secular.**



A state which is not secular is a Theocratic State. Theocratic state has an official religion (State religion), and all the high posts of the country are reserved for the followers of the religion. Pakistan, Vatican etc., are some examples of a Theocratic State.

## Formulation

Formulation refers to how a constitution comes into being, who crafted it and their authority. Indian Constitution like the United States



was drafted after a successful national movement. The Constitution of India has the legitimacy since it has been drafted by a constituent assembly consisting of people's representations. The Constitution of India reflected the consensus of most of the sections of people in India during Independence. There are instances where some countries have subjected their constitution to a full-fledged referendum.

### Referendum

A referendum is a method of referring a question or set of questions to the electorate directly rather than allowing them to be settled by the people's representatives in the legislature. The referendum is also often used to determine issues of morality which divide a government of party and to settle local matters which it is thought are best left to individual areas to decide. The referendum is seen as conferring legitimacy and popular approval on an individual and sanctions absolute authority.

Neither Indian Constitution nor the amendments made later were subjected to a referendum which could also be seen as a setback in Indian democracy perhaps the conditions prevailing at that time were not conducive to a referendum. In this regard may be useful to study the working of referendum in Switzerland.

### Provisions of a Constitution

An ideal constitution should accommodate the aspirations of all sections of people in society. Constitutions that are discriminative based on religion, caste and

language may not get the overwhelming acceptance from all in the nation. The fundamental laws of the structure would reveal the nature of a constitution. Any constitution could be successful only when it preserves the freedom and equality of all its citizens.

### Secularism in India

The 42<sup>nd</sup> Amendment enlarged the Preamble of the Indian Constitution from "Sovereign Democratic Republic" to a "Sovereign, Socialist Secular Democratic Republic," and also changed the words "unity of the nation" to "unity and integrity of the nation." Former Prime Minister Indira Gandhi enacted the 42<sup>nd</sup> Amendment in 1976, during the Emergency, obviously to emphasise the latent secular and socialist ideals as inalienable spirit of the constitution.

Well-drafted constitution does not concentrate all powers in a single person or a single institution as it may lead to abuse of power by few or one institution. One method that may be incorporated to address this issue is to divide powers among different organs in a balanced way.

The Indian Constitution separates the power horizontally amongst institutions like the legislature, executive and judiciary that prevents any of the organs from subverting the Constitution and enhances its success and durability. Indian Constitution is not too rigid and not too flexible, which is evident from the restrictions and flexibility in the name of the basic structure of constitution and amending provisions respectively. A well-

drafted constitution will maintain the core values and also adapt itself to changing environment. The Indian Constitution balanced the possibility to not only change the provisions but also limits on such changes. The framers of the Indian Constitution had ensured that it would survive during the test of times.

### Making of Indian Constitution

The members of Constituent Assembly drafted the Indian Constitution. The Constituent Assembly held its first meeting on 9 December 1946 and reassembled after partition of Pakistan as Constituent Assembly for the remaining India on 14th August 1947. The members of the Provincial Legislative Assemblies indirectly elected the members of the Constituent Assembly.

The Constituent Assembly was composed of members along the lines suggested by the plan proposed by the Committee of the British Cabinet, also known as the Cabinet Mission.



(February 1948: some members of the Drafting Committee of the Constituent Assembly of India: (seated from left) N. Madhava Rao, Saiyid Muhammad Saadulla, Dr. B. R. Ambedkar, Sir Alladi Krishnaswamy Ayyar and Sir B. N. Rao.

(4)

*Also in the Picture are (Standing from Left) S.N. Mukherjee, Jugal Kishore Khanna and Kewal Krishnan)*

### According to this Plan

Provinces and princely states or group of states were allotted seats proportional to their respective population roughly in the ratio of 1:1 million. The provinces were to elect 292 members while the princely states were to send a minimum of 93 seats.

The seats of each province were distributed among three main communities, namely, the Hindus, Muslims, and Sikhs, in proportion to their respective populations in their province.

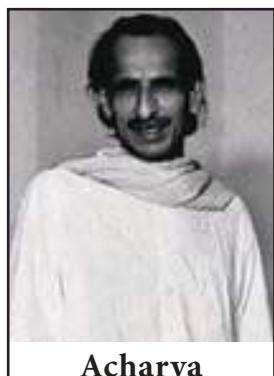
Members of each community in the Provisional Legislative Assembly elected their representatives by the method of proportional representation with a single transferable vote.



The method of selection of representatives of Princely States was to be determined by the princely states themselves.

### The Composition of the Constituent Assembly

Two hundred eighty-four members were present on 26 November 1949 and appended their signature to the Constitution as finally passed.



Acharya  
J.B.Kripalani



Rajendra  
Prasad

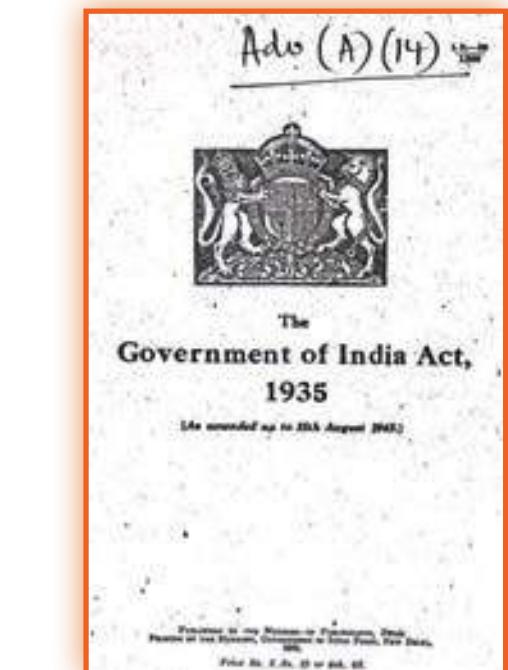
- ❖ The 1st meeting of the Constituent Assembly took place in Constitution Hall, New Delhi, on Monday, the 9th December 1946, at Eleven of the Clock. The title of the first debate was “Election of Temporary Chairman,” Acharya J. B. Kripalani (United Provinces: General) requesting **Dr. Sachchidananda Sinha** to take the Chair as temporary Chairman. (Constituent Assembly Debates)
- ❖ The Final meeting held on 24.01.1950 with the title of “Signing of the Constitution” and **Dr. Rajendra Prasad** is the Chairman of the debate.
- ❖ The Constituent assembly debate consists of 12 Volume and it held between **9<sup>th</sup> December 1946 to 24<sup>th</sup> January 1950**

## 1.2 Sources of Indian Constitution

### The Primary Sources of the Indian Constitution are as follows:

The framers of the Constitution adopted the features of the Indian Constitution from several sources. The primary sources that inspired the framers of the Indian Constitution are:

- ❖ Volume I (9<sup>th</sup> December to 23<sup>rd</sup> December 1946)
- ❖ Volume II (20<sup>th</sup> January to 25<sup>th</sup> January 1947)
- ❖ Volume III (28<sup>th</sup> April to 2<sup>nd</sup> May 1947)
- ❖ Volume IV (14<sup>th</sup> July to 31<sup>nd</sup> July 1947)
- ❖ Volume V (14<sup>th</sup> August to 30<sup>nd</sup> August 1947)
- ❖ Volume VI (27<sup>th</sup> January 1948)
- ❖ Volume VII (4<sup>th</sup> November 1948 to 8<sup>th</sup> January 1949)
- ❖ Volume VIII (16<sup>th</sup> May to 16<sup>th</sup> June 1949)
- ❖ Volume IX (30<sup>th</sup> July to 18<sup>th</sup> September 1949)
- ❖ Volume X (6<sup>th</sup> October to 17<sup>th</sup> October 1949)
- ❖ Volume XI (14<sup>th</sup> November to 26<sup>th</sup> November 1949)
- ❖ Volume XII (24<sup>th</sup> January, 1950)



## Sources of Indian Constitution

### The Government of India Act, 1935:

Federal provisions, office of Governor, judiciary, public service commissions, emergency provisions, and administrative details were adopted from the Government of India Act, 1935.

Country	Constitution
Britain	Parliamentary government, single citizenship, rule of law, cabinet system, legislative procedure, prerogative writs were adopted from the Britain.
US Constitution	Fundamental Rights, Judicial Review, Independence of Judiciary, Impeachment of the President, removal of Supreme Court Judges, High Court Judges and Vice-President were adopted from the US Constitution.
Irish Constitution	The Directive Principles of State Policy, were adopted from the Irish Constitution.
Canadian Constitution	Federation with a strong centre, residuary powers with the centre, concurrent list, the appointment of state governors by the centre and advisory jurisdiction of the Supreme Court were adopted from the Canadian constitution.
Australian Constitution	Freedom of trade, commerce, and the joint sitting of the two Houses of Parliament were inspired by the Australian Constitution.
Weimar Constitution (Germany)	The Weimar constitution influenced the constitutional provision for the suspension of Fundamental Rights during Emergency.
Soviet Constitution	Fundamental duties, the ideal of justice (social, economic and political) in the Preamble, were on the model of the constitution of the USSR. (Fundamental duties were asserted through 42 <sup>nd</sup> amendment in 1976)
French Constitution	Republic and the ideals of liberty, equality, and fraternity in the Preamble, were adopted from the French constitution.
South African Constitution	Procedure for amendment to the Constitution, and election of the members of Rajya Sabha, were on South African model. The final and amended draft was adopted on 20 <sup>th</sup> November 1949.

### 1.3 Salient Features of Indian Constitution

**Longest Written Constitution:** The Indian Constitution is considered to be the longest written constitution in the world. It contains different provisions for states and centre and their inter-relationship. The framers of the Constitution have borrowed provisions from several sources and several other constitutions of the world. The Indian Constitution contains the detailed list of individual rights as fundamental rights, directive principles of state policy and details of administrative procedures.



**A unique blend of rigidity and flexibility:** Indian Constitution may be called rigid as well as flexible based on its amending procedure.

**Sovereign, Socialist, Secular, Democratic and Republic:** Its people govern India through their representatives elected by the universal adult franchise. India as a sovereign country means it manages its internal and external affairs freely without the interference of any external factors. The term socialist was added to the Indian Constitution through the 42nd Amendment in 1976. Socialism in Indian context means achievement of socialist goals through democratic,

evolutionary and non-violent means. In India, we follow the mixed model of the socialist and capitalist economy. Secularism in Indian context means that it recognizes all religions equally without having any state religion. Republic in Indian context means the head of the state in India is elected and not the monarch.

**Parliamentary System of Government:** Parliament controls the functioning of the Council of Ministers, and hence it is called the Parliamentary system. In a parliamentary system of government, (i.e.) the executive is responsible to the legislature and remains in power only when it enjoys the confidence of the majority legislators. The President of India, remaining in office for a five-year duration, is the nominal, titular or constitutional head, and the executive head. However, the Prime Minister in India is the real executive and head of the Council of Ministers who are collectively responsible to the Lok Sabha.

**Single Citizenship:** Indian Constitution has the provision for single citizenship provided by the union and recognized by all the states across India.

**Universal Adult Franchise:** The Constitution of India establishes political equality in India through the method of the universal adult franchise which operates with the principle of 'one person one vote.' All Indians who are eighteen years of age or above is entitled to vote in the elections. There is no discrimination in voting rights for the citizens of India based on caste, religion, gender, race or status.

**Independent and Integrated Judicial System:** In India, the judicial system is an autonomous organ kept free from the influence and intervention of the executive and the legislature in exercising its functions. The integrated Indian judicial system has the Supreme Court at the apex, the high courts and lower courts are subordinate to it.

**Fundamental Rights:** Fundamental Rights are significant provisions of the Indian Constitution and are inviolable and normal times. Fundamental Rights in India can be suspended during emergencies; and can be amended by extra ordinary means. The provisions of Fundamental Rights are enforceable in the court of law when it is violated.

**“Right to Education** -The Indian Constitution (Eighty - Sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education to all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full-time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.”

**Directive Principles of State Policy:** Fourth part of the Indian Constitution titled the Directive Principles of State Policies provides the guidelines to be followed by the states regarding

governance and are not enforceable in the court of law.

**Fundamental Duties:** The Fundamental Duties were added to the Indian Constitution through the 42nd Amendment. Fundamental duties provided in part IVA Article 51A are moral conscience which ought to be followed by the Indian Citizens.

**Federal or Unitary:** India is an indestructible Union with destructible states which means it acquires a unitary character during the time of emergency. The Union is not strictly a federal polity but a quasi-federal polity with some vital elements of unitariness. Though federal in form, the Indian Constitution, unlike other federal Constitutions, is both unitary as well as federal according to the requirements of the times and the circumstances.

**Balancing Parliamentary Supremacy with Judicial Review:** The Constitution recognizes the need to provide for the review of the judgment or the order of the Supreme Court by itself. Subject to the provisions of any law made by Parliament or any rules made by the Supreme Court under Article 145, the Supreme Court has the power to review any judgment pronounced or made by it. The independent judiciary in India with the power of judicial review is a prominent feature of our constitution. The harmonization which our Constitution has effected between Parliamentary Sovereignty and a written Constitution with a provision for Judicial Review is a remarkable achievement of the framers of our Constitution.

## Indian Citizenship

Citizenship identifies those who are the lawful members of a country. The Citizenship Act, 1955 regulates the determination and acquisition of citizenship after the adoption of the Indian Constitution. The Indian Constitution provides for citizenship by birth, descent, registration, naturalization and by incorporation of territory. The Constitution also provides for renunciation and termination of citizenship under certain circumstances. The Constitution contains provisions regarding registration of Overseas Citizens of India and their rights.

The Citizenship (Amendment) Bill, 2015 was introduced in Lok Sabha by the Minister of State, Ministry of Home Affairs, on February 27, 2015 that amends the Citizenship Act, 1955.

The Act allows a person to apply for citizenship by registration or naturalization if they fulfill specific qualifications. A person may apply for a certificate of naturalization if they have resided in India or have served the Government in India for twelve months immediately preceding the date of application. The Bill allows the Central Government to relax the requirement of twelve months stay or service if extraordinary circumstances exist.

## Fundamental Rights:

The Constitution of India asserts the basic principle that every individual is entitled to enjoy certain essential rights. The provisions for Fundamental Rights

are mentioned in Part III of the Indian Constitution. Fundamental Rights as categorized into six heads, firstly Right to Equality, secondly Right to Freedom, thirdly Right against Exploitation, fourthly Right to Freedom of Religion, fifthly Cultural and Educational Rights and lastly Right to Constitutional Remedies. Initially there was a provision for Right to Property under Article-31 which was also a Fundamental Right. The 44<sup>th</sup> Amendment Act, 1978 had omitted Right to Property from the Fundamental Rights Part and added it as Article 300A therefore considered as a legal right.



All human beings are born free & equal.  
- *Universal Declaration of Human Rights (1948)*

Fundamental rights provided in Part III of the Indian Constitution are judicially enforceable, thereby the individual can move the judiciary, if there is a violation on any of these rights. The right to move straight to the Supreme Court for the

enforcement of fundamental rights has been guaranteed under Article 32 that is named as Right to Constitutional Remedies. Fundamental rights in India are however not absolute and rational

restrictions can be imposed keeping in view of the security requirements of the state. It ensures political justice for the people.

## Freedom of Expression and Cyber Challenge



### 'Mumbai shuts down due to fear, not respect'



Two young women were arrested on charges of “promoting enmity between classes” and “sending offensive messages through [a] communication service,” after one posted, and the other ‘liked,’ a message on Facebook. The young girl questioning the Mumbai bandh that followed death of the prominent leader. Both of them were released on bail by a local court immediately.

“With all respect, every day, thousands of people die, but still the world moves on,” read the message posted by 21-year old college student and ‘liked’ by her friend from Palghar in the neighbouring Thane district.. The post continued: “Just due to one politician died a natural death, everyone just goes bonkers. They should know, we are resilient by force, not by choice. When was the last time, did anyone showed some respect or even a two-minute silence for ShaheedBhagat Singh, Azad, Sukhdev or any of the people because of whom we are free-living Indians? Respect is earned, given, and definitely not forced. Today, Mumbai shuts down due to fear, not due to respect.”

**Courtesy : The HINDU**

There are enough and legal safeguards in India to guarantee its citizens freedom of speech, but apparently not enough to ensure freedom after speech. Do you agree?

Reflect your views in not more than 250 words. Share your views in the class.

### Directive Principles of State Policy:

One of the unique provisions of the Indian Constitution is the chapter on Directive Principles of State Policy. These principles are like directives to the government to implement them for establishing social and economic justice in India.

It comprises significant provisions for equal pay for both men and women, free and compulsory primary education, and right to work. Part IV of the Indian Constitution also has provision for public assistance in case of old age, unemployment, sickness and disablement, the organisation of village Panchayats,

adequate means to livelihood, special privilege to the economically backward sections of the people and distribution of wealth. Most of these principles could help in making India a welfare state. Though the provisions given in the Directive Principles of State Policy is not justifiable, these principles are considered very significant in the governance of the country.

### Panchayati Raj: Gandhi Vs Ambedkar:

Gandhi wanted the central government to have minimal power, and he wanted the villages to rule themselves traditionally with village chiefs and councilors. According to Ambedkar, village possessed a cruel reality of communalism and caste system; thus it will lead to the cornering of minorities.

Gandhi through his social and political initiatives facilitated the country to realize that the power of people which could be facilitated only through effective local self-government. "I shall work for an India in which the poorest shall feel that it is their country, in whose making they have an effective voice." Gandhi time and again emphasized need for power in the hands of the people in India through the Panchayat Raj model. Gandhi said, "The greater the power of the people, the better for the people."

**My idea of Gram Swaraj is that it is a complete republic, independent of its neighbours for its own vital wants and yet interdependent for many others in which dependence is necessary.**

- Mahatma Gandhi

For Ambedkar, those villages were nothing "but a sink of localism, a den of ignorance and communalism." The dominant and influential communities would make villages their monopoly and that would render other communities voiceless. The result was that the Constitution that was drafted under his Chairmanship did not mention a word about Panchayati Raj.



Ambedkar

Many Gandhians persuaded the committee to have a provision for the village panchayats in Part IV of the Indian Constitution titled Directive Principle of State Policy vesting the responsibility in State legislatures. Article 40 states that the State shall take steps to organize village panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

### Fundamental Duties

Part IVA of Indian Constitution defines as Fundamental duties. (51A) - It shall be the duty of every citizen of India -

- To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- To cherish and follow the noble ideals which inspired our national struggle for freedom;
- To uphold and protect the sovereignty, unity, and integrity of India;
- To defend the country and render national service when called upon to do so;

- (e) To promote harmony and the spirit of universal brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
  - (f) To value and preserve the rich heritage of our composite culture;
  - (g) To protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures;
  - (h) to develop the scientific temper,
- humanism and the spirit of inquiry and reform;
  - (i) To safeguard public property and to abjure violence;
  - (j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;
  - (k) Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

## Activity



**Name some countries which have the Parliamentary system of Government and Presidential form of Government.**

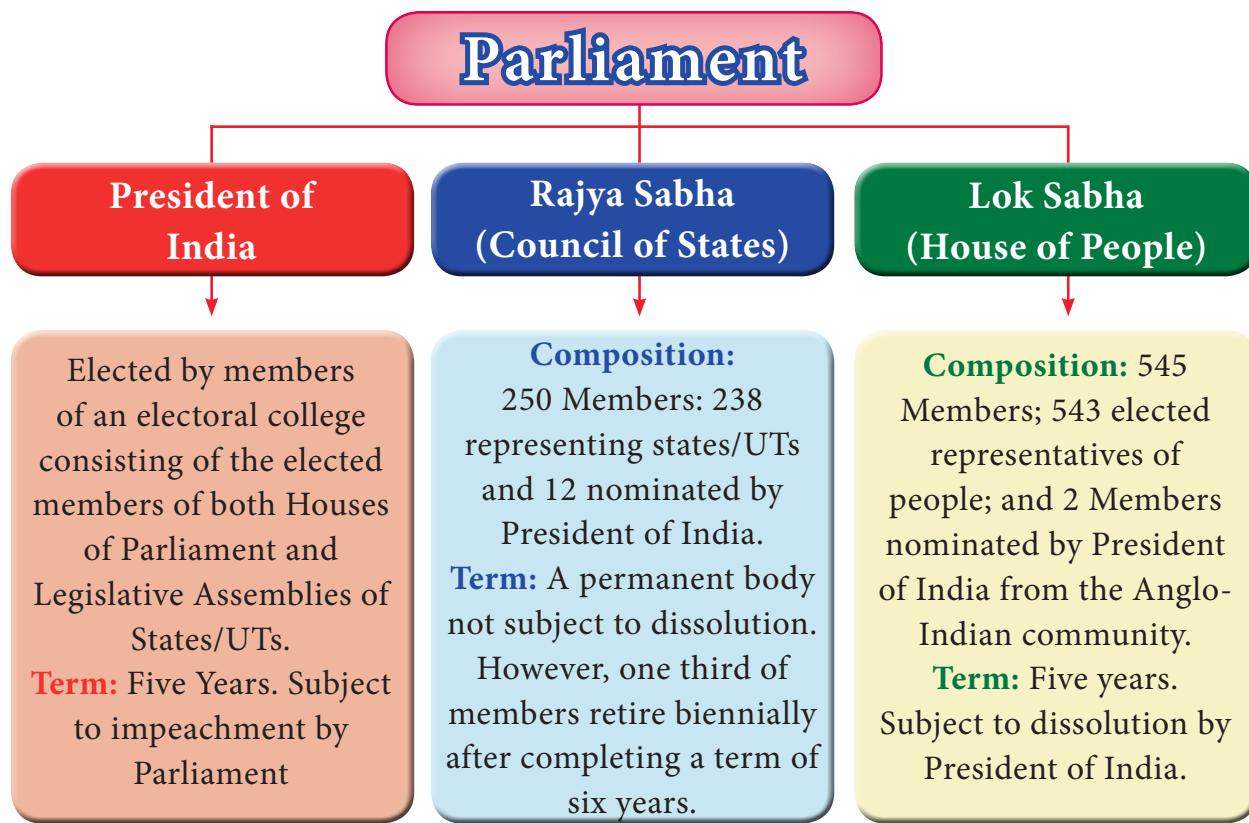
Parliamentary form of Government	Presidential form of Government
India	United States of America

### 1.4 Parliamentary Democracy in India.

Under Article 79, the Parliament of the Union consists of the President and two Houses known respectively as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). The Union Legislature is bicameral, and the need for a bicameral system of the legislature in a federation is admitted: the Upper

House represents the units, the Lower House represents the people; the two Houses respectively at once functioning to preserve the integrity of the units and to secure the integration of the Union. The Rajya Sabha consists of 250 members, where the President nominates twelve in the manner provided. The remaining 238 members will be the representatives of the States and the Union territories. The Lok Sabha consists of 543 members chosen by direct election from territorial

constituencies in the States and not more than twenty-five members to represent the Union territories selected in such manner as Parliament may by law provide.



### Relevance of Rajya Sabha

The 'Council of States' which is also known as Rajya Sabha, a nomenclature that was announced by the Chair on 23<sup>rd</sup> of August 1954 as its distinguishable feature. It is the second chamber of the Parliament. The origin of the second Chamber can be traced to the Montague-Chelmsford Report. The Government of India Act, 1919 provided for the creation of a 'Council of State' as a second chamber of the then legislature with a restricted franchise which came into existence in 1921. The Governor-General was the ex-officio President of the then Council of State. The Government of India Act, 1935, hardly made any changes in its composition.

An extensive debate took place in the Constituent Assembly regarding Second Chamber and decided to have a bicameral legislature due to a vast country with immense diversities. Rajya Sabha is a federal chamber where 238 members are elected by the elected members of Assemblies of the States and Union Territories. Apart from elected, the President can nominate 12 members to Rajya Sabha, thus making a total of 250. The Vice-President acts as the Chairman of Rajya Sabha. In his absence, the deputy chairman takes the place of the chairman who is elected by the members of Rajya Sabha. The 1<sup>st</sup> sitting of Rajya Sabha was held on 13<sup>th</sup> May 1952, unlike Lok Sabha, Rajya Sabha can never be dissolved.

The Rules of Procedure and Conduct of Business in Rajya Sabha is the booklet that provides explicit conduct of its members. There are various discussions namely: half an hour discussion, short duration discussion and motions of matters in public interests.

### C. N. Annadurai's Speech in Rajya Sabha

The official Languages Bill, 1963, was introduced, because Article 343 of the Constitution stated categorically that the Official Language of the Union shall be Hindi after 1963.



C. N. Annadurai

C. N. Annadurai said "very many arguments have been advanced to say that India has got to have a common language and if that base is accepted, one of the Indian languages alone can become the common language. Nobody doubts it. If India is a unitary State, this argument is logical. India is a federal State. Indian society is plural, our political system is composite and in a plural society and composite political system to plead for a single common language will, I think, create injustice unawares, create handicaps unawares to some section of the society. India is not a country. India consists of various ethnic groups, India consists of various language groups and India has been termed very correctly as a sub-continent and that is why we are not able to find out that common working medium as far as an official language is concerned."

"The government has accepted two national anthems, Vande Mataram and Jana gana mana. Neither of these two national anthems is in the Hindi language. They come from Bengali. It was stated Hindi has got the claim to become the official language because it was spoken by 42 percent of the population. If this 42 percent were to be scattered throughout the length and breadth of India, the argument would be logical and it would be ethical also but this 42 percent is concentrated in compact and contiguous areas. It is not spread over.

Therefore if 42 percent is taken into consideration you are conferring a permanent, perennial advantage on a compact and contiguous area in India and conversely a permanent disadvantage to other areas. And therefore it is that this 42 percent cannot be taken into consideration. If Hindi were to be spoken throughout India even by 20 percent of the people, then we can say that of all the languages Hindi is known from Cape Comorin to the Himalayas. Twenty percent of our population do know Hindi and, therefore, let Hindi become the official language. I can understand it, though I cannot support it. I can understand the logic behind it. But what is the logic behind presenting this 42 percent, in a compact area of U. P., Bihar, Rajasthan and Madhya Pradesh as an argument".

## Rajya Sabha



- ❖ The Rajya Sabha means “Council of States,” and it is the upper house of the Parliament of India.
- ❖ The Rajya Sabha held its first sitting (1<sup>st</sup> session) on 13<sup>th</sup> May 1952, and recent sitting (246<sup>th</sup> session) held on 1<sup>st</sup> August 2018.
- ❖ Generally, during a year, three sessions of the Rajya Sabha are held, as follows: **First Session** (Budget Session) is held between mid or late February and mid-May. **Second Session** (Monsoon Session) is generally held in mid-July to end of August. **Third Session** (Winter Session) is held from the end of November to end of December.
- ❖ (Leaders of the House in the Rajya Sabha in 1952 to Till Date)

### Important Debate



**1<sup>st</sup> August 2014:** Use of Tamil as court language in Tamil Nadu

### Constructive debates in Tamil Nadu State legislative Assemblys



C. Rajaji



C. Subramaniam



Kamaraj

The first Assembly (1952-1957) under the constitution of India discussed the scheme of elementary education launched by the Rajaji Government and criticized by many including a few in the Congress party that it would perpetuate caste-based



“India, that is Bharat, shall be a Union of States. Article 1(1)”

social hierarchy. After Kamaraj succeeded him, Education Minister C. Subramaniam in May 1954 informed the House that the scheme would be dropped. The Rajaji days are remembered for landmark laws to protect tenants of farmlands and landless agriculturists.

“Premier of Madras Presidency, C. Rajaji presenting his first budget in 1937. Location is Madras Legislative Assembly, Senate House, Chepauk Campus of Madras University Date 1937”

In 1967, the Dravida Munnetra Kazhagam came to power with C.N. Annadurai as Chief Minister. The Hindu Marriage Act was amended to recognize “self-respect marriages” or those marriages free of religious rituals. His successor and five-time Chief Minister, M. Karunanidhi, piloted several Bills and moved numerous motions. In his last bill (2006-2011), laws for exclusive reservation for Muslims and Christians within the quota

of Backward Classes and Arundathiyyars within the reservation of Scheduled Castes were made.

The 10-year-long rule (1977-1987) of the Government, headed by M.G. Ramachandran of the All India

Anna Dravida Munnetra Kazhagam, was noted for various measures in the area of revenue administration. Notably, the system of hereditary village officers such as "karnam" was abolished at one stroke. He upgraded the mid-day meal scheme into Nutritious Meal Scheme.

### Tamil Nadu Legislative Assembly

- ❖ Tamil Nadu Legislative Assembly consists of 234 elected Members from 189 General and 45 Reserved Constituencies.
- ❖ The First Madras Legislative Assembly session was held on 3<sup>rd</sup> of May 1952, constituted after the General Elections in 1952.
- ❖ Under Article 333 of the Constitution of India, the Governor nominated one Member representing from Anglo-Indian Community.
- ❖ The Fifteenth Tamil Nadu Legislative Assembly was constituted on the 21<sup>st</sup> May 2016 after the general election to the Tamil Nadu Legislative Assembly on the 16<sup>th</sup> May 2016.



### Public Accounts Committee

- ❖ The Chairperson of the Public Accounts Committee is appointed by the Speaker from amongst its Members of Lok Sabha. The Speaker, for the first time, appointed a Member of the Opposition as the Chairperson of the Committee for 1967-68.
- ❖ Since the Committee became a Parliamentary Committee under the control of the Speaker from January 1950, it has presented 1596 Reports till April 2018.



After the Supreme Court delivered the Mandal Commission judgment in November 1992 for reservation in education and employment at 50 percent, the Assembly responded through legislation aimed at safeguarding the existing 69 percent quota for Backward Classes, Most Backward Classes, Scheduled Castes, and Scheduled Tribes.

### 1.5 Constitutional Amendments of India

The framers of the Indian Constitution have given provisions to amend the Constitution according

to the changing needs of society. The Constitution has not lost its ideals and basic premises though many such amendments have already taken place. The Indian judiciary has played a critical role in protecting the Constitution and also in interpreting the Constitution. The Indian Constitution like many other constitutions is a document that keeps evolving and responding to changing circumstances and political upheavals. The Indian Constitution continues to function as the primary framework within which the Government of India operates. The framers of the Constitution were very farsighted that they provided for many solutions for future situations. The Indian Constitution accepts and accommodates the necessity of modifications according to changing situations of the society. There has been enough flexibility in implementing the Constitution which has made the Indian Constitution a living document than a rigid rulebook. The framers of the Constitution sought a balance to ensure that it is not a static and unalterable document and also a sacred document where the basic structure is not altered. The framers of the Constitution desired it to be 'flexible' and at the same time 'rigid' and also to protect it from unnecessary and frequent changes. Article 368 of the Indian Constitution has the provision through which Parliament may in the exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution by the procedure laid down in this article. Since the Constitution was framing a federal polity, the basic rights and powers of the States may not be changed without the consent of the States. Some features

of the Constitution were so central to the spirit of it that the framers wanted to protect these from change and so made it uncompromising. These considerations by the framers of the Constitution led to different ways of amending the Constitution.

### **There are three types of Constitutional Amendments, they are;**

1. A simple majority (requires addition)
2. Amendment can be made by a special majority of the two houses of the Parliament. (2/3 of members present and at least 50 percent of the total members)
3. The third method requires a special majority of the Parliament and consent of half of the State legislatures.

All these types of amendments to the Constitution are initiated only in the Parliament. Based on the provisions given no referendum are required for ratification of the amendment. The amendment bill will be presented before the President for his assent. The President has no powers to send it back for reconsideration in these cases. The elected representatives of the people are empowered to consider and take final decisions of the question of amendments.

#### **Constitution Amendment Bills**



Bills seeking to amend all other provisions of the Constitution including those enumerated in the provisions to article 368(2) are called by the title 'Constitution Amendment Bills'. These Bills can be introduced in either House of Parliament.

## Private Member Bills:

If any member other than a minister introduces a bill, it is called a private member bill. The bill can be introduced by both ruling and opposition party MP's. Private member bill is a bill proposed by a member who is not a member of the cabinet and executive. The session for private member bill is held at alternative Fridays from 2 pm to 6 pm.

This bill needs a month of notice; this has no impact on the health of the government when the private member bill gets rejected. Till date, parliament has passed fourteen private member bills; the last one was passed on 1970. Most of the bill passed by the private member is not even read or discussed and dismissed. Private members bills are accepted even those are constitutional amendment bills but not that those are money bills.

Private Member's Bills passed By parliament			
Title	Mp's Name	House	Date of Assent
1 The Muslim Wakfs Bill, 1952	Syed Muchammed Ahmed Kasmi	Lok Sahha	21.05.1954
2 The Indian Registration (Amendment) Bill, 1955	S C Samanta	Lok Sahha	06.04.1956
3 The Parliamentary proceedings (protection of Publication) Bill, 1956	Feroze Gandhi	Lok Sahha	26.05.1956
4 The code of criminal Procedure (Amendment) Bill, 1953	Raghunath Singh	Lok Sahha	01.09.1956
5 The Women's and Children's Institution (Licensing) Bill, 1954	Kamledu Mati Shah	Lok Sahha	30.12.1956
6 The Code of Criminal Procedure (Amendment) Bill, 1964	Subhadra Joshi	Lok Sahha	26.12.1960
7 The Salary and Allowances of Members of Parliament (Amendment Bill), 1957	Raghunath Singh	Lok Sahha	29.09.1964
8 The Hindu Marriage (Amendment) Bill, 1968	Diwan Chand Sharma	Lok Sahha	20.12.1964
9 The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1968	Anand Narian Mullah	Lok Sahha	09.08.1970
10 The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Bill, 1954	Dr Raghunir Singh	Rajya Sabha	15.12.1956
11 The Hindu Marriage (Amendment) Bill, 1956	Dr Seeta Parmanand	Rajya Sabha	20.12.1956
12 The Orphanages and Other Charitable Homes (Supervision and Control) Bill, 1960	Kailash Bihari Lall	Rajya Sabha	09.04.1960
13 The Marine Insurance Bill, 1960	MP Bhargava	Rajya Sabha	18.04.1963
14 The Indian Penal Code (Amendment) Bill, 1963	Diwan Chaman Lall	Rajya Sabha	07.09.1969

## Private member's bills introduced and discussed in last 3 LS

	Introduced	Discussed
13th LS	343	17
14th LS	328	14
15th LS	372	14

For the 16th LS till now, 206 private member's bills have been introduced; Only six have been discussed (not including today's)



## The Rights of Transgender Persons Bill, 2014



- ❖ In Lok Sabha, the last two and half hours of a sitting on every Friday, and in Rajya Sabha two and half hours, i.e., from 2.30 p.m. to 5.00 p.m. on every alternate Friday are allotted for transaction of "Private Members' Business", i.e., Private Members' Bills and Private Members' Resolutions.
- ❖ The last time a private member's Bill was passed by both Houses was in 1970.
- ❖ Till Now, only Fourteen Private Member's bill have been passed by the Parliament.

❖ **The Rights of Transgender Persons Bill, 2014:** The Rights of Transgender Persons Bill, 2014 is a private member bill introduced by Trichy Shiva M.P. of Tamil Nadu, which seeks to end the discrimination faced by transgender people in India. The Bill was passed by the upper house Rajya Sabha on 24 April 2015. It was introduced in the lower house Lok Sabha on 26 February 2016. The Bill is considered historic as for being the first private member's bill to be passed by any house in 36 years and by Rajya Sabha in 45 years.

### Article 370:

The article 370 in the Constitution is about Jammu and Kashmir region given the provision which grants special autonomous status.

According to this law, except defence, foreign affairs, communication, and finance, the central government requires the State Government's permission for applying all other laws. The State and its residents have a separate set of laws relating citizenship,

property right and fundamental right from other citizens of India.

The centre has no power to impose financial emergency through article 360 over the State. An emergency is declared only during the time of war and external aggression. Therefore the central government cannot declare an emergency for a case of internal disturbance or other dangers unless the state requests the centre.

## The History

**Article 370 of the Constitution is a law that grants special status to Jammu and Kashmir: It means:**

■ Except for defense, foreign affairs, finance and communication, all other laws passed by Indian Parliament need to be okayed by the state government before they are made applicable. This was specified in the Instrument of Accession signed by Maharaja Hari Singh (inset) when he agreed to join the Union of India in 1947, instead of going with Pakistan.



■ As a result of this, the citizens of Jammu and Kashmir are governed by state-specific laws which come under the Constitution of Jammu and Kashmir, instead of those for the rest of India, especially where citizenship, ownership of property and some fundamental rights are concerned.



■ The first Article of the Constitution of Jammu and Kashmir says that the state is and will remain an integral part of India.

■ This article, along with Article 5 that defines the contours of jurisdiction of Indian Parliament regarding law making for the state, cannot be amended

■ This arrangement was further ratified by the 1974 agreement between the then Prime Minister Indira Gandhi and the then J&K Prime Minister Sheikh Abdullah (appointed by Hari Singh)

■ The 1952 Delhi Agreement also specified that the state should have its own flag in addition to the Union flag and they should have the same status.

■ It was agreed that head of state called Sadar-i-Riyasat (or the Prime Minister) was to be elected by the state legislature



**Sheikh Abdullah with Pandit Jawaharlal Nehru (right).**

■ The agreement opposed imposition of Article 352, empowering the President to proclaim general emergency in the state

■ The state legislature has a six year term, unlike other elected bodies, which have a five-year period, including Parliament

### In A Nutshell

■ The Indian Supreme Court has no jurisdiction in J&K

■ A Pakistani resident gains J&K citizenship if he marries a J&K citizen

■ Disrespecting the Tricolour and other national symbols is not a crime in the state

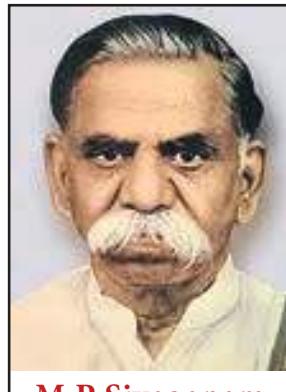
■ RTE, RTI CAG and majority of Indian laws are not applicable in the state

■ J&K residents enjoy dual citizenship. They will lose their J&K citizenship if they marry residents of other states

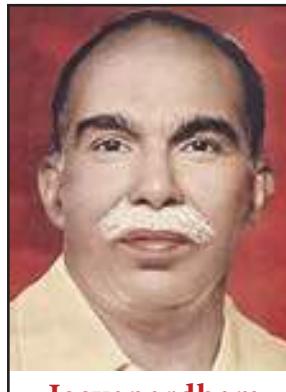
■ Because of Article 370, no outsider can purchase land in J&K

- ❖ In 1949, the then Prime Minister Jawaharlal Nehru had directed Kashmiri leader Sheikh Abdullah to consult Ambedkar (then law minister) to prepare the draft of a suitable article to be included in the Constitution.
- ❖ **Article 370** is drafted in Amendment of the Constitution section, in Part XXI, under Temporary and Transitional Provisions.
- ❖ Under Article 370 the Indian Parliament cannot increase or reduce the borders of the state

for Telugu speaking people and Madras city to be its capital in 1952 led to new agitation in Madras state in need to change its name.



**M.P Sivaganam**



**Jeevanardham**

## Article 370



- ❖ Dr. BR Ambedkar, the principal drafter of the Indian Constitution, had refused to draft Article 370.
- ❖ Gopalaswami Ayyangar eventually drafted article 370.

## Sankarlinganar



**Sankarlinganar**

Sankarlinganar is a Tamil Indian Independence activist and Gandhian. He was born in Manmalai Medu in Virudhunagar District to Karuppasamy and Valliammal in 1895. He joined the Indian National Congress in 1917. He also participated in the Salt March in 1930 along with Gandhi under Rajaji's influence. The consequence of Potti Sreeramulu fasted demanding for a separate state of Telugu from Madras state

## Tamil Nadu



- ❖ Thiyagi Sankaralinganar observed Fasting 76 days from 27.07.1956 to 10.10.1956, for the name conversion of Chennai Presidency as "Tamilnadu."
- ❖ The State of Madras changed the name as State of Tamil Nadu by the Madras State (Alteration Of Name) Act, 1968.
- ❖ He was the person in India History to end his life by observing fast for many days in Gandhian Way.

- Potti Sriramulu

## Select Committee

The Select Committee is made up of a small number of parliamentary members appointed to deal with particular aspects originating in the Westminster System of parliamentary democracy.

Under Rule 125 of the Rajya Sabha Rules and Procedures, any member may move a bill which is referred to a select committee and, when the motion is admitted, the bill shall be referred to such a committee.

The quorum needs to be one-third of the total number of members of the committee. In case of a tie on any matter, the chairman (or any other person presiding) will cast his vote. The select committee may appoint a sub-committee to examine any particular points connected with the bill. If any doubt arises on any aspect of the procedure the chairman may refer the point to the Rajya Sabha Chairman, whose decision will be final.

### Important joint sittings

- ❖ 6 and 9 May 1961 on Dowry Prohibition Bill, 1959.
- ❖ 26 March 2002 on Prevention of Terrorism Bill, 2002.

Whenever a bill passed by one house is rejected by another house or any disagreement or more than six months has elapsed, the President of India may call a joint sitting of the two Houses to resolve the deadlock. The bill will be passed in both Houses by a majority of the total number of members of both Houses present and voting. There is no provision

in the Indian Constitution for a joint sitting of both houses on a money bill or a Constitution Amendment Bill.

### First Prime Minister of India

Quotable

“Each House has full authority to regulate its procedure within the limits of the Constitution. Neither House, by itself, constitutes Parliament. It is the two Houses together that are the Parliament of India. The successful working of our Constitution, as of any democratic structure, demands the closest cooperation between the two Houses.”

- Pandit Jawaharlal Nehru

### Glossary



- ❖ **Act** : A Bill passed by both Houses of Parliament and assented to by the President.
- ❖ **Bill** : The draft of a legislative proposal put in the proper form which, when passed by both Houses of Parliament and assented to by the President becomes an Act.
- ❖ **Clauses** : A series of numbered paragraphs into which a Bill is divided.
- ❖ **Motion** : A formal proposal made to the House by a member that the House do something, order something to be done or express an opinion with regard to some matter, and is so phrased that, if adopted, it will purport to express the judgment or will of the House.
- ❖ **Oath or affirmation** : A solemn statement in the name of God or an



affirmation made by the member of a Legislature before he takes his seat in the House affirming his allegiance to the Constitution and his resolve to uphold the sovereignty and integrity of the country.

- ❖ **Question Hour** : The first hour of a sitting of the House allotted for asking and answering of questions.
- ❖ **Quorum** : The minimum number of members required to be present at a sitting of the House or a Committee for valid transaction of its business. The quorum to constitute a sitting of the House is one-tenth of the total number of members of the House.
- ❖ **Resolution** : The formal expression of the opinion of the legislative body with reference to some subject or a declaration of its intention to do something.
- ❖ **Session** : A session of Rajya Sabha comprises the period commencing

from the date and time mentioned in the order of the President summoning Rajya Sabha and ending with the day on which the President prorogues Rajya Sabha.

- ❖ **Standing Committee** : Committee constituted by election by the House or nomination by the Chairman every year or from time to time which are permanent in nature.
- ❖ **State** : It includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India
- ❖ **Constitution of Parliament** : There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.

## ( Evaluation )



### I. Choose the correct answer:

1. Among the following was the Chairman of the Drafting Committee of the Indian Constitution
  - a) Rajendra Prasad
  - b) C. Rajagopalachari
  - c) Tej Bahadur Sapru
  - d) B.R. Ambedkar
  
2. In the context of India, which of the following principles is / are implied institutionally in the parliamentary government?
  - a) Members of Cabinet are Members of the Parliament
  - b) Ministers hold the office till they enjoy confidence in the Parliament
  - c) Cabinet is headed by the Head of the State.
  

Select the correct answer using the codes given below.

  - a) 1 and 2 only
  - b) 3 only
  - c) 2 and 3 only
  - d) 1, 2 and 3

  
3. 103<sup>rd</sup> Constitutional Amendments of India deals with
  - a) Goods and Service tax
  - b) 10% Reservation for Economically weaker sections
  - c) National Commission for Backward Classes
  - d) Reduce age for voting rights from 21 to 18.
  
4. How long did the Constituent Assembly take to finally pass the Constitution?
  - a) About 6 months in 1949
  - b) About 2 years since Aug 15, 1947
  - c) Exactly a year since Nov 26, 1948
  - d) About 3 years since Dec 9, 1946
  
5. When was the Madras state renamed Tamil Nadu ?
  - a) 1968
  - b) 1971
  - c) 1969
  - d) 1970



6. At which part of constitution declared that India is a Sovereign, Socialist, Secular, Democratic Republic.

- a) Fundamental Right
- b) Directive Principles of State Policy
- c) Preamble
- d) Fundamental Duties

7. The term 'We' in preamble means

- a) Indian Government
- b) Supreme Court
- c) Indian Parliament
- d) The People of India

8. The order of following words seen in Preamble is

Democratic  
Socialist  
Sovereign  
Secular  
Republic

- a) 3, 2, 4, 1, 5
- b) 2, 3, 4, 1, 5
- c) 3, 2, 1, 4, 5
- d) 3, 1, 2, 5, 4

9. What is the actual strength of Rajya Sabha?

- a) 250
- b) 235
- c) 240
- d) 245

10. Bring out the extra constitutional body?

- a) Finance commission
- b) Planning Commission
- c) UPSC
- d) Election Commission

11. The Indian Constituent assembly debate held between

- a) 9th August 1946 to 24th January 1950
- b) 10th December 1945 to 10th March 1950
- c) 9th December 1946 to 24th January 1950
- d) 15th August 1945 to 20th March 1950

12. The Rajya Sabha is also called as

- a) Indian Council
- b) Council of States
- c) Union of States
- d) Representation of States



13. Under Article ..... of the India Constitution, the Governor nominated ..... Member representing from Anglo-Indian Community.

- a) Article 333 and One Member
- b) Article 300 and Two Members
- c) Article 280 and One Member
- d) Article 333 and Two Members

14. Tamil Nadu Legislative Assembly consists of ..... elected Members.

- a) 239
- b) 234
- c) 250
- d) 350

15. **Assertion (A):** The 42nd Constitution Amendment has been referred to as the 'mini constitution'.

**Reason (R):** It was the bulkiest and most comprehensive amendment.

- A) Both A and R are true and R is the correct explanation of A
- B) Both A and R are true and R is not the correct explanation of A
- C) A is true but R is false
- D) A is false but R is true

16. **Assertion (A):** The Constitution of India is very flexible.

**Reason (R):** Since its inception, the Constitution has been amended 100 times.

- A) Both A and R are true and R is the correct explanation of A
- B) Both A and R are true and R is not the correct explanation of A
- C) A is true but R is false
- D) A is false but R is true

## II. Answer the following questions very shortly:

1. What is the provision given through Article 40?
2. Write a short note on Select Committee.
3. Write a short note on Sankaralinganar.
4. Write a short note on Extra Constitutional body.
5. Write a brief note on Home Committee.
6. Discuss about the State Assembly debates.
7. Bring out the significance of Public Accounts Committee.

## III. Answer the following questions shortly:

1. Write a brief note on the composition of Constituent Assembly.
2. What are the different types of constitutional amendment?



3. Bring out the meaning, functions and importance of Constitution.
4. Bring out the different perspectives of Gandhi and Ambedkar in including Panchayati raj institutions in the Indian Constitution.
5. Bring out the salient features of Article 370 of Indian Constitution.
6. Write a short note on Rajya Sabha.
7. Trace the making of Indian Constitution.

#### IV. Answer the following questions detail:

1. Explicate parliamentary type of democracy in India.
2. Give a detailed account of the sources of Indian Constitution.
3. Critically analyse Article 356 of Indian Constitution.
4. Elaborate on the significant Constitutional Amendments to the Indian Constitution.
5. Elucidate the salient features of Indian Constitution.

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## ICT Corner

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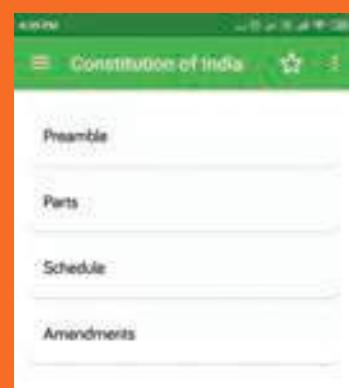


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Step 2



Step 3

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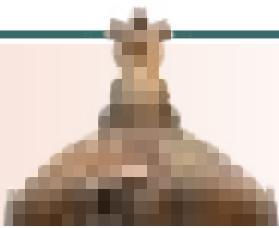
\*Pictures are indicative



## Unit

## 2

## Legislature



## ( Learning Objectives



- ❖ Students can learn to know about the functioning of the important aspect of democratic governance
- ❖ Students can learn to understand the role of the legislature in everyday changes in society and politics
- ❖ Students can learn to analyze the political structure of the state and constitutional values of the institution
- ❖ Students can learn to observe the elections and its procedures to enhance the knowledge about the public institutions
- ❖ Students can learn to experience the many aspects of rule of law
- ❖ Students can learn to distinguish the differences between central and state legislatures through organizing youth parliament



## Introduction

Legislature is one of most important institution for the functioning of representative democracy. The basic objective of the legislature is to hold its representatives accountable, responsible for the interest of the people in the country. Legislature is generally referred as the highest law-making body, having elected representation from all the constituents of the state to make or change the laws of the country. In India, legislature at the Centre is called as Parliament and also referred as National Legislature. The legislatures in The State and the Union Territory are called Legislative Assemblies.

The Parliament consists two houses namely; House of the People (Lok Sabha - Lower House) and Council of States (Rajya Sabha - Upper House). This is

known as bicameral system of Parliament, and has inspired by the British Parliamentary system and the bicameral system of the USA. Similarly, the States have Legislative Assembly and Legislative Council. But in many of the States only unicameral legislatures exist without any Legislative Councils. In India, the Parliament shares its law making function and responsibilities of implementation with twenty nine states as well as seven union territories. The Union Territories are directly governed by the Union Government.



## 2.1. Union Legislature: The Parliament

The Parliament is known as Union Legislature or National Legislature, which is a supreme body of decision making and symbol of democratic governance. The Parliament is the most powerful platform with accountability for debating on the issues regarding welfare of the country and its people and enacting laws and making changes to the constitution.

When the Parliament meet for discussing various agenda and approving bills, motions with a scheduled meeting is called Session. The Parliament holds THREE sessions in a year.

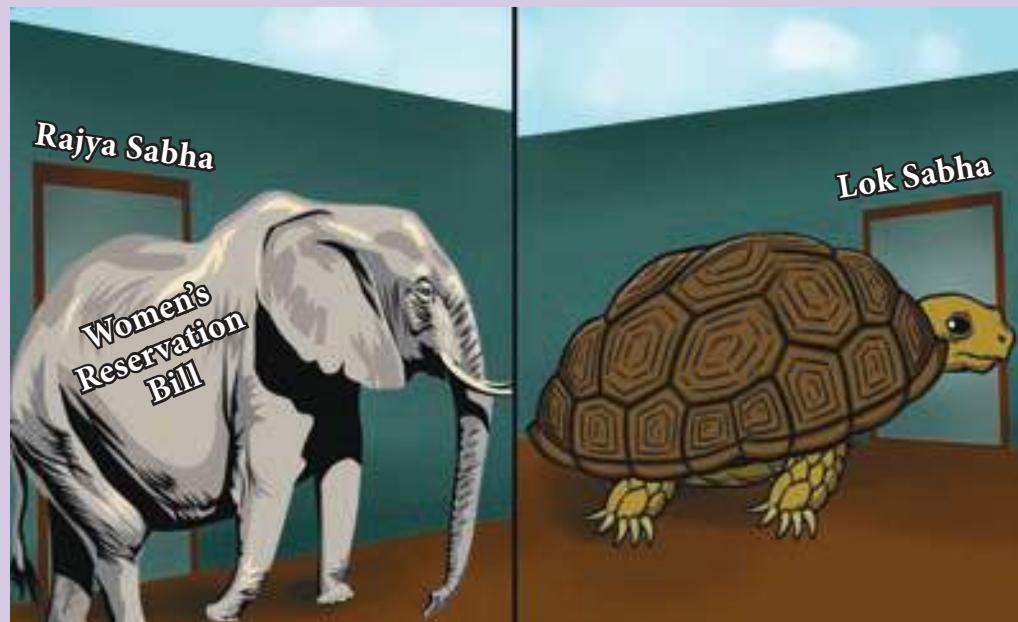
1. Budget session (February-May)
2. Monsoon Session (July-August)
3. Winter Session (November-December)

### Activity - Interpretation of Cartoon



Women members in the Rajya Sabha urged the Government to ensure the passage of the Women's Reservation Bill in the Lok Sabha. The Bill, which proposes 33% reservation for women in Parliament and State legislatures, was passed by the Rajya Sabha in 2010 but has been stuck in the lower house for nine years.

The Constitution (108th Amendment) Bill, commonly known as the Women's Reservation Bill, needs to be approved by the Lok Sabha in order to become law.



**Cartoon Courtesy :** The Hindu, 13.3.2010.

As a class, discuss what you already know or think about the following topics:

- a. Women's Reservation Bill
- b. 33% quota
- c. Needs to be approved by the Lok Sabha

It has two important powers and functions called as legislative and financial. The legislative powers are for law making and the financial powers are to prepare money bill as called as budget. Also the parliament has electoral functions with regard to elect the President and the Vice President of India.

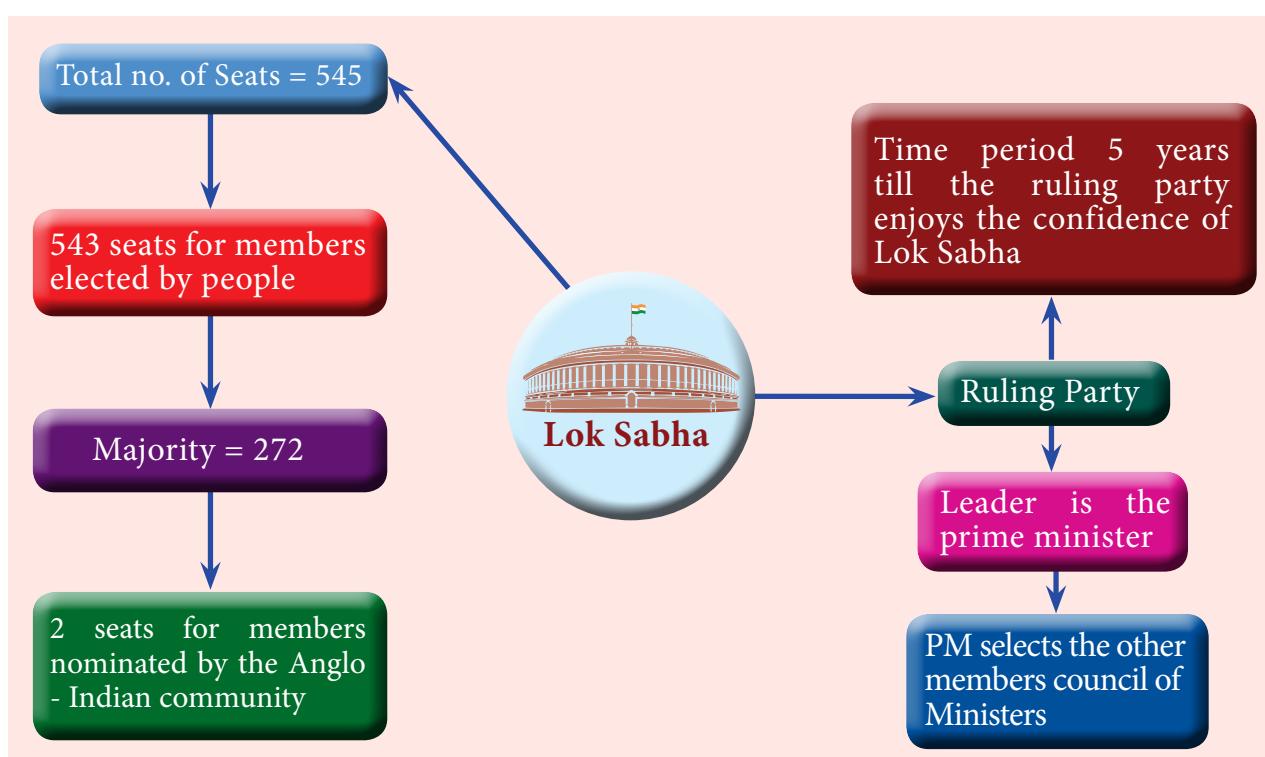
The Parliament has judicial function also on the matters of the proposals for the removal of the President, Vice – President, Judges of the Supreme Court and High Courts and the process of removal is called ‘impeachment’. It is the duty of the President to summon the Parliament and must have not less than two sessions in a year. Every year, at commencement of the first session of the parliament, the President delivers his special address which would be the future course of action of the parliament in view of giving framework for new policies, programmes and initiatives of the government. The parliament of India has functions of legislation, overseeing of administration,

passing of the Budget, ventilation of public grievances, and discussing national policies and issues of concern. The cabinet, both individually and collectively accountable and removable by the Loksabha.

### Functioning of House of People (Lok Sabha)

The parliament has two houses and both houses are carrying same values and responsibilities with a few exception such as passing the finance bills. The first one is the Lok Sabha (Lower House or House of People) with 543 members elected from 543 Parliamentary constituencies across the country directly by the people who have attained the age of 18 and above and registered as voters. The Lok Sabha has 2 nominated members from the Anglo-Indian community.

**Quorum of the House:** One tenth of the total number of members of Lok Sabha / Rajya Sabha constitutes the quorum for a meeting of the House.



The grand total number of members in the Lok Sabha 545, but the nominated members cannot decide the government when it proves majority on the floor of the House. The Lok Sabha is the highest forum for discussion, debate on public issues, interest and policies to cater the socio-economic needs of the people.

The members of both houses are generally called by the public as Member of Parliament, Member of Parliament Lok Sabha is one who represents the constituency of the state, comprising of six Assembly constituencies, directly elected by the people through elections. The term of the Lok Sabha is for five years.

### Roles and Responsibilities of the Speaker

The leader of the House of the People is the Speaker – who is elected by the Lok Sabha, from among its members. The speaker's duties are to conduct, facilitate the debates and discussions and answers to questions regulating the conduct of Members of the House and taking care of their privileges and rights. The Speaker of Lok Sabha is the administrative head of the parliamentary secretariat.

The speaker also ensures that the members adhere to the appropriate procedures, and to allow the members to raise question, allotting time to speak and withdraw the objectionable remarks from record and moving a motion of Thanks to the President's speech. The Speaker has the power to expel the members if they flout or violate the norms and rules of the house.

The permission of the speaker is required to move amendments to a bill. It

is up to the speaker to decide whether the bill to be moved or not. The speaker plays the role of guardian of the rights and privileges of the house, its various committees such as consultative, select, Advisory and of members of that. Another important power of the speaker is to refer any question of privilege to the committee of privileges for examining, investigating and reporting. The questions raised by the members and answers, explanations and reports are addressed to the speaker.

Jawaharlal Nehru, one of the chief architects of India and a driving force behind its democratic principles of the Constitution, placed the office of the Speaker in India in the proper context when he said: "The Speaker represents the House. He/she represents the dignity of the House, the freedom of the House and because the House represents the nation, in a particular way, the Speaker becomes a symbol of nation's freedom and liberty. Therefore that should be an honoured position, a free position and should be occupied always by persons of outstanding ability and impartiality".



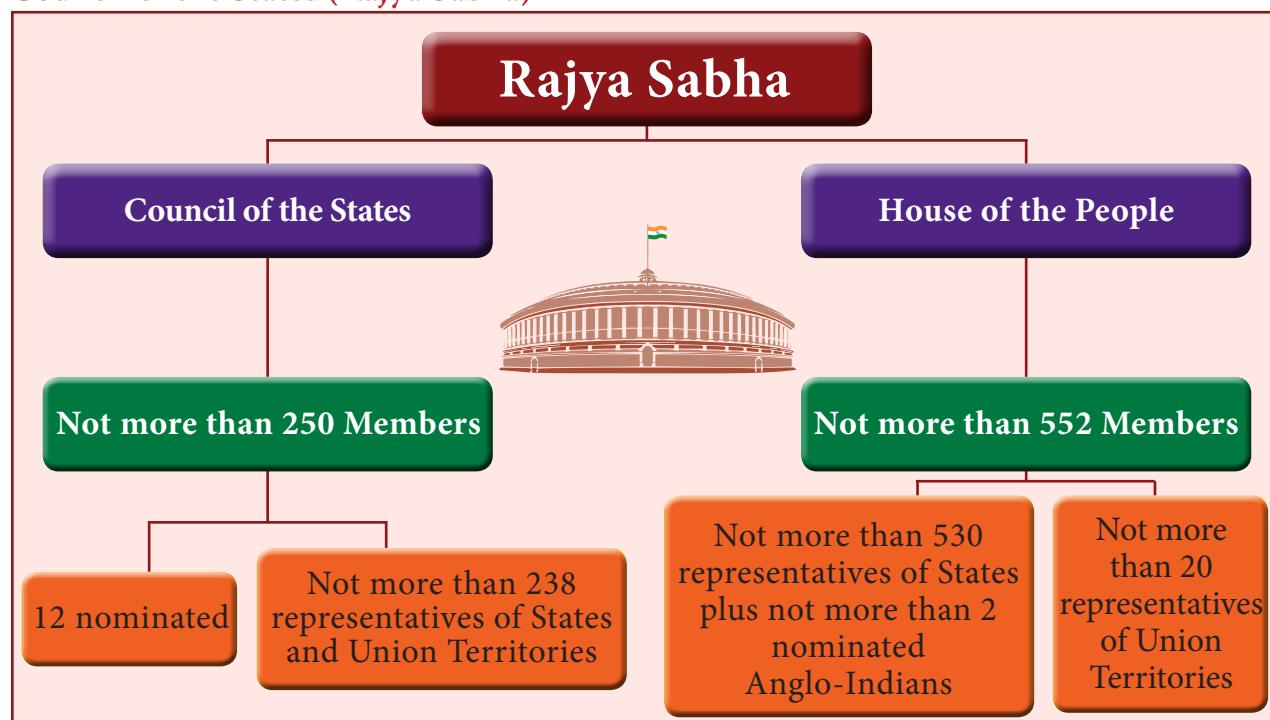
Jawaharlal Nehru

The speaker is the final authority to decide on the question of point of order. Under the constitution, Speaker enjoys special provisions and certifies money bills. The speaker of the House of the People presides the joint sessions of the parliament in case a special occasions or in the event of disagreement between the two houses on certain legislative

measures. The speaker decides whether a Bill is a Money Bill or not and his decision on this question is final. It is the speaker who decides on granting recognition to the Leader of Opposition in the House of People. Under 52<sup>nd</sup> Constitution Amendment, the speaker

has the disciplinary power to disqualify a member of the house on the grounds of defection. Even though, the speaker also one of the members of the House and holds neutral, does not vote in the house except rare occasions when there is a tie at the end of the decision.

### Council of the States (Rajya Sabha)



### Activity



#### Read the cartoon – identify the context

Can you explain what this cartoon is about?



Cartoon Courtesy: The Hindu, 18.2004

The Rajya Sabha or the Council of States is called as upper house. It has a total number of 250 members including 238 from all the states and union territories and 12 members nominated by the President. The council of states Rajya Sabha is called as second chamber of the Parliament of India. The Rajya Sabha is an institution to protect the rights and interests of the states like the senate in USA. It was constituted on 3<sup>rd</sup> April, 1952.

The members for Rajya Sabha are elected by the members of the respective State Legislative Assemblies (MLAs). Apart from the members of the states, twelve distinguished members from the

fields of literature, science, art, and social service were nominated by the President of India. Unlike House of People, Council of States is not subject to dissolution but one third of the members retire every second year. The term of the individual member is six years. The members of the Council of States are elected by their respective state legislative assemblies in accordance with the system of proportional representation by means of the single transferable vote.

### Functioning of Rajya Sabha

The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. The chairman presides over the proceedings and regulates the Rajya

Sabha. Except the Money/Financial Bill all other bills will be placed before the Rajya Sabha for discussion, questions, motions and resolutions under the rules of procedure and conduct of business. The functions of Rajya Sabha may broadly be categorised as: Legislative, Financial, Deliberative and Federal. Legislation is by far the most important business of Rajya Sabha, as indeed of Parliament and in this sphere, Rajya Sabha enjoys almost equal powers with Lok Sabha. In the U.S.A, the representatives in the state council is called as Senate where every state has equal representation irrespective of size and population of the states. But in India, the representation in the Rajya Sabha is based on its size of population.

### Who can be a Member of Rajya Sabha?

- ❖ Must be a citizen of India
  - ❖ Must not be less than 30 years
  - ❖ Under the Representation of the People Act, 1951, a person had to be an elector in a parliamentary constituency in the State from where he seeks election to Rajya Sabha.
  - ❖ It may, however, be mentioned that the Representation of the People (Amendment) Act, 2003, which amended Section 3 of the Representation of the People Act,
- 1951, has done away with the requirement of being a resident of State or Union territory from which a person seeks to contest elections to Rajya Sabha.
- ❖ He/She has to be an elector in a parliamentary constituency anywhere in India. It has also provided that the election to fill a seat in Rajya Sabha shall be by open ballot.
  - ❖ Courtesy: <https://rajyasabha.nic.in/rsnew/practiceprocedure/book1.asp>

For example, Uttar Pradesh with the highest population elects 31 members to Rajya Sabha; on the other hand, Sikkim, the least populated state, elects only one member to Rajya Sabha. Tamil Nadu elects 18 members to the Rajya Sabha. The number of members to be elected from each State has been fixed by the fourth

schedule of the Constitution. Members of the Rajya Sabha are elected for a term of six years and then they can be re-elected. The Rajya Sabha is known as Permanent House of the Parliament that never gets fully dissolved. Some of the important privileges and immunities are given to the Members of Rajya Sabha as follows.

### Powers and Privileges of Members of Parliament

1. Freedom of speech in Parliament and immunity of a member from any proceedings in any court in respect of anything said or any vote given by him in parliament or any committee thereof.
2. Immunity to a person from proceedings in any court in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.
3. Prohibition on the court to inquire into proceedings of parliament.
4. Immunity to a person from proceedings in any court in respect of the publication in Newspaper of a substantially true report of any proceedings of either House of Parliament unless the publication is proved to have been made with malice.
5. Freedom from arrest of members in civil cases during the continuance of the session of the House and forty days before the commencement and forty days after its conclusion.
6. Exemption of a member from service of legal process and arrest within the precincts of the House.

**Source:** [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf)

### Activity



#### Think-Pair-Share

**Topic :** Which House is considered to be more powerful the Lok Sabha or the Rajya Sabha?

**Task :** Student should think individually for a few minutes, and then discuss and compare their responses with a partner before sharing with the entire class.

Preparing students to participate more fully and effectively in whole class discussions.

## 2.2 Parliament: Lok Sabha, Rajya Sabha



### Powers of the Lok Sabha



1. The Lok Sabha is the most powerful political institution which reflects the political, social and economic

- conditions of the country holds highest responsibility and virtually represents the entire population.
2. The Lok Sabha is constituted with members elected directly by the people. These members represent the varied interests of the people. Thus it becomes the apex democratic institution. It is here that the nations' policies and programmes and laws emerge.
  3. The Lok Sabha makes the Laws on the matters of Union List and Concurrent List. It can exact new laws and repeal existing law, or amend the same. It has an exclusive authority over money bills.
  4. The special power of the Lok Sabha is that once it passes the budget or any other money related law, the Rajya Sabha cannot reject it. But the Rajya Sabha can delay the law for 14 days only and if Rajya Sabha suggests any changes regarding the law, it is upto the Lok Sabha to accept or reject it.
  5. The one of the privileges of the Lok Sabha is preparing and presenting the budget and financial statement which is an explicit expression of peoples control over nation's economy.
  6. The Lok Sabha controls the executive by asking questions, supplementary questions, passing resolutions, motions and no confidence motion.
  7. The Lok Sabha has the power to amend the constitution and approve the proclamation of emergency.
  8. The Lok Sabha involves in electing the President and Vice-President of India.
  9. The Lok Sabha has power to establish new committees and commissions and tabling their reports for debate and discussion and further consideration for implementation.
  10. The Lok Sabha controls the council of Ministers and a Prime Minister, who enjoys the majority support of it. If the Prime Minister loses the confidence of the Lok Sabha the entire government has to quit and face the election.

## Powers of Rajya Sabha

### Position of Rajya Sabha

The Constitutional position of the Rajya Sabha (as compared with the Lok Sabha) can be studied from three angles:



1. Where Rajya Sabha is equal to Lok Sabha?
2. Where Rajya Sabha is unequal to Lok Sabha?
3. Where Rajya Sabha has special powers that are not all shared with the Lok Sabha?

### Equal Status with Lok Sabha

In the following matters, the powers and status of the Rajya Sabha are equal to that of the Lok Sabha:



1. Introduction and passage of ordinary bills.
2. Introduction and passage of Constitutional amendment bills.
3. Introduction and passage of financial bills involving expenditure from the Consolidated Fund of India.
4. Election and impeachment of the president.
5. Election and removal of the Vice-President. However, Rajya Sabha alone can initiate the removal of the vice-president. He is removed by a resolution passed by the Rajya Sabha by a special majority and agreed to by the Lok Sabha by a simple majority.
6. Making recommendation to the President for the removal of Chief Justice and judges of Supreme Court and high courts, chief election commissioner and comptroller and auditor general.
7. Approval of ordinances issued by the President.
8. Approval of proclamation of all three types of emergencies by the President.
9. Selection of ministers including the Prime Minister. Under the Constitution, the ministers including the Prime Minister can be members of either House. However, irrespective of their membership, they are responsible only to the Lok Sabha.
10. Consideration of the reports of the constitutional bodies like Finance Commission, Union Public Service Commission, comptroller and auditor general, etc.

11. Enlargement of the jurisdiction of the Supreme Court and the Union Public Service Commission.

### **Unequal Status with Lok Sabha**

In the following matters, the powers and status of the Rajya Sabha are unequal to that of the Lok Sabha:

1. A Money Bill can be introduced only in the Lok Sabha and not in the Rajya Sabha.
2. Rajya Sabha cannot amend or reject a Money Bill. It should return the bill to the Lok Sabha within 14 days, either with recommendations or without recommendations.
3. The Lok Sabha can either accept or reject all or any of the recommendation of the Rajya Sabha. In both the cases, the money bill is deemed to have been passed by the two Houses.
4. A financial bill, not containing solely the matters of Article 110, also can be introduced only in the Lok Sabha and not in the Rajya Sabha. But, with regard to its passage, both the Houses have equal powers.
5. The final power to decide whether a particular bill is a Money Bill or not is vested in the Speaker of the Lok Sabha.
6. The Speaker of Lok Sabha presides over the joint sitting of both the Houses.
7. The Lok Sabha with greater number wins the battle in a joint sitting except when the combined strength of the ruling party in both the Houses is less than that of the opposition parties.

8. Rajya Sabha can only discuss the budget but cannot vote on the demands for grants (which is the exclusive privilege of the Lok Sabha).
9. A resolution for the discontinuance of the national emergency can be passed only by the Lok Sabha and not by the Rajya Sabha.
10. The Rajya Sabha cannot remove the council of ministers by passing a no-confidence motion. This is because the Council of ministers is collectively responsible only to the Lok Sabha. But, the Rajya Sabha can discuss and criticize the policies and activities of the government.

### Special Powers of Rajya Sabha

Due to its federal character, the Rajya Sabha has been given two exclusive or special powers that are not enjoyed by the Lok Sabha:

1. It can authorize the Parliament to make a law on a subject enumerated in the State List (Article 249).
2. It can authorize the Parliament to create new All-India Service common to both the Centre and states (Article 312).

An analysis of the above points makes it clear that the position of the Rajya Sabha in our constitutional system is not as weak as that of the House of Lords in the British constitutional system nor as strong as that of the Senate in the American constitutional system. Except in financial matters and control over the council of ministers, the powers and status of the Rajya Sabha in all other spheres are

broadly equal and coordinate with that of the Lok Sabha.

Even though the Rajya Sabha has been given less powers as compared with the Lok Sabha, its utility is supported on the following grounds:

1. It checks hasty, defective, careless and ill-considered legislation made by the Lok Sabha by making provision of revision and thought.
2. It facilitates giving representation to eminent professionals and experts who cannot face the direct election. The President nominates 12 such persons to the Rajya Sabha.
3. It maintains the federal equilibrium by protecting the interests of the states against the undue interference of the Centre.

### Article 120



Hindi and English have been declared by the Constitution to be the languages for conducting business in Parliament. The Presiding Officer may, however, allow any member not proficient in either to address the House in his mother tongue (Article 120).

### 2.3 Law making Process

The Law making process in Indian Parliament stands evident for its democratic credentials. In the law making process, role of opposition parties becomes much more important to reflect upon the relevance of the bill and its context so as to streamline the democratic governance.

The law is a guiding force to regulate the society, politics and economy for the welfare of the state and people. The law is primarily introduced in the Parliament in the form of 'bill' as proposed legislation for consideration of the legislature. The bill will be taken for thorough discussion in the parliament to have an understanding within the framework of the constitution.

The bill will become Law once the legislature passed it and approved by the President. The Law becomes an act only after getting consent from the President of India. The primary function of the Parliament is to make fresh laws and bring changes in the existing laws in accordance with the constitutional procedures. The Parliament of India passes two types of bills such as:

1. Money Bill
2. Non-Money Bill or ordinary or public bills



An ordinary bill has to pass through different stages before becoming an Act. The procedures prescribed in the Constitution for passing the bills are of two different categories. These are as follows: An ordinary bill under consideration has to go through following stages has to pass through both houses with discussions, suggestions and approval. An ordinary bill may be introduced in either House of the Parliament.

1. The first stage of the bill relates to the introduction of the bill in either house as 'Reading of the Bill'. Most of the bills are introduced by the Ministers concerned. The bill is drafted by the technical experts in that particular field and then council of ministers will approve the bill. The ordinary Member of Parliament can also introduce a bill which is called as 'Private Member Bill'. For the introduction of the bill it should be informed to the Speaker of the Lok Sabha or The Chairman of Rajya Sabha one month in advance. Then the date of introduction for the Private Member Bill will be fixed and allowed to move the bill in the floor of house. Generally there will be no discussion on the proposed bill at this reading stage which is only a formal affair.
2. After the introduction of bill, it will be published in Gazette of India. The Speaker or the Chairman may allow some bills to be published in the Gazette even before the first reading, in that case no motion for leave to introduce bill is necessary.
3. The Second Reading of the bill usually takes place after an interval of two days after the first reading. At this stage, any of the four courses are adopted.
  - ❖ The bill may be taken for consideration by the House at once.
  - ❖ It may be sent to a select committee of the House.
  - ❖ It may be sent to a joint select committee of the two Houses or

- ❖ It may be circulated for eliciting public opinion. Very rarely bills are taken up for consideration straight away.

When the bill is adopted for circulation (i.e., 4th course), the secretariat of the House concerned requests the State Governments to publish the bill in the State Gazettes inviting opinions from local bodies and recognized associations. Such opinions are circulated among the members of the House.

### Activity - Flow Chart



### Committee Stage

If the bill is referred to a select committee, the mover selects the members of the committee, the Speaker or the Chairman of the House appoints one member of the committee and the chairman of the committee. The committee will study of the bill and reports back to the House.

### Report Stage

The report stage is the most important stage where a bill is debated clause by clause. In this stage the report is circulated along with original bill and the report of the Select committee. The Report stage is for giving final shape to the bill. Then the bill will be submitted for the Third Reading in which the bill is to be passed with majority of votes. The Third Reading is for formal approval by the Parliament.

After the bill is adopted at the Third Reading in either of the house, it is transmitted to the other House where it goes through all the stages. The other house may accept the bill as it is. After coming across all the stages, it is sent to the President's assent.

Once a bill is passed in its originating house, it also may be rejected in the other house. Otherwise, it may introduce amendments not acceptable to the original House or, may not return the bill within six months. In such a case, a constitutional deadlock develops between the two Houses. The President may call a joint session of the two Houses to resolve the deadlock. The Speaker or in his absence the Deputy Speaker presides over such joint sessions. The deadlock is dissolved by majority vote.

Finally, the bill is passed by both Houses and goes to the President for his assent. If the President assents to the bill, it becomes a law. But the President may return the bill for reconsideration. If the bill is sent back to the President with or, without amendments, the President cannot



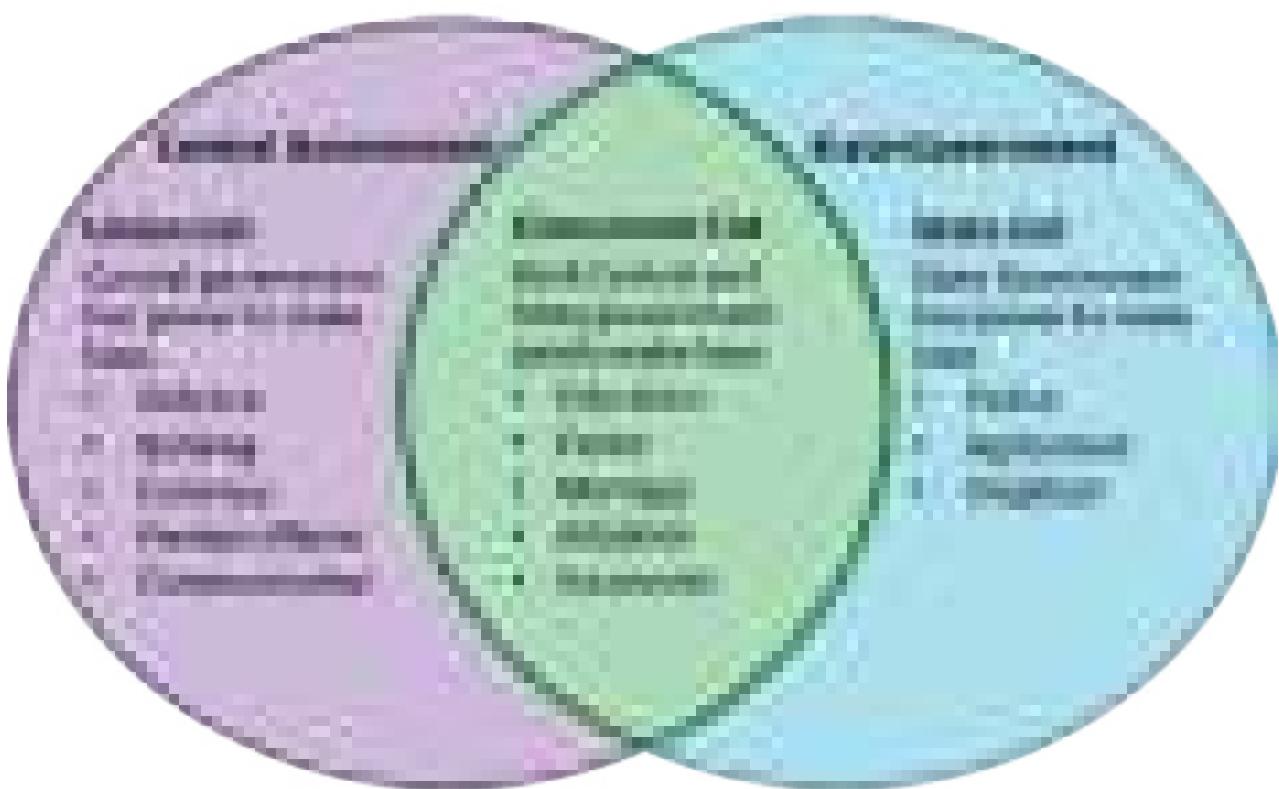
withhold his assent. Such a complicated and time-consuming procedure is adopted to prevent hasty legislation.

## 2.4 Structure, Powers and Functions of Legislature

The legislative powers and functions of the Union and the States are clearly demarcated in seventh schedule of the Constitution of India. The powers on which both union and the states can

legislate. The Constitution has classified the subjects for which the legislation made to perform the duties and responsibilities with specific powers for division of powers to avoid the seventh schedule of the constitution provides for trifurcation of legislative powers;

1. The Union List
2. The State List and
3. The Concurrent List



The Union list includes the subjects over which the parliament has exclusive authority to make laws and change the existing laws. The state legislature has exclusive authority over subjects mentioned in the state list. In the subjects

enumerated in the 'Concurrent List' both the union and the states can legislate. In the event of contradictions between the union and states, the union's authority will prevail. The residuary power is vested in the Centre.



**Table Representing difference between Ordinary Bill and Money Bill**

S.No.	Ordinary Bill	Money Bill
1	It can be introduced either in the Lok Sabha or the Rajya Sabha	It can be introduced only in the Lok Sabha and not in the Rajya Sabha.
2	It can be introduced either by a minister or by a private member.	It can be introduced only by a minister.
3	It is introduced without the recommendation of the president.	It can be introduced only on the recommendation of the President.
4	It can be amended or rejected by the Rajya Sabha	It cannot be amended or rejected by the Rajya Sabha. The Rajya Sabha should return the bill with or without recommendations, which may be accepted or rejected by the Lok Sabha.
5	It can be detained by the Rajya Sabha for a maximum period of six months.	It can be detained by the Rajya Sabha for a maximum period of 14 days only.
6	It does not require the certification of the Speaker when transmitted to the Rajya Sabha (if it has originated in the Lok Sabha).	It is required the certification of the Speaker when transmitted to the Rajya Sabha.
7	It is sent for the President's assent only after being approved by both the Houses. In case of the deadlock due to disagreement between the two Houses, a joint sitting of both the houses can be summoned by the president to resolve the deadlock.	It is sent for the President's assent even if it is approved by only Lok Sabha. There is no chance of any disagreement between the two Houses and hence, there is no provision of joint sitting of both the Houses in this regard.
8	Its defeat in the Lok Sabha may lead to the resignation of the government (if it introduced by a minister).	Its defeat in the Lok Sabha leads to the resignation of the government.
9	It can be rejected, approved or returned for reconsideration by the President.	It can be rejected or approved but cannot be returned for reconsideration by the President.



Lists of Powers					
Union		State		Concurrent	
1.	Defence	1.	Agriculture	1.	Education
2.	Atomic Energy	2.	Police	2.	Transfer of Property other than Agricultural land
3.	Foreign Affairs	3.	Prison	3.	Forests
4.	War and Peace	4.	Local Government	4.	Trade Unions
5.	Banking	5.	Public Health	5.	Adulteration
6.	Railways	6.	Land	6.	Adoption and Succession
7.	Post and Telegraph	7.	Liquor		
8.	Airways	8.	Trade and Commerce		
9.	Ports	9.	Livestock and Animal Husbandry		
10.	Foreign Trade	10.	State Public Services		
11.	Currency & Coinage				

## Activity - Critical Debate



### MPs paid well, but show less productivity: citizens' report

- ❖ 'In 2010-12, Lok Sabha worked for average of less than four hours a day during 227 sittings in 852 hours'
- ❖ India's parliamentarians are one of the best paid legislators across the world but they lag when it comes to performing legislative business, says the National Social Watch's "Citizens' Report on Governance and Development 2013."
- ❖ "In terms of absolute amount, the value of Indian MPs' pay and perks is higher than [that of] their counterparts in Singapore, Japan and Italy. It is four and a half times higher than that of Pakistan; and is about 68 times higher than the per capita income of the country"
- ❖ Highlighting the low productivity of parliamentarians, the report points out that the nine sessions during 2010-12 saw the Lok Sabha working for an average of less than four hours of work a day during its 227 sittings in 852 hours, which is less than two-thirds of scheduled six hours per day. In the process, about 577 hours have been lost in disruptions and forced adjournments.



**Courtesy : The Hindu – 23.12.2013.**

**Task : In this connection list out the different parameters to assess the performance on MP?**

## 2.5. Amendment Process and Procedure

The constitution of India has a unique provision to make the Constitution relevant to changing conditions and needs but without changing the basic structure. Article 368 deals with the amendment of the Constitution. As per this article, the Parliament has the supreme power to initiate the amendment process. The procedures for amendment of the constitution are as follows:

1. Parliament may amend the constitution through by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article.
2. An amendment of this Constitution may be initiated through the introduction of a Bill in either House of Parliament, and when the 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 of that House present and voting, it shall be presented to the President who shall give his assent to the Bill.
3. The bill must be passed in each house by a special majority that is, majority by more than 50 per cent of the total membership of the house and a majority of two-thirds of the members of the house present and voting. Each house must pass the bill separately. In case of a disagreement between the two houses, on issues concerning amendment there

is no provision for holding a joint-sitting of the two houses. If the bill seeks to amend the federal provisions of the constitution, it must also be ratified by the legislatures of half of the states by a simple majority, that is, a majority of the members present and voting in such legislatures.

4. After duly passed by both the houses of parliament and ratified by the state legislatures wherever necessary, the bill is forwarded to the President for assent. The President must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament. After president's assent, the bill becomes an Act (i.e., A Constitutional Amendment Act) and the constitution stands amended in accordance with the terms of the Act.

### Types of Amendments

Article 368 provides for two types of amendments, that is, by a special majority of parliament and also through the ratification of half of the states by a simple majority. But, some other articles provide for the amendment of certain provisions of the constitution by a simple majority of parliament, that is, a majority of the members of each house present and voting, similar to the ordinary legislative process. Therefore, the constitution can be amended in three ways:

1. Simple majority of the parliament,
2. Special majority of the parliament, and
3. Special majority of the parliament and the ratification of half of the state legislatures.

### 1. Simple Majority of Parliament:

According to Article 368 a number of provisions in the constitution can be amended by a simple majority of the two houses of parliament. These provisions include

- ❖ Admission or establishment of new states, formation of new States and alteration of areas, boundaries, or names of existing states.
- ❖ Abolition or creation of legislative councils in states.
- ❖ Second schedule - emoluments, allowances, privileges and so on of the president, the governors, the speakers, judges, etc.
- ❖ Quorum in parliament.
- ❖ Salaries and allowances of the members of parliament.
- ❖ Rules of procedure in parliament.
- ❖ Privileges of the parliament, its members and its members and its committees.
- ❖ Use of English language in parliament.
- ❖ Number of judges in the Supreme Court.
- ❖ Conformant more jurisdiction on the Supreme Court.
- ❖ Use of official languages.

- ❖ Citizenship – acquisition and termination.
- ❖ Elections to parliament and state legislatures.
- ❖ Delimitation of constituencies.
- ❖ Union territories.
- ❖ Fifth schedule – administration of schedule areas and scheduled tribes
- ❖ Sixth schedule – administration of tribal areas.

### By Special Majority of Parliament

The majority of the provisions in the constitution need to be amended by a special majority of the parliament, that is, a majority (i.e., more than 50 per cent) of the total membership of each house and a majority of two-thirds of the members of each house present and voting. The expression total membership of the house irrespective of fact whether there are vacancies or absentees. The special majority is required only for voting at the third reading stage of the bill. The constitution's clauses which can be amended in this way include:

- (i) fundamental rights (ii) directive principles of state policy: and (iii) all other provisions which are not covered by the first and third categories.

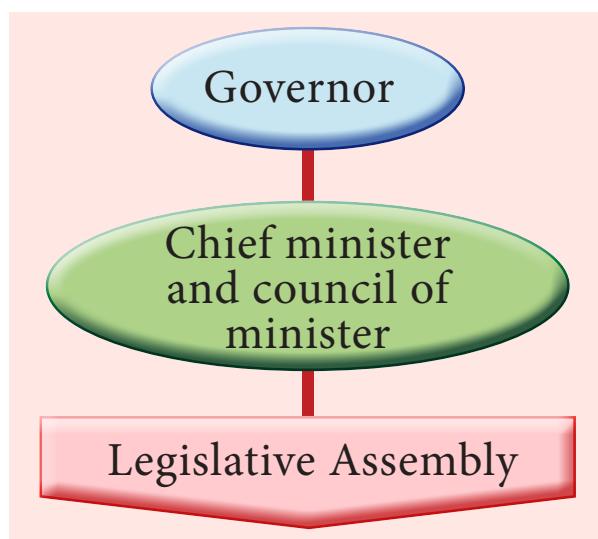
### Amendments by Special Majority of Parliament and Consent of States

The basic structures of the constitution which are related to the federal structure of the polity can be amended by a special majority of the parliament and also with the consent of

half of the state legislatures by a simple majority. There is no time limit within which the states should give their consent to the bill. The following provisions can be amended in this way:

- ❖ Election of the president and its manner.
- ❖ Extent of the executive power of the union and the states.
- ❖ Supreme Court and high courts.
- ❖ Distribution of legislative powers between the union and the states.
- ❖ Any of the list in the seventh schedule.
- ❖ Representation of states in parliament.
- ❖ Power of parliament to amend the constitution and its procedure (Article 368).

## 2.6. State Legislature: Structure, Powers and Functions



### Structure of State Legislature

The state is the second stratum of the federal structure of the Constitution. The provisions for the governance of all the state is dealt in the Part VI of the

Constitution except Jammu & Kashmir because it has separate Constitution for its state government. The articles from 152 to 237 deals thoroughly on the subjects of the state legislature. The state legislature which has only Legislative Assembly as House of People is called as Unicameral. Most of the powers and functions are shared by the state legislature is almost like the same as the Union legislature. In a Bicameral system of legislature, the state legislature consists of the Legislative Assembly and Legislative Council.

### The Governor

There shall be a Governor as the Constitutional Head of the State executive, and executive power of the state vested with the Governor and all executive actions of the state has to be taken in the name of the Governor. The governor of the State shall be appointed by the President. The Governor is appointed for a term of five years or can hold the office during the pleasure of the president or until his successor enters upon his office. The eligibility of appointment of the governor is that he/she must be the citizen of India, shall not hold any office of the profit and should have completed thirty five years of age. The Governor can be appointed more than once and can hold office for more than one state two states in an exigency or as a transitional arrangement.

### Powers and Functions of the Governor

The Governor of a state have the powers like the President such as Executive, Legislative, Judicial and Emergency Powers. The executive powers of the Governor are appointing the council

of ministers, Advocate General and the Members of the State Public Service Commission. The Governor has the power to nominate members of the Anglo-Indian Community to the legislative Assembly of the state. The Governor has the power to appoint people with special knowledge in the field of literature, science, art, cooperative movement as members in the legislative council wherever it exists.

The governor also can nominate 1/6 of the total members of the council. The governor also has powers 'in his discretion' to exercise special constitutional responsibilities, he can discharge his special responsibility, in accordance with the direction given by the president from time to time. On certain extraordinary situations, the governor can act without ministerial advice. The governor also plays the role of medium between the state and the centre. The Governor keeps the President Constantly informed of the developments in the state.

The Governor is part and parcel of the State legislature. The legislative powers of the Governor include the right to address and sending messages, and summoning, proroguing and dissolving the state legislature. Governor's assent is required for any bill to become an Act. The veto powers of the governor as follows:

1. May withhold his assent, in which case it fails to become the law.
2. Other than the Money Bill, The governor may return any bill for reconsideration by the state legislature. His/her veto power cannot be used again and has no alternative than to assent to it when

the state legislature passes the bill again with or without amendments.

3. The governor may reserve a bill for the consideration of the president, if he thinks it fit.

The Judicial Powers of the Governor is to have the power to grant pardon, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends. However, the Governor has no power to appoint judges of the State High Court but he is entitled to be consulted by the President in this matter. The appointment of Judges of High Court and Supreme Court comes under the purview of the Judiciary and the President of India.

The governor does not enjoy the Emergency Powers like that of the president. But the governor can make a report to the president and advising him to assume the office whenever there is a constitutional breakdown or crisis in the state that may result in the imposing of the President rule. In such a situation, the governor acts as an agent of the president as and assumes the functions of the state government through invocation of Art 356.

### Functions and Powers of the Chief Minister

The Chief Minister is appointed by the Governor as the head of the government, administration and council of Ministers. The council of Ministers



are appointed by the governor on the advice of the Chief Minister. In view of the democratic principle of Constitution, a person who is not a member of either house can be appointed as the Chief Minister, but within a six months from the date of appointment he/she should become member of any house.

## 2.7 Officials and Committees in State Legislative Assembly

### Speaker of the State Legislative Assembly:

The Speaker is elected by the Members of Legislative Assembly itself, and is the Presiding officer of the Assembly. The speaker has the responsibilities and powers of conducting business of the assembly in orderly manner, maintaining decorum and regulating its procedure in terms of allowing the members to question, speak on matters of importance, budget and grants. The speaker is the interpreter of the provisions of the Constitution, rules of procedure in the assembly proceedings, rules of procedure and legislative precedents within the Assembly. The speaker has the power to adjourn, suspend and resume the sessions and suspend the members from participating in the session when there is a violation of rules, procedures and regulations of the assembly.

The speaker has to generally maintain neutrality and impartiality while conducting the business of the house. The speaker's vote becomes more important when there is a tie on any issue regarding passing of bill, motion and resolutions. The speaker's decision is final in regulating

the conduct of members and in matters of procedure or maintaining order in the house. And in such matters the speaker is not to be subjected to judicial intervention. The speaker appoints the Chairmen of all the committees and supervises their functioning.

### The Deputy Speaker

The Deputy Speaker is also elected by the members of the Assembly from amongst themselves. He performs the duties and responsibilities of the speaker as his absence presides over the Assembly in the absence of the Speaker. The deputy speaker has also powers on par with the speaker within the House. Any member existed in a panel can preside over the House in case of absence of Speaker and the deputy speaker.

### Committees of the Parliament

Broadly, parliamentary committees are of two kinds - Standing Committee and Ad Hoc Committees. The former are permanent (constituted every year or periodically) and work on a continuous basis, while the latter are temporary and cease to exist on completion of the task assigned to them.

### Standing Committees

On the basis of the nature of functions performed by them, standing committees can be classified into the following six categories:

#### 1. Financial Committees

- a) Public Accounts Committee
- b) Estimates Committee
- c) Committee on Public Undertakings



## 2. Departmental Standing Committees (24)

### 3. Committees to Inquire

- a) Committee on Petitions
- b) Committee of Privileges
- c) Ethics Committee

### 4. Committees to Scrutinise and Control

- a) Committee on Government Assurances
- b) Committee on Subordinate Legislation
- c) Committee on Papers Laid on the Table
- d) Committee on Welfare of SC's and ST's
- e) Committee on Empowerment of Women
- f) Joint Committee on Offices of Profit

### 5. Committees Relating to the Day-to-Day Business of the House

- a) Business Advisory Committee
- b) Committee on Private Members' Bills and Resolutions
- c) Rules Committee
- d) Committee on Absence of Members from Sittings of the House

### 6. House-Keeping Committees or Service Committees (i.e. Committee concerned with the Provision of Facilities and Service to Members):

- a) General Purposes Committee
- b) House Committee

c) Library Committee

d) Joint Committee on Salaries and Allowances of Members.

### Ad Hoc Committee

Ad Hoc committees can be divided into two categories, that is, Inquiry Committees and Advisory Committees.

**Committee on Estimates:** The major responsibility of the committee is to suggest the examiner, estimator and recommendation on matters related to economic related policy issues and alternative policies, administrative reform, undertaking the tours and visits within and outside the state to study various schemes under execution in regard to the estimates under examination.

**Committee on Public Accounts:** The important functions of the Committee are to scrutinise the Appropriation Accounts of the State and the Report of the Comptroller and Auditor-General of India (Civil). Also looks into the Revenue receipts and the disbursement of money shown in the accounts applicable to the services or purposes to which they had been applied and charged.

**Committee on Public Undertakings:** This Committee is to examine the Audit reports and accounts of Public Undertaking from time to time. The Committee also examines the autonomy and efficiency of the Public Undertakings. This committee is also taking note on the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices. The Committee also

examines the Reports of the Comptroller and Auditor General of India on the Public Undertakings. The Committee examines the working of the Undertakings under its purview, hears officials or takes evidence connected with such undertakings and makes recommendations to the House.

## Glossary



- ❖ **Unicameral:** The state legislature which has only Legislative Assembly as House of People is called as Unicameral.
- ❖ **Bicameral:** The system of legislature which consists of the Legislative Assembly and Legislative Council is called as Bicameral system.
- ❖ **Quorum of the House:** One tenth of the total number of members of Lok Sabha / Rajya Sabha constitutes the quorum for a meeting of the House.
- ❖ **Bill:** The law is primarily introduced in the Parliament in the form of 'bill' as proposed legislation under consideration by a legislature.
- ❖ **Amendment:** The constitution of India has a unique provision to make the Constitution contemporarily relevant for changing conditions and needs but without changing the basic structure of the doctrine.
- ❖ **Impeachment:** The Parliament has judicial function on the matters of the proposals for the removal of the President, Vice – President, Judges of the Supreme Court and High Courts. This process of removal is called 'impeachment'.
- ❖ **Immunity of the Member:** Exemption of a member from service of legal process and arrest within the precincts of the House.
- ❖ **Joint Session:** When there is a special occasion or event of disagreement between the two houses on certain legislative measures, the speaker of the House of the people presides the joint sessions of the parliament to resolve the disagreement.
- ❖ **Sessions:** When the Parliament meet for discussing various agenda and approving bills, motions with a scheduled meeting is called Session.
- ❖ **No Confidence Motion:** This is the procedure to acquire the support of majority of the members in The Lok Sabha / Legislative Assembly and their confidence to head the government by a Prime Minister/The Chief Minister. If the Prime Minister or the Chief Minister lose the confidence of the Lok Sabha/Legislative Assembly the entire government has to quit and face the election.

## ( Evaluation



### I. Choose the correct answer:

1. Legislature is \_\_\_\_\_

- a. The highest law-making body
- b. The High Court
- c. Parliament
- d. Law Commission

2. National legislature is called \_\_\_\_\_

- a. The Supreme Court
- b. The High Court
- c. Parliament
- d. Legislative Assembly

3. The Parliament in India consists of

- a. The President, and the Prime Minister
- b. The President and Rajya Sabha
- c. The President and Lok Sabha
- d. The President, Lok Sabha and Rajya Sabha

4. Members of Lok Sabha is directly elected by the \_\_\_\_\_

- a. People of the Parliamentary Constituency
- b. MLAs of the State Assembly
- c. Nominated by the President
- d. None of the above

5. The process of removal of Judges of the Supreme Court and High Courts is called \_\_\_\_\_

- a. Impeachment
- b. Dismiss
- c. Suspension
- d. Resignation

6. Who is the Head of the Lok Sabha?

- a. Speaker
- b. The Prime Minister
- c. The President
- d. The Vice-President

7. The Head of the Government is \_\_\_\_\_

- a. The President
- b. The Prime Minister
- c. Speaker
- d. The Vice-President

8. The Head of the state is \_\_\_\_\_

- a. The President
- b. The Prime Minister
- c. Speaker
- d. The Vice-President





9. The Rajya Sabha is an institution to protect the rights and interests of \_\_\_\_\_

- a. The Members of the Parliament
- b. The President
- c. The states
- d. The Vice-President

10. The members of the Rajya Sabha is elected by \_\_\_\_\_

- a. People
- b. MLAs of the respective state
- c. Nominated by the parties
- d. Nominated by the President

11. Who is the ex-officio Chairman of the Rajya Sabha?

- a. The President of India
- b. The Vice-President of India
- c. The Prime Minister of India
- d. The Speaker

12. Which house of the Parliament is known as Permanent House of the Parliament that never gets fully dissolved?

- a. The Lok Sabha
- b. The Rajya Sabha
- c. The Ministerial Cabinet
- d. The Group of Ministers

13. Which house of the parliament has the power to pass the money bill?

- a. The Lok Sabha
- b. The Rajya Sabha
- c. The Ministerial Cabinet
- d. The Group of Ministers

14. What is the minimum age of the Member of Parliament in Lok Sabha?

- a. 25 years
- b. 30 years
- c. 40 years
- d. 50 years

15. Indian Legislature system is called as

- a. Unicameral
- b. Bicameral
- c. Monarchy
- d. None of them

16. The Governor of the state is \_\_\_\_\_

- a. Constitutional Head of the state
- b. Head of the Government
- c. Head of the Cabinet
- d. Head of the party

17. The Chief Minister of the state is \_\_\_\_\_

- a. Head of the state
- b. Head of the Government
- c. Head of the Cabinet
- d. Head of the party

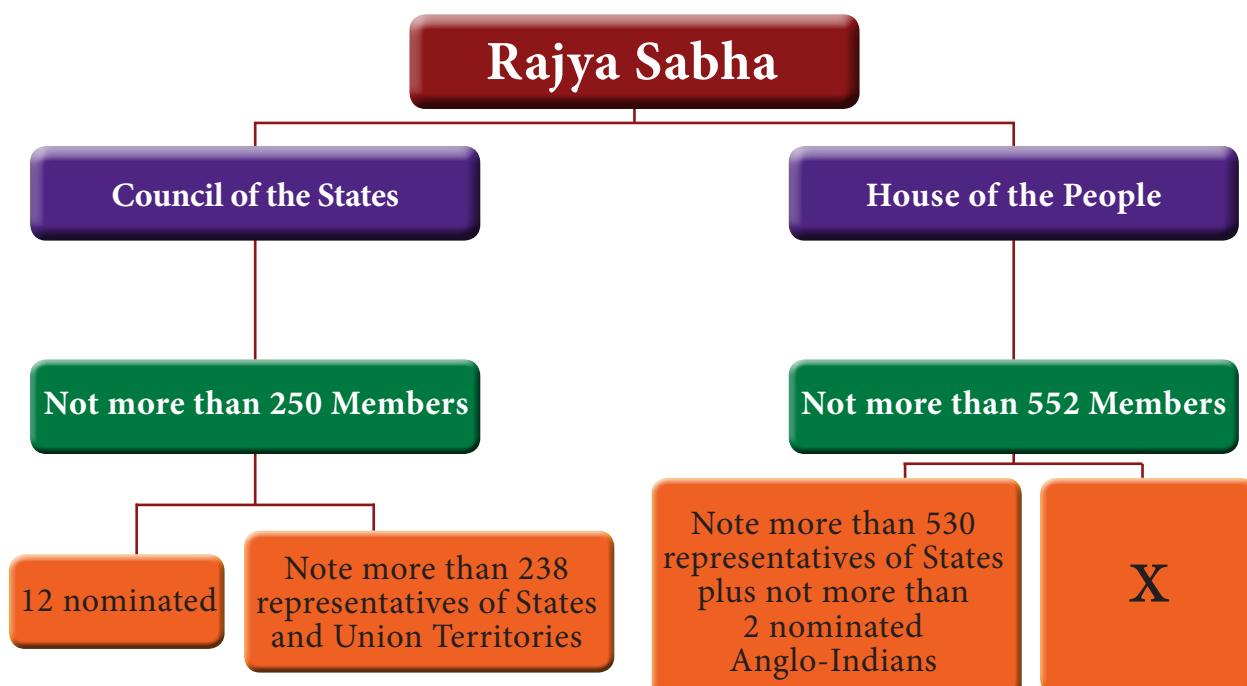
18. The Executive power of the state is vested with

- a. The Chief Minister
- b. The Chief Secretary
- c. The Governor
- d. The Chief Justice of High Court

19. The governor of the State shall be appointed by

- a. The Chief Minister
- b. The President
- c. The Chief Justice of High Court
- d. The Prime Minister

20. Consider the flow chart given below:



Which of the following will fit in the place marked 'X'?

- a) Ministers who are not members of parliament but who have to get themselves elected to either House of Parliament within six months after assuming office
- b) Not more than 20 nominated members
- c) Not more than 20 representatives of Union Territories
- d) The Attorney General who has the right to speak and take part in the proceedings of either House of Parliament.

## II Answer the following questions very shortly:

1. What is called bicameral system?
2. What are the types of bills passed in the Parliament?
3. Define: Quorum of the House
4. Define: Money Bill
5. Define: Private Member Bill
6. What are the condition for call for Joint Session?



### III Answer the following questions shortly:

7. What are the list of powers prescribed in the Constitution?
8. What do you mean amendment provision in the constitution?
9. Write down the types of Amendments
10. What is the structure of the state legislature?
11. What are the powers of the legislature
12. What are the special powers of Rajya Sabha?
13. What is the role of the Speaker in the Assembly?

### IV Answer the following questions detail:

1. Describe the roles and responsibilities of the union legislature
2. What are the powers of the Lok Sabha
3. Write an essay on the stages of Law making process in the Parliament
4. Explain the process and procedure of the Amendment
5. What are the powers of the Governor of the State
6. Write an essay on the powers of the Chief Minister and Council of Ministers
7. Write about the various committees appointed to execute the administration of government and its importance.

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## ICT Corner

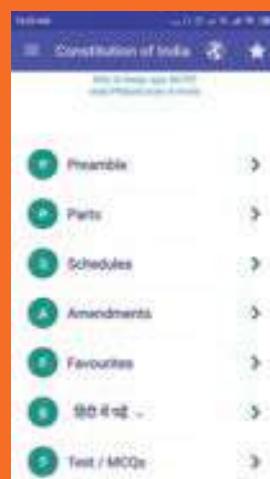
### Legislature-Amendments

Through this app you will learn more about legislature- amendments



#### Procedure:

- Step - 1** Open Play store and type CONSTITUTION OF INDIA WITH MCQ (or) Scan the QR Code.
- Step - 2** Click any topic you will get Article (Eg. Amendments)
- Step - 3** Click any Amendments you will get the details of Articles.(101)



Step 1



Step 2



Step 3

#### URL:

<https://play.google.com/store/apps/details?id=com.philoid.coii>

\*Pictures are indicative



Unit

3

## Executive



## Learning Objectives



- ❖ To understand the Republican form of State
- ❖ To gain knowledge of the Constitutional position of the President and vice - President
- ❖ To Comprehend the election procedures for the offices of the President and Vice - President
- ❖ To analyse the powers and functions of the President and vice - President
- ❖ To understand the Parliamentary type of executive
- ❖ To know the characteristics of the State executive
- ❖ To comprehend the role of Governor in State administration
- ❖ To discuss the role of Chief Minister

## 3.1 Introduction

## Form of the State

## The Union Executive

- ❖ The President of India
- ❖ The Vice President of India
- ❖ The Council of Ministers and the Cabinet, Headed By the Prime Minister

The preamble of the constitution of India, Declares India a sovereign, Socialist secular Democratic Republic. Unlike England where a hereditary monarch, either a Queen or a king is the head of the State, India has an elected President

as head of the state with fixed tenure of office. The President is the supreme head of all the constitutional wings of the State, i.e the legislature, Executive, judiciary and armed forces. The President supervises their functions and ensures adherence to constitutional provisions by these bodies. The President represents the entire nation and upholds the constitution in every sphere of State's activity. But unlike the President of the USA, Where the President of the republic wields de-facto (real, functional) executive powers, the President of Indian Republic is not vested with direct executive responsibilities; Such direct and real executive responsibilities are assigned by the Constitution, to a Council of ministers led by the prime minister, and such council of ministers,

(55)

both collectively and individually responsible and accountable to the union legislature. Thus our Republican form of State is different from American form of Republic. Where it is Presidential executive.

### 3.2 President

The President is the head of the Indian State. He is the First Citizen of India and acts as the symbol of Unity, Integrity and Solidarity of the Nation.

#### Qualification and Election of the President

##### Article 58 says;

1. No person shall be eligible for election as President unless he is
  - ❖ a citizen of India
  - ❖ has completed the age of 35 years
  - ❖ is qualified for election as a member of the Lok Sabha
2. A person shall not be eligible for election as President if he holds any office of profit under the government of India, or the government of any state, or under any local or other authority subject to the control of any of the said governments.

*Article 52 of our Constitution lays down that there shall be a President of India. Article 53 lays down that the executive power of the Union shall be vested in the President and shall be exercised by him directly or indirectly.*

Further Article 52 provides that the nomination of a candidate for election to the office of President must be subscribed

by at least 50 electors as proposers and seconded by another 50 electors of the Electoral College. Every candidate has to make a security deposit of ₹ 15,000/- in the Reserve Bank of India.

This amount will be forfeited if the candidate does not secure 1/6 of the votes polled.

The President is elected not directly by the people but by members of Electoral College consisting of;

- ❖ The elected members of both the houses of Parliament
- ❖ The elected members of the legislative assemblies of the states
- ❖ The elected members of the legislative assemblies of the union territories of Delhi and Pondicherry.

#### Activity



Find out the electoral quota if the total number of voters polled in the election for President is 10,00,000 and the number of candidates to be elected is 1

The President's election is held in accordance with the system of proportional representation by means of 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.

$$\text{Electoral Quota} = \frac{\text{Total number of valid votes polled in the election}}{\text{Number of electors to be elected}} + 1$$

## Conversation

**Girl - Boy:** Did you know, in order to be declared as elected, a candidate has to secure a fixed Quota of votes !!!..... What is this Quota..?  
Look at the above formula.....  
Ya ....understood....ha ha.....

etc against the names of the candidates. This means 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 carried out. 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.

## Debate



We have a written constitution wherein the functions and responsibilities of each constitutional office are clearly defined and delimited. We are a Republic with an elected President as the Head of the State. But, we are also a Parliamentary democracy with Ministerial responsibility to the representatives of the people in the Lok Sabha.

Teacher can divide the class into two group and organise a debate on the unique mix of the President and the Prime Minister and his team.

## Oath by the President

Before entering upon his office, the President has to make and subscribe an oath or affirmation. In his oath, the President swears:

- ❖ To faithfully execute the office;
- ❖ To preserve, protect and defend the constitution and the law; and
- ❖ To devote himself to the service and wellbeing of the people of India.

The oath of office to the President is administered by the Chief Justice of India and in his absence in the presence of the senior most judge of the Supreme Court.

## Activity



### Read The Cartoon Identify The Context.



#### 26.7.06/The Hindu Cartoon

1. What is being depicted by the given cartoon?

## Entitlement to the President

- ❖ He is entitled without payment of rent, to the use of his official residence (The Rashtrapati Bhavan)
- ❖ He is entitled to such emoluments, allowances and privileges as maybe determined by the Parliament
- ❖ The President is entitled to a number of privileges and immunities. He enjoys personal immunity from legal liability for his official acts. During his term of office, he is immune from any criminal proceedings

## Term, Impeachment and Succession

### Term

Article 56 says that the President shall hold office for a term of 5 years from the date on which he enters upon his office. However he can resign from his office at any time by addressing the resignation letter to the Vice President. Further he can also be removed from the office before completion of his term by the process of impeachment. The President can hold office beyond his term of five years until his successor assumes charge. He is also eligible for re-election to that office.

### K-W-L Activity



What I know about Impeachment?	What I want to Know about Impeachment?	What I have Learnt?

### Impeachment

Article. 61 of the Constitution lays down a detailed procedure for the impeachment of the President. For the impeachment of the President, first, a charge for impeachment has to be made in either House of the Parliament by a resolution signed by atleast one fourth of the total number of members of the House and moved by giving atleast 14 days' advance notice. Such a resolution must be passed by a majority of not less than two thirds of the total number of members of

the House when a charge is so presented by one House, it should be investigated by the other House. After the investigation, if a resolution is passed by the other house by a majority of two thirds of its total number of members, the President stands removed by impeachment from his office from the date of passing of the resolution.

### Succession

A vacancy in the President's office can occur in any of the following ways:

1. On the expiry of his tenure of five years
2. By his resignation
3. On his removal by impeachment
4. By his death
5. When he becomes disqualified to hold office or when his election is declared void.

If the vacancy occurs due to resignation, removal or death then election to fill vacancy should be held within six months and the Vice President acts as the President until a new President is 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. In case the office of the Vice President is vacant, the Chief Justice of India or if his office is also vacant, the senior most judge of the Supreme Court acts as the President or discharges the functions of the President.

### Functions and Powers of the President

Vast are the functions and powers of the President. He convenes the parliament, addresses and prorogues the same. He nominates 12 members of eminence in different fields to the Rajya Sabha and two Anglo Indian members to the Lok Sabha. He enjoys veto power over non-money bills of the parliament and can send back non-money bills for reconsideration of the parliament, he can convene joint sessions of Rajya Sabha and Lok Sabha; He can promulgate ordinances for a period not exceeding six months. He can also has veto powers over certain State legislations.

He prompts and facilitates the institution of council of ministers headed by the Prime Minister, and ensures that the council of Ministers enjoy the support of the majority in the Lok Sabha. The President alone installs the ministers and distributes portfolios to them, he can also, dismiss the ministry, if he feels that the ministry does not enjoys the majority support in the Lok Sabha. He nominates members to various constitutional bodies, including the judiciary, armed forces and diplomatic corps. The President enjoys enormous powers during the periods of emergencies, can suspend any law, can dissolve ministries and legislatures for specified periods. He can commute capital punishments.

**When any person i.e., VP, CJI or senior most judge is acting as President, he enjoys all the powers and immunities of the President as is entitled to such emoluments, allowances and privileges as determined by the Parliament.**

**The Official Residence of the President of India is**

***“The Rashtrapati Bhavan” Situated at Delhi.....***

### Activity



1. Discuss the Veto Powers of the President of India.
2. Find out what is Absolute Veto, Suspensive Veto, Pocket Veto and Qualified Veto.
3. List out all the Presidents and their tenure till date, Make a Collage using the images collected.



Executive	Legislative	Financial	Judicial	Emergency	Miscellaneous
<p>1. Running of all administration in his name, making of rules for the conduct of government business and allocation of work among the ministers.</p> <p>2. Having information of all important decisions of the Cabinet, referring any matter for the consideration of the Cabinet.</p> <p>3. Making important appointments and removals.</p> <p>4. Maintaining foreign relations.</p> <p>5. Holding supreme command of the Defence Forces.</p> <p>6. Approving rules and regulations for the working of the Supreme Court and other independent agencies.</p> <p>7. Sending directions and instructions to state governments and invoking Art.356 in case of breakdown of Constitutional machinery in a State.</p> <p>8. Running of the administration of Union Territories and Scheduled and Tribal Areas.</p>	<p>1. Summoning and proroguing sessions of Parliament and dissolving Lok Sabha.</p> <p>2. Making nomination of 12 members to the Rajya Sabha and 2 to the Lok Sabha.</p> <p>3. Delivering inaugural addresses and sending messages to the Parliament.</p> <p>4. Exercising veto power over non-money bills- absolute as well as suspensive.</p> <p>5. Giving prior permission for introducing certain kinds of bills in Parliament.</p> <p>6. Promulgating an ordinance if the Parliament is not in session.</p> <p>7. Causing presentation in the Parliament of reports and recommendations of various commissions.</p> <p>8. Making appointment of presiding officer pro tem of the Lok Sabha.</p> <p>9. Allowing extension, modification, or abrogation of law in cases of ports and aerodromes.</p> <p>10. Exercising absolute veto power over State legislation in certain cases.</p>	<p>1. Introduction of money bill in Lok Sabha with his prior recommendation.</p> <p>2. Keeping control over Contingency Fund of India.</p> <p>3. Causing presentation of budget in the Parliament.</p> <p>4. Making appointment of Finance Commission.</p> <p>5. Allowing determination of the shares of States in proceeds of income tax and of the amounts of grants-in-aid in lieu of jute export duty to the States of Assam, Bihar, Odisha and W.Bengal.</p> <p>6. Promulgating an ordinance if the Parliament is not in session.</p> <p>7. Causing presentation in the Parliament of reports and recommendations of various commissions.</p> <p>8. Making appointment of presiding officer pro tem of the Lok Sabha.</p> <p>9. Allowing extension, modification, or abrogation of law in cases of ports and aerodromes.</p> <p>10. Exercising absolute veto power over State legislation in certain cases.</p>	<p>1. Granting commutation or reprieve or pardon, respite or remissions or suspension of punishments by virtue of holding prerogative of mercy.</p> <p>2. He appoints the Chief Justice of India and other judges of Supreme Court and High Courts.</p> <p>3. He can seek advice from the Supreme Court on any question of law or fact.</p> <p>4. Allowing determination of the shares of States in proceeds of income tax and of the amounts of grants-in-aid in lieu of jute export duty to the States of Assam, Bihar, Odisha and W.Bengal.</p> <p>5. Promulgating an ordinance if the Parliament is not in session.</p> <p>6. Causing presentation in the Parliament of reports and recommendations of various commissions.</p> <p>7. Allowing extension, modification, or abrogation of law in cases of ports and aerodromes.</p> <p>8. Running of the administration of Union Territories and Scheduled and Tribal Areas.</p>	<p>1. The constitution confers extraordinary powers on the President to deal with three types of emergencies</p> <ul style="list-style-type: none"> <li>❖ national emergency (Art.352)</li> <li>❖ President's rule (Art.356 &amp; 365)</li> <li>❖ financial emergency (Art. 360)</li> </ul> <p>2. Art.352-President declares national emergency when security is threatened due to war, external aggression and internal rebellion.</p> <p>3. Provision of emergency in a State(Art 356) in the event of breakdown of constitutional machinery.</p> <p>4. Art 365 – enforcement of President's rule when a State does not obey the union government direction or the Indian Constitution.</p> <p>5. The President under Art 360 has the power to declare financial emergency if he is satisfied that financial stability or the credit of India is threatened.</p>	<p>1. Reference of any matter of public importance involving a question of law or fact to the advisory opinion of the Supreme Court.</p> <p>2. Determining the strength of Judges in the High Court.</p> <p>3. Making rules for the composition and working of the Union Public Service Commission.</p> <p>4. Setting up official languages Commission and taking steps for the progressive use of Hindi for official purposes on the basis of its recommendations.</p> <p>5. Making special regulations for the administration of the State of Jammu-Kashmir.</p> <p>6. Making special rules and regulations for the administration of Scheduled and Tribal Areas.</p>

## Fact

The emergency powers of the President of India are specified in part XVIII of the Indian Constitution.

## Activity



### Preparation of Chart

List the Prime Ministers of India from 1947 to 2019. Paste the photos of the Prime Ministers in your chart.

## Activity



**Identify the Powers of the President, related to the examples in the given tabular column**

*(executive/legislative/ judicial/financial/emergency)*

S No.	Examples	Powers
1.	Tamil Nadu, Karnataka, Punjab, Jharkhand, Jammu and Kashmir and many other states have been under President's rule.	
2.	The President appoints our State Governors, Supreme Court and High Court Judges.	
3.	The President can summon and dissolve Parliament sessions.	
4.	A 'Bill' passed in the Parliament can become an 'Act' only after the President's approval.	
5.	The President has the power to reduce the degree of punishment or pardon criminals.	
6.	A right to be informed of all of the nation's affairs.	
7.	The President is always the first to address the Parliament during the budget session.	
8.	The country declares war in the name of the President.	
9.	The country's Ambassadors and High Commissioners are his representatives in foreign land.	
10.	The President causes the presentation of audit report before Parliament.	

### 3.3 Vice President

On the pattern of the Constitution of USA, the Indian Constitution provides for the office of the Vice-President of India (Article 63). The Vice-President of India occupies the second highest office in the country.

### Election

The Vice-President of India is elected by the elected members of both Houses of Parliament by secret ballot on the basis of proportional representation system, by means of the single transferable vote.

## Qualification

To be eligible for election to the office of Vice-President, (a) candidate must be a citizen of India, (b) must have completed the age of thirty five years, (c) must be eligible for election as a member of the Rajya Sabha, and (d) must not hold any office of profit. In this connection provisions similar to those relating to the President apply.

## Terms of Office

The Vice-President is elected for a term of five years. He can voluntarily resign from his office before the completion of his term of office by writing to the President. He may also be removed from his office, if a resolution to that effect is passed by the Rajya Sabha by an absolute majority of its members and agreed to by the Lok Sabha. However fourteen days have to be given to move such resolution.

## Functions and Duties

The Vice-President is the ex-officio Chairman of the Rajya Sabha (Article 64 of the Indian Constitution). He presides over the meetings of the Rajya Sabha. As the presiding officer of the Rajya Sabha, his functions and powers are similar to those of the speaker of Lok Sabha. He draws his salary as the chairman of the Rajya Sabha, because the Vice-President's office itself carries no salary. In the event of occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until a new President is elected. This period shall not exceed six months. While acting as President the Vice-President gets salary,

allowance, emoluments etc., as may be fixed by Parliament by law, and during that time he does not perform the duties of the chairman of Rajya Sabha.

## Assignment



Articles 63 to 70 of the Indian Constitution deal with 'Vice-President' make a presentation on the above.

## 3.4 The Prime Minister and Council of Ministers

*He describe Prime Minister as 'primus inter pares' (first among equals) and 'key stone of the cabinet arch'. He said, "The head of the cabinet is 'primus intro pares', and occupied a position which so long as it lasts, is one of exceptional and peculiar authority".*

- Lord Morely

### 3.4.1 The Prime Minister

#### Introduction



**Executive:** The Constitution provides for a collegiate executive i.e Council of ministers under the chair members of the Prime Minister

**Meaning:** A body of persons having authority to initiate major policies, make decisions and implement them on basis of the Constitution and laws of the country.

There are two important organs of the Union Government.

- ❖ The Union Legislature (or) the Union Parliament
- ❖ The Union Executive

In the previous unit you have learnt about the Union Legislature. Let us now deal with Union Executive. You should remember that articles 52 to 78 in Part V of the Indian Constitution deal with "Union Executive".

India has adopted the British Parliamentary executive mode with the Prime Minister as the Head of the Government. Prime Minister is the most important political institution. But in the council of Ministers (Cabinet) the Prime Minister is *primus inter pares* (first among equals).

### Appointment

The Constitution does not contain any specific procedure for the selection and appointment of the Prime Minister. There is no direct election to the post of the Prime Minister. Article 75 says, the Prime Minister shall be appointed by the President. Appointment is not by the choice of the President. The President appoints the leader of the majority party or the coalition of the parties that commands a majority in the Lok Sabha, as the Prime Minister. In case no single party gets a majority, the President appoints the person most likely to secure a majority support. The Prime Minister does not have a fixed tenure. He/she continues in power so long as he/she remains the leader of the majority party or coalition.

### Functions and Position

The first and foremost function of the Prime Minister is to prepare the list of his ministers. He meets the President with this list and then the Council of Ministers is formed. Very important ministers are designated as Ministers of the Cabinet rank, others are called Ministers of State, while ministers belonging to third rank are known as Deputy Ministers. It is one of the discretionary powers of the Prime Minister to designate a minister as Deputy Prime minister. The President allocates

portfolios among the ministers on the advice of the Prime Minister. The Prime Minister may keep any department or departments under his control; he may also advise the President to reshuffle portfolios of his ministers from time to time; he may bifurcate or trifurcate a department or have different departments amalgamated into one department.

### The Prime Minister's pre eminent position is evident from these points:

1. S(he) is the leader of the party that enjoys a majority in the popular House of the Parliament (Lok Sabha).
2. Has the power of selecting other ministers and also advising the President to dismiss any of them individually or require any of them to resign.
3. The allocation of business amongst the Ministers is a function of the Prime Minister. He can transfer a minister from one Department to another.
4. Is the Chairman of the cabinet, summons its meetings and presides over them. The Prime Minister is also the Chairman of many bodies like Inter-State Council, Nuclear command Authority and many more.
5. Is in-charge of co-coordinating the policy of the government and has accordingly a right of supervision over all the Departments.
6. While the resignation of a Minister merely creates a vacancy, the resignation or death of the Prime Minister means the end of the Council of Ministers.

7. The Prime Minister is the sole channel of communication between the President and the Ministers and between the Parliament and his Ministers. He/she is the chief spokesperson of the government in foreign affairs.

## Prime Minister's Office

### Meaning

Being the head of the government and the real executive authority, the Prime Minister plays a very vital role in the politico-administrative realm of our country. In order to fulfill his responsibilities, the Prime Minister is assisted by the Prime Minister's Office

(PMO). The Prime Minister's Office is an agency meant for providing secretarial assistance and advice to the Prime Minister. It is an extra constitutional body which offers important role in the top level decision making process of the Government of India. The Prime Minister's Office has the status of a department of the Government of India. The Prime Minister's Office came into existence in 1947. Till 1977 it was called Prime Minister's Secretariat (PMS). The Prime Minister's Office is headed politically by the Prime Minister and administratively by the Principal Secretary.

### The Prime Minister's Office performs Several Functions



#### Functions

1. Assists the prime minister in his overall responsibilities as head of the government, in maintaining communication with the central ministries/departments and the state governments.
2. Helps the prime minister in his responsibilities as chairman of the Niti Aayog and the National Development Council.
3. Looks after the public relations of the prime minister like contact with the press and general public.
4. Deals with all references, which under the Rules of Business have to come to the Prime Minister.
5. Provides assistance to the Prime Minister in the examination of cases submitted to him for orders under prescribed rules.
6. Maintains harmonious relationship with the President, Governors and foreign representatives in the country.
7. Acts as the 'think- tank' of the Prime Minister. It deals with all such subjects that are not allotted to any department/ministry.
8. It is not concerned with the responsibility of the Prime Minister as the chairman of the union cabinet. The cabinet cases are directly dealt by the cabinet secretariat, which also functions under the direction of the prime minister.

### 3.4.2 Central Council of Ministers

Article 74<sup>th</sup> of the Constitution lays down that there shall be a council of ministers with the Prime Minister as the head to aid and advise the President, who shall in the exercise of his functions, act in accordance with the advice of the council of ministers. That means, there shall always be a council of ministers. The President accepts the advice of the Council of Ministers. The Council of Ministers consists of three categories of ministers, namely, cabinet ministers, ministers of state and deputy ministers. While the Cabinet ministers are involved in policy decision making, the other two categories have mere administrative responsibilities. The difference between them lies in their respective ranks, emoluments and political importance. At the top stands the Prime Minister, the supreme governing authority of the country.

### Appointment of the Council of Ministers

Under Article 75<sup>th</sup> of the Constitution, the Prime Minister is appointed by the President and the other ministers are appointed by the President on the advice of the Prime Minister. The ministers hold office during the pleasure of the President. While the ministers are also appointed by the President and are said to hold office during the pleasure of the President as per the Constitution, in actual practice, the ministers are selected by the Prime Minister and the President cannot appoint any one not recommended by the Prime Minister.

#### Shadow Cabinet

In England, opposition party in parliament constitutes, a group of its members to examine portfolio wise issue through they are not the real executive. This tradition keeps the opposition well informed, and makes the government always on alert.

#### Activity



Students are requested to form groups the Shadow Cabinet model in India.

#### Collective and Individual responsibility of the Council of Ministers

The Constitution of India provides that the Ministers are collectively and individually responsible to the Lok Sabha. The collective responsibility of the Council of Ministers means that the entire council of ministers is jointly responsible to the Lok Sabha for all the acts of the government. It also means that the ministers must not speak in public in different voices. All the ministers of the government are expected to be unanimous in support of policies on all public occasions and issues.

#### Have you heard of kitchen cabinet....?

A Kitchen Cabinet is a still smaller body or a cabinet within a cabinet. It is an informal body and the real centre of power. Every Prime Minister in India had a Kitchen Cabinet or Inner Cabinet. A circle within a circle. It helps the Prime Minister in maintaining secrecy in making decisions on important political issues.

### 3.4.3 The Union Cabinet

A Cabinet is the council consisting of ministers of Cabinet rank. It is the inner body within the council of ministers. It is an extra constitutional authority created out of the council of ministers. The whole council of ministers does not meet to discuss business, it is the cabinet which takes policy decisions and advises the President. The Cabinet is the highest decision making executive body which looks after the administrative affairs of the Government of India. It is the nucleus of the council of ministers.

#### Role and Functions of the Cabinet:

1. The Cabinet is the highest decision making and policy formulating authority in our politico-administrative system.
2. It deals with all major legislative, financial and foreign policy matters.
3. It exercises control over higher appointments like constitutional authorities and senior secretariat administrators.
4. It recommends ordinances, when the parliament is not in session and supervises the implementation of policies.
5. It appoints enquiry commissions and resolves inter-departmental disputes.
6. It is entitled to recommend to the President declaration of emergencies, dissolution of the Lok Sabha, proroguing and adjourning the parliament sessions.

#### Cabinet Secretary

Every cabinet minister is assisted by a cabinet secretary. Among them the cabinet chief secretary is given a top place among the civil servants in the official ladder. He is the chairman Senior Selection Board that selects officers for the post of joint secretary in the central secretariat. He presides over the conference of chief secretaries which is held annually. He acts as the chief advisor to the Prime Minister on all aspects of administration and policy. He acts as the link between Prime Minister's Office and various administrative agencies and also between civil service and the political system.

#### Activity



#### Make a list of the following-

1. Prime Ministers of India till latest
2. Any five Cabinet Ministers and their ministries each at the Union level and in your state.

### 3.5. The Executive of the Constituent State

#### Introduction

Articles 153 to 167 in Part VI of the Indian Constitution deal with the State Executive. The same pattern of parliamentary form of government is followed in the states. The state executive consists of the Governor, the Council of Ministers headed by the Chief Minister. At the head of the executive power of a State is the Governor just as the President stands at the head of the executive power of the Union. All states of the Indian Union have

the same pattern of government. Some States have Bicameral legislature and some states have unicameral legislature.

Part VI of the Constitution which deals with the government in the states, is not applicable to the state of Jammu and Kashmir, which enjoys a special status and has a separate constitution of its own (Article 370).

### The State Executive

- ❖ The Governor.
- ❖ The Council of Ministers Headed by the Chief Minister.

#### 3.5.1 The Governor

##### Provision for Governor

Article 153 of the Constitution lays down that there shall be a Governor for each state. Normally, there will be a Governor for each state but the constitution amendment of 1956 makes it possible to appoint the same person as the Governor for two or more states.

##### Debate



What happens if the President and the Prime Minister disagree about some policy ? Whose view would prevail and why ?

##### Appointment of the Governor

The Governor of a state is appointed by the President of India. (Article 155). No person shall be appointed as a Governor unless he/she:

- ❖ is a citizen of India
- ❖ has completed the age of 35 years
- ❖ does not hold any other office of profit
- ❖ is not a member of parliament or state legislature.

##### Term of Office and Position

The prescribed term of office for the Governor is 5 years. But he holds office at the pleasure of the President. (Article 156). He may be removed by the President at any time. He may be transferred by the President from one state to another too. The Governor draws a salary which is fixed by the parliament. He is also entitled to certain allowances and benefits.

As per the Constitution of India, the Governor is the constitutional and executive head of the state. The executive power of the state is vested with the Governor. All executive actions are carried on in the name of the Governor. In actual practice, the real executive powers of the State lie with the council of ministers headed by the Chief Minister. The Governor acts according to the advice of the council of ministers, who are collectively responsible to the legislative assembly of the state.

##### Activity



- ❖ Who is a Lieutenant Governor?
- ❖ Find out which places in India possess a lieutenant Governor?
- ❖ Write two or three sentences about the lieutenant Governors of India.



**The Governor of a State has more powers and performs a number of functions.**

**The powers and functions of the Governor are:**

### **1. Executive Powers**

- (i) The Governor is the executive head of the State Government. The executive powers of the Governor are to be exercised by him either directly or through officers subordinate to him (i.e., ministers). (Art. 154). All executive actions are taken in his name. His executive powers extend to the administration of all matters included in the State List.
- (ii) The Governor appoints the leader of the majority party in the legislative assembly as the Chief Minister. He appoints the other ministers of the council of ministers according to the advice of the Chief Minister. The council of ministers hold office during the pleasure of the Chief Minister, because the Governor acts in accordance with the advice of the Chief Minister.
- (iii) The Governor appoints the Advocate General of the state, the chairman and members of the state public service commission, and determines the questions of appointments, postings, promotions, etc. of the judges of subordinate courts.
- (iv) The Governor is responsible for the smooth running of the administration of the state. In case he finds that the constitutional machinery of the state has broken down or the administration of the state cannot be carried on in accordance with the provisions of the constitution, he may recommend to the President to proclaim constitutional emergency and impose President's rule under Article 356. During the President's rule, as there is no council of ministers, the Governor carries on the administration of the state on behalf of the President.

### **2. Legislative Powers**

The Governor is a part of the state legislature (Article 168). So, he has legislative powers. His legislative powers cover the following

- i) He summons prorogues and dissolved the legislative assembly.
- ii) He addresses the members of the state legislature.
- iii) Without the Governor's assent, no Bill can become law even after it is passed by both the houses. The Bills passed by the legislature are sent to the Governor for his assent. He may give his assent or withhold it or may reserve the bill for the consideration of the President. The bills maybe returned by the Governor for reconsideration. (It may be noted that if the bill is again passed by the legislature with or without amendments, the Governor has to give his assent.)
- iv) Under Article 213, the Governor may promulgate ordinance during the period when legislature is not in session. (However, for the continuation of such an ordinance, it has to be approved by the state legislature within six weeks from the re-assembly of the legislature.)

- v) In State where bicameral legislature exists. The Governor nominates one-sixth of the members of the legislative council from among persons having special knowledge or practical experience in respect of literature, science, art, co-operative movement or social service. He may also nominate a person from the Anglo-India community to the legislative assembly.

### 3. Financial Powers

The Governor has financial powers. His financial powers cover the following:

- i) The finance minister submits the budget or financial statement before the legislature. But no money bill can be introduced in the legislative assembly without the prior permission of the Governor.
- ii) No demand for grants can be made without the recommendation of the Governor.
- iii) The Governor is the custodian of the contingency funds of the state from where he can make payments to meet the emergency without the prior sanction of the legislature.

### 4. Judicial Powers

The Governor has judicial powers. His judicial powers cover the following:

- (i) He determines the questions of appointments, postings, promotions, etc. of subordinate courts (i.e., district courts and munsiff courts).
- (ii) He may be consulted by the President of India, while making appointments of the judges of the high court.
- (iii) The Governor has the power to pardon, suspend, remit or commute the sentence of any person convicted of an offence against any law relating to a matter to which the executive power of the state extends.

### 5. Discretionary Powers

The Governor also has discretionary powers, i.e., he has the powers to act independently using his wisdom and discretion. His discretionary powers relate to:

- i) Appointing a new Chief Minister in a situation where no single party or leader commands majority support.
- ii) Dismissing a ministry where it refuses to resign even after losing majority support in the house or after being defeated on a non-confidence motion.
- iii) Dissolution of assembly on the advice of a Chief Minister who has lost majority support.
- iv) Sending to the President report about the failure of constitutional machinery and to impose President's rule in the state.
- v) Giving assent to bills passed by the legislature.

**President's Rule:** The Governor has no emergency powers to meet the situation arising from external aggression or armed rebellion, but he has the powers to make a report to the President that the government of the state cannot be carried on in accordance with the provisions of the Constitution (Article 356), thereby inviting the President to assume to himself in the functions of the government of the state or any of them.

### Advocate General

Each state has an advocate general who is an official corresponding to the Attorney-General of India and having similar functions for the state. He is a person who is qualified to be a judge of a High Court and he is appointed by the Governor.

### Activity

Compare the powers of President and Government. Do you find any difference?

#### 3.5.2. Council of Ministers headed by the Chief Minister

##### Position of the Chief Minister

The Chief Minister is the head of the cabinet and the council of ministers. In practice, he is the real executive head of the state. As per Article 164(1) of the Constitution of India, the Chief Minister of a state shall be appointed by the Governor of the State.

(70)

### Powers and Functions of the Chief Minister

As the real executive head of the state, the Chief Minister enjoys wide powers and performs a number of functions. The important powers and functions of the Chief Minister are:

- i) As the head of the council of ministers, the Chief Minister has more powers in ministry-making. He can recommend appointment of ministers and designate them as cabinet ministers or ministers of state or deputy ministers. He can change the portfolios of the ministers. He can even recommend the removal of ministers.
- ii) He presides over the meetings of the cabinet and makes major policy decisions of the Government.
- iii) He acts as the sole channel of communication between the council of ministers and the Governor. He communicates to the Governor all the decisions of the cabinet relating to administrative and legislative proposals.
- iv) He scrutinizes all papers, bills, resolutions, etc. that are to be placed before the legislature.
- v) Though, in theory, all major appointments are made by the Governor, in practice, all such appointments are actually made on the advice of the Chief Minister.

### State Council of Ministers

#### Introduction

Article 163(1) of the Constitution of India provides that there shall be a council

of ministers headed by the Chief Minister to aid and advise the Governor in the exercise of his functions except when he is required by the Constitution to act in his discretion.

The state council of ministers is formed in the same manner as the union council of ministers is formed. The leader of the majority party or coalition of parties in the legislative assembly is appointed as the Chief Minister by the Governor. The other ministers in the council of ministers are appointed by the Governor on the advice of the Chief Minister.

### Activity



- ❖ Make a list of the Chief Ministers of Tamil Nadu.
- ❖ Bring out the welfare schemes introduced by them.
- ❖ Write a few sentences of your favourite Chief Minister.
- ❖ Make a collage of the welfare schemes which were introduced especially for women in your state.

### Term of Office of the Council of Ministers

As per the constitution, the council of ministers hold office during the pleasure of the Governor. But, in reality, the council of ministers hold office during the pleasure of the Chief Minister, because the Governor acts on the advice of the Chief Minister. The council of ministers

are individually responsible to the Chief Minister. The council of ministers are collectively responsible to the legislative assembly of the state. That means, the council of ministers shall speak in one voice.

### The State Cabinet

The council of ministers consists of cabinet ministers, ministers of state and deputy ministers. Of the council of ministers, the cabinet ministers constitute the state cabinet. The cabinet ministers of the state cabinet are, generally, the prominent ministers of the council of ministers. It is headed by the Chief Minister. The cabinet takes decisions on behalf of the council of ministers, and so, all the ministers are bound by the decisions of the cabinet.

### Creativity !

Give a pictorial representation of the collective responsibility of the State Council of Ministers

### Debate



#### Debate !!

Chief Secretary Vs Cabinet Secretary

#### Discuss....

The similarities and differences between Chief Secretary and Cabinet Secretary.

## Glossary



- ❖ **English West Minister Model** : parliamentary system of government developed in the UK representing a series of procedures for operating a legislature.
- ❖ **Mandate** : authority to act in a certain way.
- ❖ **Unity** : the state of being united or joined as a whole.
- ❖ **Integrity** : the state of being undivided and whole.
- ❖ **Solidarity** : unity or mutual support within a group or a nation.
- ❖ **Nomination** : propose or formally enter as a candidate for election or for an honour or for an award.
- ❖ **Ballot paper** : a slip of paper used to register a vote.
- ❖ **Oath** : a solemn promise, often invoking a divine witness, regarding one's future action or behaviour.
- ❖ **Deemed** : regarded or considered in a specific way.
- ❖ **Emolument** : a salary, fee or profit from employment or office.
- ❖ **Impeachment** : a charge of misconduct made against the holder of a public office.
- ❖ **Resolution** : a formal expression of opinion or intension agreed on by a legislative body or other formal meeting, typically after taking a vote.
- ❖ **Tenure** : the period for which an office is held.
- ❖ **Void** : not valid or legally binding.
- ❖ **Invoking** : give rise to.

- ❖ **Summoning** : order someone to be present.
- ❖ **Proroguing** : discontinue a session of a parliament or other legislative assembly without dissolving it.
- ❖ **Veto** : a constitutional right to reject a decision or a proposal made by a lawmaking body.
- ❖ **Suspensive** : relating to the suspension of an event, action or legal obligation.
- ❖ **Promulgating** : put a law or decree into effect by official proclamation.
- ❖ **Ordinance** : an authoritative order.
- ❖ **Abrogation** : the repeal or abolition of a law, right or agreement.
- ❖ **Contingency** : an incidental expense.
- ❖ **Ex-officio** : by virtue of one's position or status.
- ❖ **Preside** : be in the position of authority in a meeting or other gathering.
- ❖ **Coalition** : a temporary alliance for combined action, especially of political parties forming a government.
- ❖ **Discretionary** : the freedom to decide what should be done in a particular situation.
- ❖ **Portfolio** : the position and duties of a Minister or Secretary of State.
- ❖ **Bifurcate** : divide into two branches or forks.
- ❖ **Trifurcate** : divide into three branches or forks.
- ❖ **Amalgamate** : combine or unite to form one organization or structure.
- ❖ **Spokesperson** : a person who makes statements on behalf of a group or individual.



- ❖ **Realm** : a kingdom or a sovereign state.
- ❖ **Unanimous** : fully in agreement.
- ❖ **Crisis** : time of intense difficulty or danger.
- ❖ **Proclaim** : announce officially or publicly.
- ❖ **Dissolution** : the action of formally ending or dismissing an assembly, partnership or official body.
- ❖ **Adjourning** : break off with the intention of resuming it later.
- ❖ **Lieutenant** : a deputy or substitute acting for a superior.
- ❖ **Assent** : the expression of approval or agreement.
- ❖ **Aggression** : the action of attacking without provocation.
- ❖ **Rebellion** : an act of armed resistance to an established government or leader.
- ❖ **Prominent** : important.

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## ( Evaluation )

### I. Choose the correct answer:

1. The President of India is
  - a. the real ruler of India
  - b. the constitutional head of the state
  - c. the head of the state as well as the government
  - d. the leader of the majority party which forms the government
2. The President of India can be removed from his office before the expiry of his term by
  - a. the Chief Justice of India
  - b. the Parliament and State Legislatures jointly
  - c. the two Houses of the Parliament
  - d. the Supreme Court of India
3. On the death of the President, the Vice President succeeds him as President for
  - a. the unexpired term
  - b. a maximum period of six months
  - c. a maximum period of one year
  - d. a maximum period of three years
4. Who decides the disputes regarding the election of the Vice-President?
  - a. The Chief Justice of India
  - b. The Parliament
  - c. The President
  - d. The Supreme Court





5. Which one of the following categories of ministers are members of cabinet?
- Ministers with cabinet rank
  - Ministers of State
  - Deputy Ministers
  - All the above categories of Ministers.
6. The sole channel of communication between the President and the Council of Ministers is
- the Speaker of Lok Sabha
  - the Prime Minister
  - the opposition leader
  - the Vice-President
2. Proportional representation is NOT necessary in a country where
- there are no reserved constituencies
  - a two-party system has developed
  - the first-past-post system prevails
  - there is a fusion of Presidential and Parliamentary forms of government
8. The Commander-in-Chief of the defence forces is
- the Defence Minister
  - the President of India
  - the Prime Minister
  - none of the above
9. The presiding officer of the Rajya Sabha is known as
- the Speaker
  - the Chairman
  - the President
  - presiding officer
10. The maximum strength of Rajya Sabha is
- 200 members
  - 250 members
  - 280 members
  - 300 members
11. Under the Indian Constitution, the Lok Sabha enjoys
- an inferior position
  - a superior position
  - an equal position with Rajya Sabha
  - none of the above



12. Which one of the following categories of emergency has not been declared so far?
- National emergency
  - Emergency due to breakdown of constitutional machinery
  - Financial emergency
  - All the three equal number of times
13. The President nominates the members of Rajya Sabha from amongst persons who
- have taken part in India's freedom struggle
  - have retired from active politics
  - have rendered meritorious service to the country
  - have distinguished themselves in fine arts, literature, social service, etc
14. The Prime Minister is the head of
- State
  - Government
  - Both State and Government
  - Neither State nor Government
15. The members of the Council of Ministers are collectively responsible to
- the Lok Sabha
  - the Rajya Sabha
  - both Lok Sabha and Rajya Sabha
  - Lok Sabha, Rajya Sabha and the President

## **II. Answer the following questions very shortly:**

- Define Executive and state the two important organs of the union government.
- How is the electoral quota calculated?
- Write a short note on State Cabinet.
- What do you mean by the President's rule?
- Distinguish between Lok Sabha and Rajya Sabha.
- What are the essential qualifications to be elected as the Vice-President of India?
- What does the President swear in his oath upon entering his office?

## **III. Answer the following questions shortly:**

- What are the conditions, emoluments and allowances of the President's office?
- State the functions and duties of the Vice-President.
- How is the President elected? Brief about electoral quota.



26. Write a note on the collective and individual responsibility of the council of ministers.
27. What are the powers and functions of the Chief Minister?
28. Write a note on the State Council of Ministers.
29. Write a brief note on the appointment, term of office and position of the Governor.

#### **IV. Answer the following questions in detail:**

30. What are the functions and powers of the President?
31. Explain in detail the functions and position of the Prime Minister.
32. What are the functions of the Prime Minister's Office?
33. Elaborate on the powers and functions of the Governor.
34. Write a detailed note on the Union Cabinet.

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- ❖ M. Laxmikanth(2008), Indian Polity, Tata Mcgraw-Hill Publishing company Ltd, New Delhi.
- ❖ B.S. Raman (2011), Constitution of India, United Publishers, Mangalore.
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## ICT Corner

### Executive

Through this activity you will learn Name of Chief minister's of other states



#### Procedure:

- Step - 1** Open GOOGLE and type Chief Ministers of India - Quiz (or) Scan the QR Code.
- Step - 2** Click PLAY QUIZ
- Step - 3** Click the correct name of the Chief Minister (Eg.TAMIL NADU)



Step 1

Step 2

Step 3

#### URL:

<https://www.sporcle.com/games/staarmaan/chief-ministers-of-india>

\*Pictures are indicative



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Unit

4

## Indian Judiciary



## Learning Objectives



- ❖ To discuss the nature and significance of Indian Judiciary.
- ❖ To trace the evaluation of Indian Judiciary.
- ❖ To examine the features of the Indian Judiciary.
- ❖ To evaluate the role of the judiciary as the interpreter of the Constitution.
- ❖ To discuss the factors promoting the independence of Judiciary.
- ❖ To explain the nature and significance of Judicial Review, Public Interest Litigation and Judicial Activism.
- ❖ To know light on the nature of Constitutional Law, Administrative Law and Indian Penal Code.
- ❖ To explain the Organisation, Power and Functions of the Supreme Court of India.
- ❖ To know light on the Organisation, Powers and Functions of the High Courts and Sub-ordinate Courts.



What does the judiciary exactly do? I see people trusting the judiciary more than the legislature and the executive.. Whenever their rights are violated, they look up to the judiciary and are so confident that their rights and privileges will be safeguarded.

## Supreme Court of India



“The Supreme Court, an all-India Court, will stand firm and aloof from party politics and political theories. It is unconcerned with the changes in the Government. The Court stands to administer the law for the time being in force, has goodwill and sympathy for all, but is allied to none”- Hon’ble Sri Harilal J. Kania, First Chief Justice of India.

The judiciary is one of the three organs of the government, the other two being the Legislature and the Executive. The judiciary is engaged in the interpretation of law and serves as a protector of the constitution. It guarantees the administration of justice and protects the individual from encroachments of rights and privileges by the government and the other individuals. The establishment of an independent and impartial judiciary is a pre-requisite for the functioning of a civilized state. The judiciary assumes greater importance in a

## Thirukkural



### 1. Recite Thirukkural verses for bail

In February, a Tamil Nadu court reportedly ordered three college students, arrested in an assault case, to recite 100 verses of Thirukkural treatise by poet-saint Thiruvalluvar daily for 10 days as a condition for granting bail.

The court in Mettupalayam ordered the students, who were charged with assaulting a person, to appear before a Tamil teacher in the Government Boys High School in the area to recite the verses.

The court also asked the head of the school to issue a certificate to the students at the end of the 10th day.

### 2. Madurai Bench paves way for in-depth study of Thirukkural



One of the most significant contribution of the Madurai Bench of the Madras High Court towards promoting the cause of Tamil is a direction issued to School Education Department in 2017 to make 108 out of the 133 chapters of Thirukkural a part of school syllabus. The Madurai Bench direction led to passing of a G.O. for teaching 1050 couplets to students from the academic year 2017-18. It also ensure that students from Class VI to XII get to learn the couplets and their intended meaning in depth and not just superficially as was being done all these years.

Thirukkural is perhaps the only ancient secular text from India that has been translated into 60 languages the world over.

federal polity such as India as it also acts as a protector of the federation resolving the conflicts of jurisdiction between the Centre and the States.

### Group Activity



#### What Do You Think?

After carefully reading three case studies read the qualification of a judge given in this chapter.

What kind of a person makes a good judge? Discuss with your team members. Write a paragraph not more than 250 words on what your team would look for in a person before appointing him or her as a judge.

Each group consists of 5 members. Display your group work in the classroom Notice Board.

However most of the disputes were settled and disposed of at the local level through caste bodies or local administrative bodies. Extreme cases like treason were tried in the king's court. There was no regular system of jurisprudence or judicial procedures. Most often the accused was to prove his innocence either through evidences and witnesses or through subjection to different kinds of ordeals such as ordeal by fire, ordeal by water and ordeal by poison.

Punishments (penal system) was severe and even barbaric System if blood money was in vogue (less was to be replaced with material compensation) Whipping, flogging, amputation of limbs, impalement, rigorous imprisonment, enslavement, banishment, confiscation of property, beheading, hanging and trampling by elephants were some of the punishments meted out to the culprits. In kingdoms which came under Brahmanical influence, smritis were invoked in trial as well as in awarding punishments.

There were a number of smritis such as Manusmrits, Narada Smriti, and Yagnavakya Smritis : of which manu Smriti was held as a core Smriti, other smritis had certain variations. The Smritis generally upheld the graded varna – Jati social order. There was no 'equality before law' Concept. Brahmins were mostly insulated from regular procedures and regular punishments, on any account, Brahmins, even if they committed the most heinous crimes, were to be exempted from physical torture, amputation, impalement or capital punishment. On the other hand the depressed castes were subjected to

## 4.1 Evolution of Indian Judiciary

### Judicial System in Ancient India

India has been a Sub – Continent of different races, different cultures, different languages and a multitude of political and social systems. In ancient times, as well as in the medieval times, none of the Indian states was segregating judicial functions from the executive. During the Vedic period, the authority of the head of the family (Kulapa or Kulapato) was insulated from royal interferences; Similarly the clannish or tribal bodies like Grama, Gopa, Vishaya, Jana and Gana enjoyed autonomous powers. In the ancient Indian monarchical orders, the king was considered to be the highest judicial authority. As king's will was the law, his word was the highest and absolute verdict in disputes.

severe ordeals and extreme punishments; changing of caste based occupations was treated (Varna Sangraha) as a serious crime.

Arthashastra suggests disproportionate punishments for restricting instances of crimes; penalties levied on culprits, and confiscation of properties as a major source of royal income. The smritis treated women as inferior humans, and were prejudiced against them even in matters of inheritance. The Sudras, and Panchamas were ineligible for a fair trial and fair punishment. Trade disputes were mostly settled through guilds (SRENIS), Similarly each artisan group had its own guild to resolve disputes within. The Mahasabhas of the Pallava – Pandya-Chola empires insulated Brahmins from regular system of justice. The Mahasabha's variyam (Dharma variam, Nyaya variam) settled issues within the mahasabhas. The

local bodies like Ur, Urar, Nadu, Nattar and Nagarathar had their own judicial arrangements.

The Buddhist kingdoms (like that of Asoka) mostly disregarded smritis and enforced some sort of equal treatment to various social groups in matters of judicial disputes. Asoka removed cruel punishments, and even instructed his official to be more humane and compassionate towards prisoners. The episode involving Kovalan's execution in Silappadikaram reveals the defects in the system of judicial procedure. Though high moral stature of the adjudicating officials were insisted in literature, we very often found arbitrariness in judicial trial and in awarding exemptions or punishments. There was no rule of law but rule of the powerful authorities that we find in ancient India.

## Ordeals

**Trail by Balance:** A palm leaf chit, with the alleged crime inscribed on it was placed on one side of the balance, and the accused was to sit on the other side of the balance. If the plate of the balance on while the accused came down, the accused was declared guilty

**Ordeal of Fire:** The accused was made to walk through fire and was deemed innocent only if the person suffered no injury.

**Ordeal of water :** The accused was made to drink the water used to clean the idol was deemed innocent if it had no harmful effects on him within the next 14 days.

**Ordeal By Poison :** The accused was made to consume poison and was deemed innocent only if did not have any effect on the person.

**Ordeal of Lot :** The accused was asked draw from the lot and was deemed innocent if he chose the lot of dharma.

**Ordeal of Rice Grains :** The accused was made to chow rice without the husk being removed and the presence of blood stains in his mouth resulted in the person being declared guilty.

**Ordeal of Fountain - Cheese :** The accused was compelled to drink a potion that could make him/her delirious and was deemed guilty if the person confessed the crime.

In medieval India, the Muslim rulers had faced a peculiar situation, where the majority of their subjects were Non-Muslims. While they applied Islamic law in cases where Muslims and Muslim interests were involved, they preferred a policy of Non-intervention in the socio-religious affairs of the Non-Muslims, hence allowed the traditional system of justice in the rural areas. The Muslim rulers made a clear distinction between civil and criminal disputes and assigned deferent system for each of them. However, in cases of blasphemy extreme punishment were awarded to the accused.

#### 4.2 Judicial System in Medieval India

In Medieval India, the Sultan/Sultana was the supreme authority administering justice in his/her kingdom. He / She administered justice in the following capacities namely Diwan-e-Qaza (Arbitrator), Diwan-e-Mazalim (Head of Bureaucracy) and Diwan-e-Riyasat (Commander-in-Chief). There existed a systematic classification and organization of courts in Medieval India. The administrative divisions were the basis for judicial organization. The jurisdiction of courts at the Capital, Provinces, Districts, Parganas and Villages were clearly demarcated. Generally, at the Capital of Sultanate, the following six courts were established.

- ❖ The King's Court
- ❖ Diwan-Al-Mazalim
- ❖ Diwan-e-Rialat
- ❖ Sadre Jahan's Court
- ❖ Chief Justice's Court
- ❖ Diwan-e-Riyasat

The King's Court was presided over by the Sultan and the Court had both original and appellate jurisdiction. It was the highest court of appeal and in the administration of justice, the Sultan was assisted by Muftis (legal experts). Diwan-Al-Mazalim and Diwan-e-Risalat are the highest courts of appeal in criminal and civil matters respectively. Though these Courts were to be officially presided over by the Sultan, he seldom attended the sessions of the Courts. In the absence of the Sultan, the courts were presided over by Qazi-ul-Quzat, the highest judicial officer of the State. But later, the post of Sadre Jahan was created making him the de-facto head of the judiciary. The Sadre Jahan's Court and the Chief Justice's Court remained separate for long until amalgamated later by Alauddin Khilji. The Chief Justice's Court dealt with both civil and criminal cases and the Chief Justice was assisted by judges who were men of ability and integrity and were greatly respected. Mufti, Pandit, Mohtasib (in charge of prosecutions) and Dadbak (administrative officer) were the officers attached to the Chief Justice's Court. The Diwan-e-Siyasat was primarily a court dealing with cases of high treason.

#### 4.3 Judicial System in Modern India

The East India Company was incorporated in 1601 by the Charter of Queen Elizabeth I. The Charter granted recognition and authority to the Company to facilitate the regulation of trade. With regard to the administration in Madras, the Charter of 1661 led to the appointment of Governor and the Council in each of its

settlement. Once the company became a territorial power, especially at Madras, it introduced an adhoc system of judicial administration, in which the existing native systems were accommodated, as the company preferred a policy of non-intervention in native affairs. The Governor and the Council were empowered to decide on both civil and criminal cases in accordance with the law of England. However, in disputes involving only the natives the native traditions were continued. The year 1665 was of great significance as it witnessed the first trial by jury in Madras in the case of Mrs. Ascentia Dawas during the Governorship of Fox Croft. The appointment of Streynsham Master as the Governor in 1678 resulted in the reorganization of the judicial system of Madras. The Court of the Governor and Council came to be known as the High Court of Judicature and English was declared as the court language. The Charter of 1683 led to the Company establishing Courts of Admiralty to try traders committing various crimes on high seas. The Charter of 1687 authorized the Company to create the Corporation of Madras and the Mayor's Court was attached to it. It functioned as a court of record for the Madras town.

### Activity



Read more about the case of Mrs. Ascentia Dawas, the first trial by jury in Madras.

With regard to the administration of justice in Bombay, the Charter of 1668 authorized the Company to exercise judicial

authority over Bombay. The proclamation of 1672 introduced English Law in Bombay and the Court of Judicature and the new central court was established. The application of English law was confined to cases involving Europeans and European interests. The court exercised jurisdiction over civil, criminal and testamentary cases. Further, Justices of Peace were appointed to administer criminal law. After examining the witnesses and making an initial enquiry, the cases were moved to the Court of Judicature. However, the invasion of Sidi Yakub, the Mughal Admiral led to the dissolution of courts in Bombay in 1690. After 12 years, in 1718, the Court of Judicature was revived. The court had jurisdiction over civil and criminal matters. Though the court met only once a week, it was highly regarded for its speedy trial and impartial decisions.

With regard to the Calcutta Presidency, the Governor and the Council were endowed with judicial powers. In the case of civil and criminal matters, the Company followed the already existing Mughal system of judicial administration. The Faujdari Court presided over by the English Collector decided on the criminal cases and the civil cases were referred to an arbitrator by the Collector. The Collector played a very important role in the judicial administration of Calcutta and the office dealt with civil, criminal and revenue cases.

Thus, the Charter of 1687 applied only to Madras while the Charter of 1726 constituted a Mayor's Court in each of the three Presidencies. The Charter of 1753 further reformed certain judicial

provisions of the Charter of 1726. It also set up five courts namely the Court of Requests, the Mayor's Court, the Courts of the President and the Council, and the King-in-Council. Another landmark in the evolution of Indian judiciary was the Warren Hastings's Plan of 1772. It regulated the system of judicial administration. In 1780, he also reorganized the Provincial Adalats.

One of the major development in the field of judiciary during the colonial period was the codification of native laws.



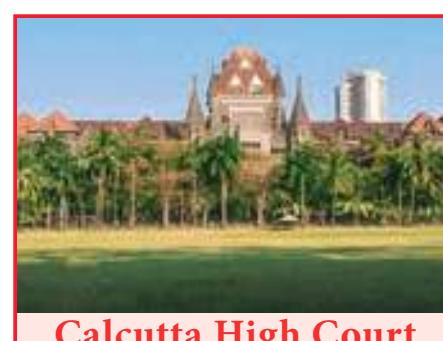
Warren  
Hasting

Cornwallis

The first Governor General Warren Hastings caused the codification at Hindu Law, and Cornwallis's code was another major contribution. Similarly the Islamic law was also codified and adopted in courts.

The Regulating Act of 1773 empowered the Crown to establish the Supreme Court of Judicature in Calcutta and the Charter of 1774 expounded on the jurisdiction of the court. However, the Supreme Courts were not established at Bombay and Madras during the same period. The Supreme Courts were established in Madras and Bombay in the years 1801 and 1824 respectively. In 1793, Lord Cornwallis prepared "A Set of Regulations" popularly known as the

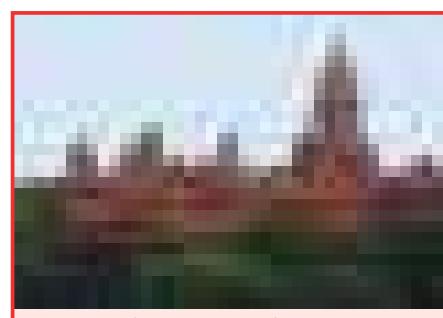
Cornwallis Code and it dealt with both civil and criminal justice. He reorganized civil courts, abolished court fees and reformed criminal courts. Lord Minto after being appointed as the Governor-General of Bengal in 1807 increased the powers and jurisdiction of the various courts. Lord Hastings who became Governor General in 1813, introduced many reforms in the civil and criminal judicature of the country. Efforts were taken to curb red-tapism in the administration of justice. He was



Calcutta High Court



Bombay High Court



Madras High Court

succeeded by Lord Bentinck who reorganized and consolidated the whole system of judicial administration in India. He abolished the Provincial Courts of

Appeal and their functions were transferred to District Diwani Adalats. Between 1834 and 1861, the King's Court and the Company's Court formed the dual system of courts with separate jurisdictions. The Indian High Courts Act of 1861 empowered the Crown to establish the High Courts of Judicature at Calcutta, Madras and Bombay and this also led to the abolition of Supreme Courts. This was considered a landmark in the evolution of High Courts in India. Later, the Government of India Act of 1935 effected considerable changes in the nature and jurisdiction of the High Courts. Between independence and the enforcement of the Constitution, seven High Courts at Punjab, Assam, Orissa, Rajasthan, Travancore, Mysore and Jammu and Kashmir were established. The other High Courts were established later. The Constitution of India after being enforced recognized all the existing High Courts and empowered the Parliament to establish High Courts for all the States or combined High Courts for two or more States and Union Territories. The 42<sup>nd</sup> Constitutional Amendment Act, 1976 brought in drastic changes in the jurisdiction of the High Courts.

Thus, in the very beginning, there were only the three High Courts of Calcutta, Madras and Bombay. The Acts and regulations prior to independence brought in remarkable changes in their organization and jurisdiction, thereby ensuring their independence and impartiality. After the enforcement of the Constitution, their positions have been strengthened and apart from their original and appellate jurisdiction in civil and

criminal cases they also act as the protector and interpreter of the Constitution.

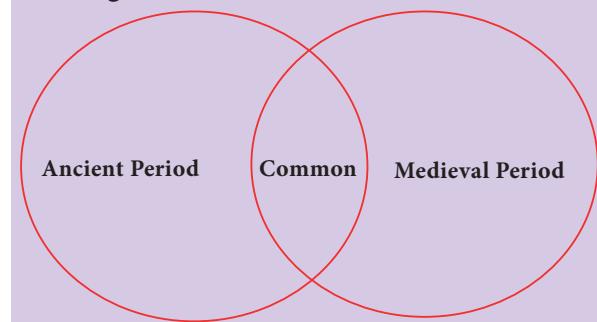
**Source:** Sumeet Malik, V.D. Kulshreshtha's Landmarks in Indian Legal and Constitutional History, EBC Publishing Private Ltd, Lucknow, 2017.

## Activity



### Compare And Contrast

- Comparing Judicial System in ancient and medieval period. Refer the topics in your text book and complete the Venn Diagram.



With respect to the establishment of the Supreme Court of India, the Government of India Act, 1935 is a landmark legislation. The Act attempted to change the structure of the Indian government. There was a shift from a 'unitary' to a 'federal' type of government necessitating the need of a Federal Court. Thus, the Act made specific provision in this regard and the Federal Court was inaugurated in the year 1937. It consisted of a Chief Justice and six judges. In 1950, the Federal Court of India was succeeded by the Supreme Court of India. The Federal Court in its short span of 12 years left an indelible impact on the legal history of India. It was the first court with a national jurisdiction. It was from this Federal Court that its successor inherited

the traditions of independence, integrity and impartiality. Also, between 1726 and 1833, the role of the Privy Council requires special mention. It contributed immensely to the judicial system of India, laying down the fundamental principles of Indian law that serve as a beacon to the Indian Courts even today.

## Activity

### A Landmark Verdict

In a blow to both the Chhattisgarh government and the Centre, the Supreme Court has declared as illegal and unconstitutional the deployment of tribal youths as Special Police Officers - either as 'Koya Commandos', SalwaJudum or any other force - in the fight against the Maoist insurgency and ordered their immediate disarming. The ruling - issued by Justice B. Sudershan Reddy and Justice S.S. Nijjar on the writ petition filed by social anthropologist Prof. Nandini Sundar and others - strongly indicted the State for violating Constitutional principles in arming youth who had passed only fifth standard and conferring on them the powers of police.

Writing the order, Justice Reddy directed the State of Chhattisgarh to immediately cease and desist from using SPOs in any manner or form in any activities, directly or indirectly, aimed at controlling, countering, mitigating or otherwise eliminating Maoist/Naxalite activities in the State of Chhattisgarh. The Bench made it clear that the State of Chhattisgarh should take all appropriate measures to prevent the operation of any group, including but not limited to SalwaJudum and Koya commandos, that in any manner or form seek to take law into private hands, act unconstitutionally or otherwise violate the human rights of any person. The Bench said "The primordial value is that it is the responsibility of every organ of the State to function within the four corners of constitutional responsibility. That is the ultimate rule of law."

**Courtesy : The Hindu, 3.8.2011.**

### Group Discussion

Teacher can organise a Group Discussion about the landmark judgement of the Supreme Court of India. Time allotted : 20 minutes



**Courtesy : The Hindu, 10.3.2005.**

## Activity

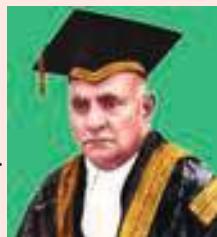


Read more about the Privy Council and have a discussion in class about its significance in the evolution of judicial administration in India.

### Sir Hari Singh Gour



In 1921, Sir Hari Singh Gour was the first person in the legal history of India to realize the necessity of establishing an All-India Court of Final Appeal in place of the Privy Council.



The Indian Independence Act, 1947 resulted in the transfer of political power and this necessitated the establishment of a separate and independent judicial body. With this objective, the jurisdiction of the Federal Court was enlarged and the Abolition of the Privy Council Jurisdiction Act, 1949 was passed making the Federal Court of India the highest judicial body in the country. With the enforcement of the Constitution on 26 January 1950, Article 124 provided for the establishment of the Supreme Court of India. Thus, there has been a slow and steady evolution of the Indian judicial system and it has proven to be better and wiser with time.

### 4.4 Supreme Court of India

#### Uniqueness – Sources of Law – Jurisdiction and Powers – Organization

The Constitution of India provides for a three - tier judicial system:

- (1). The supreme court of India

- (2). The High courts in the constituent states and
- (3). The District and Sessions Courts in the judicial districts in every state/



## Activity



### Newspaper Follow-Up

Follow the newspaper for one month and collect news items related to civil cases in the District and Session court, High court and Supreme Court of our country. Write the headlines of the news in the Chart. Display the chart in the notice board or present your collections in the classroom.

The constitution also provides for an independent judiciary i.e. independence of the Executive and the legislature. In a democratic federal polity like India. The Supreme Court assumes a much bigger role as the guardian of the constitution, as an arbitrator in disputes between States and the union Government and in disputes among the States, and as the highest appellate Courts in all civil and criminal cases. It is endowed with the onerous responsibility of safeguarding and enforcing the fundamental rights and freedoms of all citizens of India/ However, unlike the federal system in the USA, the constitution of India does not provide for two sets of judiciary (one as

federal, another for states). India has only a unitary judiciary system, with the Supreme Court as the apex Court, with authority over all other Courts of India.

**The Sources of Law :** The Constitution becomes the fountain source of law in India. Statutes enacted by legislatures of the union, State or Union Territories become another sources of law as long as these are in conformity the basics of the Constitution. Besides the subordinate legislations in the form of rules, regulations as well as by-laws of any administrative body, unless and until negated by the judiciary constitute the third source of law.

### Integrated Judiciary

“The Indian Federation, though a dual polity, has no dual judiciary at all. The High Courts and The Supreme Court Constitute one single integrated judiciary having jurisdiction and providing remedies in all cases under the constitutional law, The Civil law or the criminal law. This is done to eliminate all diversities in a remedial procedure”

-Dr. B. R. Ambedkar

**Jurisdiction and Powers on the Supreme Court:** The Supreme Court has original, appellate and advisory jurisdiction. The original jurisdiction of the Supreme court extends to all cases which can originate in the Supreme court. These include disputes between the Government of India and one or more States, or between two or more States. In disputes involving fundamental rights, the Supreme Courts has both

original and appellate jurisdiction. It can issue writs of Habeas Corpus, Writ of Mandamus, writ of prohibition, writ of Certiorari and the writ of Quo warranto.

The Supreme Court is the highest or Apex appellate Court in India, where appeals against judgments of High Courts can be made; ( in both civil and criminal cases)

### Debate



#### Topic : Justice delayed is justice denied

##### Justice comes slowly in smaller courts, with 2.91 crore cases pending

- ❖ With more than 8 lakh cases pending in district and subordinate courts, Uttar Pradesh tops the list of states with the highest number of decade-old-court cases.
- ❖ As per the National Judicial Data Grid, there are 2.91 crore cases pending in district and subordinate courts, out of which 21.90 lakh cases are pending for more than 10 years.
- ❖ Uttar Pradesh is followed by Bihar, with more than 3 lakh pending cases, and Maharashtra with over 2 lakh cases. Sikkim and Andaman and Nicobar are at the bottom with two and no pending cases, respectively.
- ❖ Teacher can organise a Critical Debate on “Justice delayed is justice denied”. Learners can be divided into two groups. One group may justify the topic and another group may disagree.

The Supreme Court of India has also been vested with certain advisory powers.

The president can seek its advice on any legislative measure. However the advice of the Supreme Court is not binding on the president (Article - 143).

The Supreme Court functions as the guardian of the constitution; It is the final authority to interpret the constitutional law, and has the authority to declare any law or executive action, or judgments of lower Courts 'null and void' if the Supreme court find them against the letter and spirit of the constitution. It is also the apex agency to safeguard the fundamental rights listed out in the Constitution.

### Organization of the Supreme Court

The Supreme Court of India has been established by part V, Chapter IV of the Constitution of India. Articles 124 to 147 of the Constitution lays down the composition and jurisdiction of the supreme Court of India. Originally the Constitution provided for the chief Justice and seven lower ranking Judges. The Constitution enables the Parliament to increase this number. By 2008 the number of judge have been increased (from eight) to 30.

As to the appointment of the Supreme Court judges, The Chief Justice of India should consult a "Collegium" of four senior most judges of the Supreme court, The Collegium makes the decision in consensus. Every Judge of the supreme Court is appointed by the President after consultation with the cabinet and the Judges of the Supreme court, and such Judges shall hold office until they attain the age of sixty five years. If any of the

judges wants to lay down office, he can do so through an hand written signed resignation letter to the president; the Parliament can remove a Judge through an impeachment. To be considered for the office of Judge, one must be a citizen of India and his qualification is per the Parliament's decision, and the should have been judge of High court at least for a period of 5 years; or an advocates of a high court or of two or more such courts in succession for at least 10 years or the person must be, in the opinion of the president, a distinguished jurist.

### Impeachment

A Judge of the supreme Court try an order of the president, after an address by each House of the Parliament supported by a majority of the total membership of that house and by a majority of not less than two thirds of the members of the house present and voting in the same session.

### Appointments are generally made on the basis of Seniority



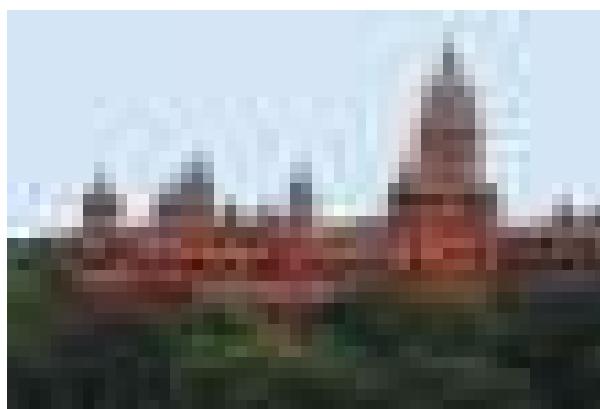
Justice K.G. Balakrishnan in 2000 became the first judge from the depressed class. In 2007 he became the first Dalit Chief Justice of the Supreme Court.

The Supreme Court of India under the present Constitution commenced functioning on January 28, 1950. It was placed then in the Chamber of Princes in the Parliament. It moved to the present building in 1958.



Harilal J. Kania was the first Chief Justice of the Supreme Court. The other judges who assumed office along with him were Justices Sayid Faze Ali, M. Patanjali Sastri, Mehar Chand Mahajan, Bijan Kumar, Mukherjee and S.R. Das.

### High Courts



The High Court is the head of a State's judicial administration every constituent state is expected to have a high Court. However, at present four high courts have jurisdiction over more than one state. Among the union territories Delhi alone has a high court of its own. Other six union Territories come under the Jurisdiction of nearby state high Courts. Each High court comprises of a Chief Justice and such other Judges as the president may from time to time, appoint. The Chief Justice of the High court is appointed by the President in consultation with the Chief Justice of India and the Governor of the State. In appointing other judges, the Chief Justice of that High court is also consulted. The Judges of the High courts hold office until the age of 62 years and are removable in the same manner as a Judge of the Supreme court. To be considered for appointment

as a Judge one must be a citizen of India and have held a Judicial office in India for 10 years or must have practiced as an advocate of high court.

The High Court's too have original and appellate jurisdictions, in cases arising within the territories of the State. Each High court has powers of Superintendant over all courts within its jurisdiction. Though the High courts are the party of single and integrated judicial system, yet they are completely independent judicial institutions. The Supreme court has no direct administrative control over them, has they are in any way controlled by either the legislature or executive of the State. But the Judge may be transferred from one High court to another by the president his consultation with the chief Justice of India.

The High Court too has the power to issue writ in cases involving 'Fundamental Rights'.

### Legal Remedies for Safeguarding Fundamental Rights

Both the Supreme court and High court have the power to issue writs with a view to ensure quicker justice and early relief to persons whose rights are violated. There are five such writs.

**1. Habeas Corpus:** Literally means a demand to produce the person in body. It applies in cases where a person is alleged to have been illegally detained. This writ safeguards personal liberty of every individual.

**2. Mandamus** is a command to act lawfully and to resist from penetrating an unlawful act, It is meant to direct

any authority to perform its legal duty. Mandamus may be issued against any authority, Officers, Government or even judicial bodies that fail or refuse to perform a public duty and discharge a legal obligation.

**3. Prohibition** is issued by a higher Court to a lower court or tribunal for prohibiting it from exceeding its jurisdiction. Writ of Prohibition is issued only against a judicial or quasi-judicial body.

**4. Certiorari** too lies against judicial or quasi-judicial authorities, and it means 'to be informed'. The writ of certiorari is issued to quash illegal orders of judicial or quasi-judicial bodies.

**5. Quo – Warranto** is a question asking 'with what authority or warrant'. This is meant to ascertain the legal position in regard to claim of a person to hold a public office.

Besides these writs, the High Court's under Article 226 may issue other directions and orders in the interests of justice to the people.

#### 4.5 Judicial Review, Public Interest Litigation And Judicial Activism

##### Judicial Review

To safeguard the liberty and rights of individuals, the judicial review power enshrined in the constitution of India becomes important. The supreme court and the high court's in India are entrusted with the power of judicial review which extends to adjudicating upon the constitutionality of legislations as well as the legality of executive action.

Parliamentary and state legislations which contravened constitutional requirements have been struck down. The most daring and controversial exercise of judicial review was the invalidation by the supreme court of Bank Nationalization legislation. Legislations which infringed the rights of the minorities to establish and administer their educational institutions have been struck down.

Judicial review has been extended to review ability of constitutional amendments by evolving the doctrine of the basic structure of the constitution according to which a constitutional amendment which destroys or damages an essential feature of the constitution, for example secularism, democracy and federalism, would be unconstitutional.

In the administration of law, judicial review in India has been very active. Article 13(2) of the Indian constitution believed that countrywide shall not create any regulation, those abbreviates or takes away the rights as deliberated in part 3 of the constitution. If any rule was created against this clause of the constitution, it will come within the purview of infringement and will be declared as null and void.

However, but in 2007 the supreme court ruled laws included in this schedule after April 24, 1973 or now open to judicial review cannot be conducted in respect of the laws incorporated in the 9<sup>th</sup> schedule of the constitution. Judicial review applies only to the questions of law. It cannot be exercised in respect to political issues. The supreme court does not use the power of judicial review of its own. It can only

use it when any law or rule is specifically challenged before it.

### Public Interest Litigation

Any citizen of India can approach the courts for public case (upon the interest of the public) by filing a petition under (a) the supreme court by article 32, (b) in the high court under article 226 and (c) in the magistrate court under section 133 of the CRPC. The guidelines provide that Public interest Litigations can be filed under the following categories: 1. Bonded labour matters, 2. Neglected children, 3. Non- payment of minimum wages, 4. Petitions from jails complaining of harassment, death in jail, speedy trial as a fundamental right etc. 5. Petitions against police for refusing to register a case, harassment of Bride, Bride burning, rape, murder, kidnapping etc. 6. Petitions complaining harassment or torture of persons belonging to scheduled caste and scheduled tribes. 7. Petitions pertaining to environmental pollution.

The Public interest Litigation jurisdiction forged by the supreme court is an extension of its jurisdiction under article 32 of the constitution. Public interest Litigation is not in the nature of adversary litigation, but it is a challenge and an opportunity to the government and its officers to make such issues as human rights meaningful to the deprived and vulnerable sections of the society and to assure them socio-economic justice which is the signature tune of the constitution. A Public interest Litigation may be filed against state and central government, municipal authority, but not against any private party.

Recently in India, many cases from the area of Public interest Litigation has come into picture which has been filed in the court of law. As in 2005 a case was decided by the supreme court named Common cause society Vs. Union of India. In this Public interest Litigation, the petitioner filed a Public interest Litigation praying to the court to enact a road safety act in view of the numerous road accidents. Secondly, in the Sangammal Pandey Vs. State of UP case the Lucknow bench of the high court stayed construction activities near Kanshiram memorial up to a specific date.

In the Peoples union for democratic rights Vs. Union of India case, the supreme court permitted Public interest Litigations at the instance of 'public spirited citizens' for the enforcement of constitutional and legal rights of any person or group of persons who because of their socially or economically disadvantaged position are unable to approach the courts for relief. Public interest Litigation is a part of the process of 'participate justice' and standing in civil litigation, of that pattern which has liberal reception at the judicial doorsteps.



Parmanand Katara

In the Parmanand Katara vs. Union of India case the supreme court held in the Public interest Litigation filed by a human rights activist fighting for general public interest, that it is a paramount obligation of every member of the medical profession to give medical aid to every injured citizen as soon as possible without waiting for any procedural formalities.

## Judicial Activism

Judicial activism as a dynamic process of judicial outlook in a changing society. Arthur Schlesinger Jr. introduced the term judicial activism in 1947, in America in an article titled 'The Supreme Court; 1947'. According to Black's law dictionary judicial activism is a judicial philosophy which motivates judges to depart from the traditional precedents in favour of new progressive social policies.



In recent years law making has assumed new dimensions through judicial activism of the courts. The judiciary has adopted a healthy trend of interpreting law in social context. Judicial activism describes judicial rulings suspected of being based on personal or political considerations rather than on existing law. The question of judicial activism is closely related to constitutional interpretation, statutory constructions and separation of powers.

### Activity



Do you as an Indian citizen have the right to disagree with judicial opinion? How will you express your opinion?

In group of three, discuss and make comments for class discussion on:

- Criticizing the Judgment of the court
- Consequences of the criticism

The Indian constitution, promulgated in 1950, largely borrowed its principles from western models like Parliamentary democracy and an independent judiciary from England, the fundamental rights from the Bill of Rights and federalism from the federal structure in the US constitution, and the directive principles of state policy

from the Irish constitution. These modern principles and institutions were borrowed from the west and imposed from above on a semi-feudal, semi backward society of India. But these feathers are meant to facilitate transformation in every field, instead of protecting the 'status quo'

The Indian judiciary, being a wing of the State has thus played a more activist role than its US counterpart in seeking to transform Indian society into a modern one, by enforcing the modern principles and ideas in the constitution through court verdicts. Article 21 of the constitution has been called up frequently in the Supreme court. Judgments upon this article suggest the trends of judicial activism.



In the A.K. Gopalan vs. State of Madras case, the supreme court rejected the argument that to deprive a person of his life or liberty, not only the procedure

**A.K. Gopalan** prescribed by law for doing so must be fair, but reasonable and just. However, subsequently in Menaka Gandhi vs. Union of India case this requirement of substantive due process was introduced into article 21 by judicial interpretation. Thus the due process clause,

which was consciously and deliberately avoided by the constitution makers, was introduced by judicial activism of the supreme court.

In subsequent decisions, the Supreme Court has upheld death sentences in cases such as Bagwan Dass vs. state of Delhi case which involved honour killing of a man and woman for marrying outside their caste.

### Australian Courts

In Australia, the highest court is known as the High Court of Australia while the State Courts are known as the Supreme Court.



## 4.6 Constitutional Law, Administrative Law and Indian Penal Code

### Constitutional Law

It is known that everything man people do is governed by rules. For example there are rules for games and social clubs. Rules of morality and customs also play an important role to establish our day to day life. Rules that are made by legislatures, for the nation are called 'laws'. Laws in society are a must so our society can regulate its work properly. They are designed to safeguard our property and safeguard us and to ensure that every one in society behaves in a proper manner.

Essentially, the Constitutional law is the supreme law. All other laws have to conform to the Constitutional law. Constitutional law contains laws concerning the government and its people.

Constitutional law is a body of laws which defines the role, powers, and structures of different entities of the State, namely, the legislature, the executive and the judiciary, as well as the basic rights of citizens and, the relationship between the central government and state governments.

Constitutional law is a set of rules which can either be imposing or directive. It provides a way to regulate the nation by proposing a set of laws which shall be abided by the citizens of the country. It leads the country in the right direction without fail. It includes various fundamental rights, fundamental duties and directive principles. We need constitutional laws to regulate the system that prevails in the country. It acts as an obligation on the citizens where they cannot go beyond its fundamental rights, which is a must so as to monitor the whole nation at a time.

### Activity



#### Think-Pair-Share

The Constitution represents people's hopes and objectives. The Legislature, an elected body, represents the people. With your partner, work on the following tasks:

- Who should have more power –The Executive, the Legislature or the Judiciary?
- Give reasons for your answer with examples.

Constitutional law creates a sense of equality amongst the citizens. It is like a parent to a child who imposes certain

conditions but its sole purpose is the well being of the child. The same way Constitutional law acts for its citizens. Constitutional laws provide to some people who can either be elected or nominated for law making depending upon the nation's Constitutional provisions. Constitutional law facilitates the head of the State to administer the whole country which is large, culturally and linguistically diverse.

### Rule of Law

The colonial regime introduced the English concept of 'Rule of Law' in India. The three major features of the Rule of Law are

1. All are equal before law
2. Nobody is above law and
3. The same law is applicable to all.

The Rule of law ensures 'equality of all citizens in the judicial process and reduces the scope of nepotism, favoritism, arbitrariness, unhealthy executive interferences in the judicial process. Rule of Law provides an effective check to the abuse of authority by executives and administrators. The procedural laws and constitutionally guaranteed fundamental rights ensure enforcement of Rule of Law.

### Administrative Law

Administrative law is the law that governs the administrative actions. As per Ivor Jennings the administrative law is the law relating to administration. It determines the organization, powers and duties of administrative authorities. It includes law relating to the rule making power of the administrative bodies, the

quasi-judicial function of administrative agencies, legal liabilities of public authorities and power of the ordinary courts to supervise administrative authorities. It governs the executive and ensures that the executive treats the public fairly.

Administrative law is a branch of public law. It deals with the relationship of individuals and government. It determines the organization and power structure of administrative and quasi-judicial authorities to enforce the law. It is primarily concerned with official actions and procedures and puts in place a control mechanism by which administrative agencies stay within bounds. There are a few reasons for the development of administrative law in India.

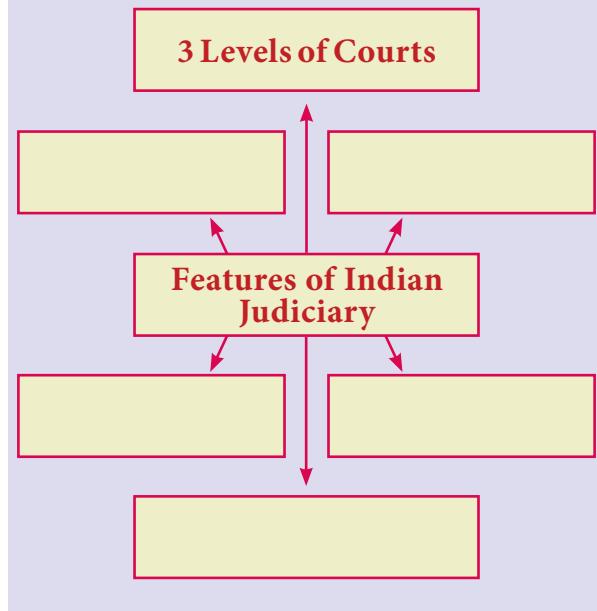
Firstly, India is a 'Welfare State'. Government activities have increased and thus the need to regulate the same. Therefore, this branch of administrative law was developed. Secondly, there is the inadequacy of the legislatures. The legislatures have no time to legislate upon the ever changing needs of the society. Even if it does, the lengthy and time taking legislation procedure would render the rule so legislated of no use as the needs would have changed by the time the rule is implemented.

Thirdly, there is judicial delay in India. The judicial procedure of adjudicating matters is very slow, costly complex and formal. Furthermore, there are so many cases already lined up that speedy disposal of suites is not possible. Hence, the need for administrative tribunals arose.

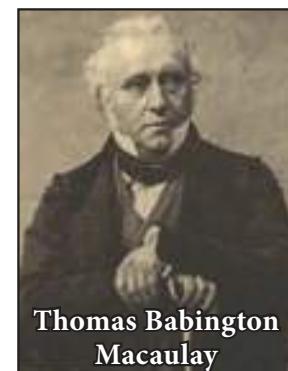
Fourthly, as administrative law is not a codified law there is a scope of modifying it as per the requirement of the State machinery. Hence, it is more flexible. The rigid legislating procedures need not be followed again and again. There is a basic difference between constitutional law and administrative law. A constitutional law is the supreme law of the land. No law is above the constitutional laws and hence must satisfy its provisions and not be in its violation. Administrative law is therefore subordinate to constitutional law. Constitutional law deals with the structure of the State and its various organs. Administrative laws deal only with the administration. Administrative authorities should first follow the constitutional laws and then work as per administrative law.

## Activity

**Write a few features of Judiciary.**



## Indian Penal Code



Thomas Babington Macaulay

The Indian Penal Code is the criminal code of India. It is a comprehensive code intended to cover all substantive aspects of criminal law. The code was drafted in 1860 on the recommendation of the first law commission of India established in 1834. It came into force in British India during the early British Raj period of 1862. The objective of this act is to provide a general penal code for India.



The Indian Penal Code has a basic format, it is a document that lists all the cases and punishments that a person committing any crimes is liable to be charged. It covers any person of Indian citizenship. The exceptions are the military and other armed forces, they cannot be charged based on the Indian Penal Code. They have a different set of laws under the Indian Penal Code as well. The Indian judicial system is one that has evolved into a stable and fair system of detention and penalizing, after being tested well for several years.



The most important feature of the Indian Penal Code is the impartial nature of judgments promoted by the document. The Indian Penal Code does not include any special favours for any special person at some position. Thus, the code stands alike for government employees, as for common man, and even for a judicial officer. This builds up the faith of the common citizens in the law making and enforcing bodies in the country and prevents any sort of corruption or misuse on the part of the people in power.

The Indian Penal Code includes all the relevant criminal offences dealing with offences against the State, offences in public, offences for armed forces, kidnapping, murder and rape. It also deals with offences related to religion, offences against property and it has an important section for offences for marriage, cruelty from husbands or relatives, defamation and so forth. Indian Penal Code also provides for group liabilities that is, group liability under section 34 in the form of a rule of evidence making each member of the group liable for the final act if he has in any manner participated in action in furtherance of the common intention of all members of the group irrespective of his individual contribution which may have been very small.

Group liability under section 149 is envisaged making the members of the unlawful assembly vicariously liable for the criminal act which is in furtherance of the common object or what members of the unlawful assembly ought to have known is likely to be committed in given circumstances besides making each of

them liable for punishment for being member of an unlawful assembly. The code also makes punishable what are described as inchoate crimes that is, amendment, attempt and criminal conspiracy etc.

The Indian Penal Code has been amended numerous times according to the emerging needs. Concepts like sedition which were outside the purview of the Indian Penal Code was included into it after amendments. The need to revamp the criminal justice system was felt for quite sometimes as it has come under severe stress and strain due to changing aspirations of the citizens and the resulting social transformation. The process of criminal investigation, prosecution and adjudication necessarily warrants changes and transformation in tune with the developments in science and technology.

The information age has ushered in modern methods of criminal activities which needs new methods of investigation and prosecution. For these, new criminal laws are needed. In view of this the Indian government set up the V.S Malimath committee in 2000 to consider measures for revamping the criminal justice system in the country. The committee submitted its report in 2003. This report has been examined at various levels to consider the various measures recommend by it for revamping the criminal justice system. Some of the recommendations of the committee have been accepted by the government and have been incorporated in the criminal law of the land substantive and procedural.

## Glossary



- ❖ **Constitution:** It is a body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed.
- ❖ **Judiciary:** It is the system of courts that interprets and applies the law in the name of the state.
- ❖ **Federation:** It is a political entity characterized by a union of partially self-governing provinces, states, or other regions under a central federal government.
- ❖ **Fundamental Rights:** They are a group of rights that have been recognized by the Supreme Court as requiring a high degree of protection from government encroachment. These rights are specifically identified in the Constitution.
- ❖ **Trial:** It is a formal meeting in a law court, at which a judge and jury listen to evidence and decide whether a person is guilty of a crime.
- ❖ **Trial by Jury:** It is a lawful proceeding in which a jury makes a decision or findings of fact. It is distinguished from a bench trial in which a judge or panel of judges makes all decisions.
- ❖ **Judicial Review:** It is a process under which executive or legislative actions are subject to review by the judiciary.
- ❖ **Judicial Restraint:** It is a theory of judicial interpretation that encourages judges to limit the exercise of their own power.
- ❖ **Judicial Activism:** It is a philosophy of judicial decision making whereby judges allow their personal views about public policy, among other factors, to guide their decisions.
- ❖ **Public Interest Litigation:** It is the litigation for the protection of the public interest. It is litigation introduced in a court of law, not by the aggrieved party but by the court itself or by any other private party.
- ❖ **Original Jurisdiction:** It is a court's authority to hear a case for the first time.
- ❖ **Appellate Jurisdiction:** It is the power of an appellate court to review, amend and overrule decisions of a trial court or other lower tribunal.
- ❖ **Advisory Jurisdiction:** It is when a lower court or any constitutional body seeks the advice of the Supreme Court in a matter of law.
- ❖ **Administrative Courts:** It is a type of court specializing in administrative law, particularly disputes concerning the exercise of public power.
- ❖ **Public Law:** It is that part of law which governs relationships between individuals and the government, and those relationships between individuals which are of direct concern to society.



## ( Evaluation



### I. Choose the correct answer:

1. Which of the following is not an organ of the government?

- |                 |                 |
|-----------------|-----------------|
| (a) Legislature | (b) Bureaucracy |
| (c) Executive   | (d) Judiciary   |



2. Which of the following is described as the protector of the federation?

- |                 |               |
|-----------------|---------------|
| (a) Legislature | (b) Executive |
| (c) Judiciary   | (d) Cabinet   |

3. Who among the following was considered 'the fountain of justice' in Ancient India?

- |                    |                   |
|--------------------|-------------------|
| (a) Monarch        | (b) Senapathi     |
| (c) Chief Minister | (d) Chief Justice |

4. Who among the following was the supreme judicial authority in Medieval India?

- |                   |                   |
|-------------------|-------------------|
| (a) Sultan        | (b) Qazi-ul-Quzat |
| (c) Chief Justice | (d) Mufti         |

5. Which of the following was the Department of Justice established during the Mughal era?

- |                   |                      |
|-------------------|----------------------|
| (a) Nazim-e-Subah | (b) Mahukma-e-Adalat |
| (c) Diwan-e-Subah | (d) Qazi-e-Pargana   |

6. Which of the following punishments was imposed for cases relating to homicide?

- |           |                       |
|-----------|-----------------------|
| (a) Hadd  | (b) Qisas             |
| (c) Tazir | (d) None of the Above |

7. Which of the following Charter authorized the East India Company to exercise judicial authority over Bombay?

- |                     |                     |
|---------------------|---------------------|
| (a) Charter of 1661 | (b) Charter of 1813 |
| (c) Charter of 1688 | (d) Charter of 1853 |

8. Who among the following Charter applied only to the Madras Presidency with regard to the establishment of a Mayor's Court?

- |                     |                     |
|---------------------|---------------------|
| (a) Charter of 1687 | (b) Charter of 1726 |
| (c) Charter of 1813 | (d) Charter of 1661 |



9. Which of the following empowered the Crown to establish the Supreme Court of Judicature in Calcutta?

- (a) Charter of 1774      (b) Regulating Act of 1773  
(c) Cornwallis Code      (d) Charter of 1726

10. In which year was the Federal Court inaugurated?

- (a) 1937      (b) 1936  
(c) 1935      (d) 1932

11. Which of the following refers to a theory of judgement that takes into account the spirit of the law and the changing times?

- (a) Judicial Review      (b) Judicial Activism  
(c) Judicial Restraint      (d) None of the Above

12. Which of the following is an alternative dispute resolution mechanism in India?

- (a) Supreme Court      (b) High Court  
(c) District Courts      (d) Lok Adalats

13. Which of the following Articles empowers the High Courts to issue writs?

- (a) Article 226      (b) Article 227  
(c) Article 228      (d) Article 229

## **II. Answer the following questions very shortly:**

14. What is Arthashastra?

15. What were the six courts capital of sultanate?

16. What was the primary function of the Privy Council?

17. Define Judicial Review.

18. What is Public Interest Litigation?

19. Define Judicial Activism.

20. What is Administrative Law?

21. What is Constitutional Law?

22. What is the Indian Penal Code?

## **III. Answer the following questions shortly:**

23. Write a short note on judiciary as the interpreter of the constitution.

24. Briefly discuss the factors promoting the independence of judiciary.

25. "All the rights secured to the citizens under the constitution are worth nothing and a mere bubble except guaranteed to them by an independent and virtuous judiciary"- Andrew Jackson- Comment.

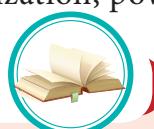


26. Briefly discuss the significance of Public Interest Litigations.
27. Give a brief account of the nature and significance of Administrative Law.
28. Write a short note on Lok Adalats.

#### IV. Answer the following questions detail:

29. Trace the evolution of Indian Judiciary.
30. Examine the salient features of the Indian Judiciary.
31. Give a detailed account of the working of subordinate courts.
32. Discuss the organization, powers and functions of the Supreme Court of India.
33. Discuss the organization, powers and functions of the High Courts.

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- ❖ George H. Gadbois Jr, Supreme Court of India: The Beginnings, Oxford University Press, 2017.

#### Web links



- ❖ Supreme Court of India, <https://www.sci.gov.in/>
- ❖ High Courts of India, <http://www.indiancourts.nic.in/>
- ❖ Madras High Court, <http://www.hcmadras.tn.nic.in/>
- ❖ Ministry of Law and Justice, Government of India, <http://lawmin.gov.in/>
- ❖ Law Commission of India, <http://lawcommissionofindia.nic.in/>



## ICT Corner

### Indian Judiciary - IPC

Through this app you will learn more about The Indian Penal Code.



#### Procedure:

- Step - 1 Open Play Store and type Indian Penal Code quiz (or) Scan the QR Code.
- Step - 2 Click START button to open quiz
- Step - 3 Click the correct answer then you will find your Score.



Step 1



Step 2



Step 3

#### URL:

<https://play.google.com/store/apps/details?id=com.IPC.IPC>

\*Pictures are indicative



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## Unit

## 5

## Federalism in India



## Learning Objectives

- ❖ To understand the meaning, evolution and the Concept of Federalism
- ❖ To evaluate the federal and unitary features of Indian Constitution and to fathom out how far our Constitution provides and promotes Federalism
- ❖ To examine the distribution of Center-State Powers in the Legislative, Executive and Financial domains in Indian Polity
- ❖ To know and evaluate the Cooperative Federalism provided in the Constitution
- ❖ To study the major issues and demands in the Centre-State relationship conspicuously found in our Political System
- ❖ To read and discuss the recommendations of various commissions in the domain of Centre-State relations in India
- ❖ To examine and evaluate the interstate river water dispute settlement mechanism provided in our Political System



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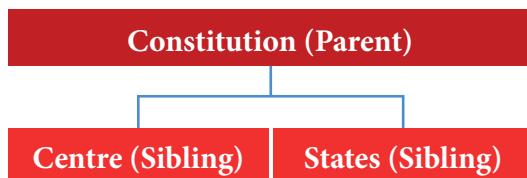
### 5.1 Meaning of Federalism

Federalism refers to a political system that possess constitutionally provided and guaranteed distribution of powers between a national government and several regional governments. The mere existence of regional governments does not mean that the system follows federalism. The fundamental attribute of a federal constitution is the constitutionally created and protected state or regional governments. Usually in countries where there is diversity of people federalism will be followed. If regions in a country are distinct in terms of ethnicity, language,

religion etc., the ideal form of government will be the federal system. Democratic federalism is the best instrument to ensure 'Unity in diversity'. The constituent states retain and safeguard their distinct linguistic, religious or cultural identity, without compromising the unity of the federated nation. In fact the constituent states enjoy quasi sovereignty, where as the federal state enjoys ultimate sovereignty. This federal system is based an distribution of powers between the federal or central or union government and the constituent states. This distribution is determined by the constitution, in clear written terms. Hence

in any federal system, the constitution becomes the supreme authority.

### Meaning of Federalism



### Evolution of Federalism

The thirteen British colonies in America revolted and liberated themselves from the British yoke. Thereafter they constituted themselves into a federal state. Thus in the modern world, the United States of America became the first federal state. Thereafter British colonies in Australia and Canada were also granted self governments and they too adopted federal forms of government. The trilingual Switzerland similarly adopted a federal form of government. The European Union today another example of federal formation on a voluntary basis.

### Rise of Federalism in India

The beginnings of federalism in modern India could be traced in the Regulating Act of 1773, which brought the three regions in India under East India Company's authority (Madras, Calcutta and Bombay) under the supervisory control of the governor general at Calcutta. The Indian National Movement recognized the plural character of colonial India and it was inspired by the already existing federal democracies in the USA, Switzerland, Australia and Canada; the last two had been British colonies. The Government of India Act 1919, introduced partial autonomy (Dyarchy) in

the Presidencies, while the Government of India Act 1935, granted provincial autonomy at the presidencies and proposed a Dyarchical form of government at the centre. The Nehru Committee Report in 1928 and Pandit Jawaharlal Nehru's first proposals of a constitution favoured a federal structure with more powers for the constituent states. However the creation of Pakistan and consequent human tragedies changed the views of the constituent Assembly resulting in weak state governments and an over centralized union government, but the whole of the Princely state of Jammu and Kashmir became a district state within the Indian Union. The constitution of independent India establishes federalism through its Part VI provisions. The Seventh Schedule of the constitution contains the three lists relating to the distribution of powers between the centre and states.

### Federal features of Indian Constitution

**Indian Constitution possesses several federal features**

#### 1. Written Constitution

Federalism requires a written constitution. There are many governments in any federal system and for their smooth and friction free functioning their powers must be stated in crystal clear terms. There are twenty nine state governments and one national government at present operating in Indian federalism and therefore their powers and functions must be clearly defined.



## 2. Supremacy of the Constitution

The constitution must be the supreme political document in the country. All governments must follow the terms, conditions, provisions and procedures contained in the constitution. No government can claim powers above the constitution.

## 3. Distribution of Powers

The distribution of powers between centre and states is the cardinal principle of any federal system. Indian constitution distributes powers between the two levels of governments in a comprehensive scheme. There are three lists of power distribution unlike in the classical federalism of American constitution where there is only a single mode of distribution.

## 4. Bicameralism

The federal constitutions provide for bicameralism. It refers to parliaments having two houses. Indian Parliament is bicameral as it consists of two houses. The upper house is called Rajya Sabha or Council of States while the lower house is known as Lok Sabha or House of the People. The Council of States is the guardian of states' rights and it consists of the representatives of the states. All over the world the upper house is deemed to be the protector of states' rights and interests.

## 5. Rigidity of Constitution

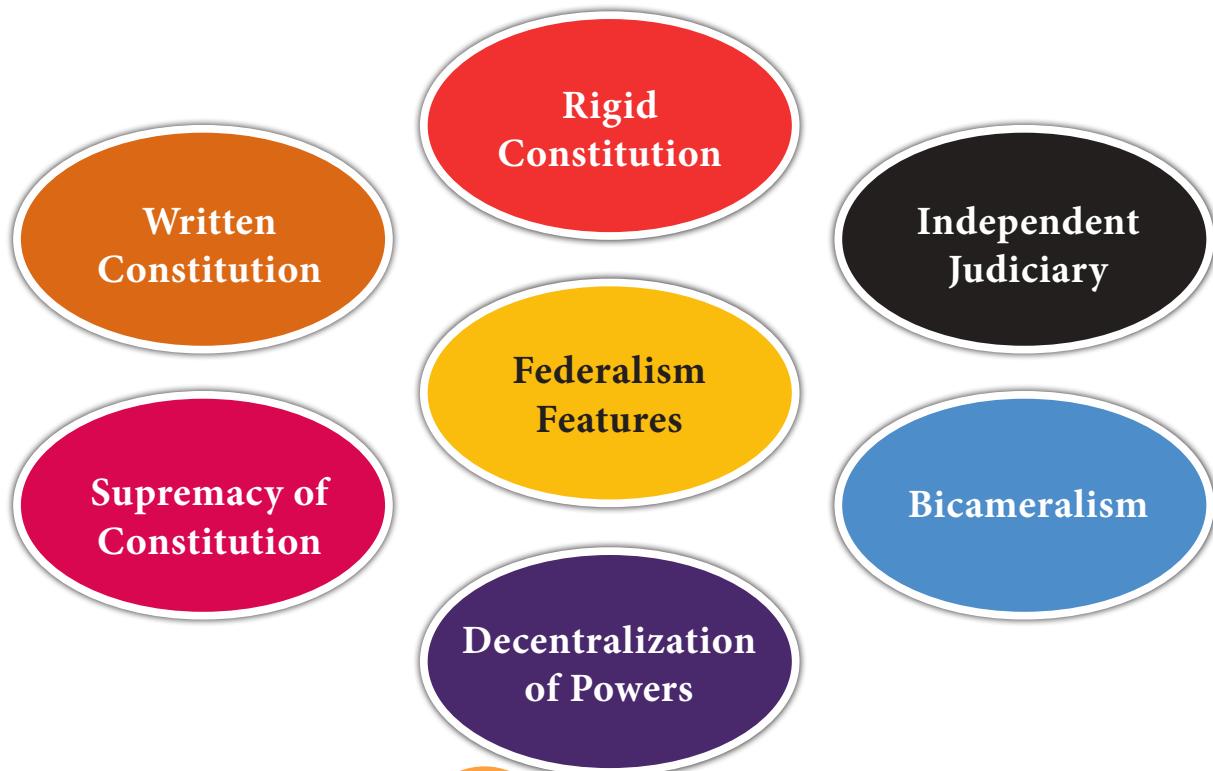
A constitution will be called a rigid constitution if its provisions can be amended only through a special process

of constitutional amendment or through a separate amendment body and not through ordinary legislative process. Federal constitutions do not permit constitutional changes through ordinary legislative process. They prescribe a tougher, rigid process of amendment like greater majority. The rationale behind this rigidity is the desire to protect states' rights. If the federal constitution can be amended through ordinary process the union government may be tempted to change constitutional provisions to increase its powers at the cost of the states' rights. The article 368 in Part XX Indian constitution provides a separate amendment procedure for amending constitutional provisions and therefore our constitution is rigid one and to some extent protects the states.

## 6. Supreme Court

Indian Supreme Court acts as the umpire of the federal system and protector of the constitution. It possesses the powers of interpretation and adjudication. If any disagreement or contradiction arises among the central and state governments the Supreme Court resolves them. The constitution endows the Supreme Court with Original Jurisdiction. It means that the Supreme Court alone possesses the exclusive powers to resolve any federal dispute between union government and state governments or among state governments. If a problem arises between Tamil Nadu and union government or between Tamil Nadu and any other state only Supreme Court has powers to resolve it.

## Indian Constitution is described to be a federal one on the grounds of the aforementioned factors



### Territory of India



There are important differences between Union of States and Territory of India. Union of State refers to the twenty nine states and central government. Territory of India means:

1. Twenty Nine States
2. Seven Union Territories
3. Acquired Territory (Any territory acquired by India like Pondicherry, Daman Diu after they became part of India and before they were made Union Territories)

### Unitary or Non-Federal Features of Indian Constitution

A number of critics have analyzed the unitary or non-federal features of

our constitution and have argued that Indian constitution differs greatly from the concept of federalism followed in the classical federal constitutions like the United States

#### 1. Single Constitution

India possesses only one constitution that caters to the needs of administration both in the centre and states. There is no concept of state constitutions though the state of Jammu and Kashmir has its own constitution due to historical circumstances. In classical federal countries like the United States the individual states possess their own constitution in addition to the national constitution.

## 2. Single Citizenship

There is only one citizenship, exists in India, i.e. national citizenship. The individual states do not possess their own citizenship. In the United States the citizens are endowed with both national and state citizenships, for example a person in the United States has both American citizenship and the citizenship of the state where he lives.

## 3. Flexibility of Constitution

A constitution is called a flexible one if it prescribes ordinary legislative process not only for making laws but also for amending the constitution. The constitution of United Kingdom is a flexible constitution. Indian Constitution is partially flexible. Some of the provisions of the constitution can be carried out by a simple majority in the Parliament, and such amendment are not referred to approval of States legislatures

## 4. No Right to Existence for States

Our constitution doesn't recognize the right of the states to name and existence. The union parliament can change the nomenclature and territorial identity of the states through an ordinary law. The articles 3 and 4 of the constitution provide the procedure for the creation of new states and abolition of the existing states. The President of India refers to the concerned state legislature the proposal to change the name or territory of the states for eliciting its opinion. But it is not mandatory for him to implement the opinion of the legislature. An ordinary bill is introduced in either House of the Parliament for creating a new state or changing the name

on the recommendation of the President. The bill is discussed and passed in Parliament leading to the creation of new states. A simple majority in Parliament is the requirement for reshaping the identity of the states.

In contrast the Supreme Court of the United States has delivered a judgment stating that the states there have a fundamental right to existence. It has described the American federation as "the indestructible Union Composed of Indestructible States". The states cannot destroy the Union and similarly the national government cannot destroy the states in the United States

As the union Parliament has power to rename and reshape the states in India the critics have said that the Indian states do not have a fundamental and inalienable right to existence and therefore have characterized Indian federalism as unitary one.

### Activity



Do you know that Sikkim was once called an Associate State of India?

## 5. Anti-Federal nature of Rajyasabha

The upper House of the Parliament in any federal constitution is positioned as the protector of the state rights. The Rajya Sabha is known in English as the Council of States. It contains the representatives of the states and functions as the protector of the states' rights. But there are three reasons and areas where critics have criticized it as being against the states' rights and federal spirit of the constitution.

There is no equality principle followed in the distribution of seats in the Council of States. The seats are distributed on the basis of population of the individual states. The most populous state of Uttar Pradesh has 31 seats whereas the smaller states like Nagaland have only one seat. But in any ideal federalism there should be equality of seat distribution in the upper house as seen in the United States where all the fifty states have two seats each in the upper House of Congress (Parliament) the Senate.

### Tamil Nadu has 18 Seats in the Rajya Sabha

Article 243 of the constitution enables the Rajya Sabha to transfer a subject from the State List to the Union list for the purpose of legislation by parliament on grounds of national interest. It says that the Council of States can pass a resolution for the transfer of power from state to centre supported by a special majority, that is two third majority of members present and a simple majority of the total membership of the House. The transfer is valid for only one year. The Rajya Sabha can again pass the resolution if the same circumstances continue. Many critics and states have criticized this article as violative of states' rights.

Article 312 of the constitution provides power to Rajya Sabha to create new All India Services by passing a resolution supported by a two third majority of the members present and a simple majority of the total membership of the House. All India Services are recruited by the union government but deployed in

the states. The ultimate control over the officers of the All India Service rests with the union government.

Many state governments resent the All India services as infringing upon the rights of the states.

The Council of States is criticized to be against rights of the states on the basis of the aforementioned factors

The important All India Services are the Indian Administrative Service (IAS), Indian Police Service (IPS), Indian Forests Service (IFS).

### 6. Imbalanced Distribution of Powers



As the distribution of powers is the fulcrum of any federal system the state governments have complained that there is intrinsic imbalance and bias in favor of the central government in our constitution. The union government is endowed with comparatively greater powers both in terms of quantity and quality. Most of the lucrative sources of revenue have been allotted to the union government and the states have been rendered financially weaker and forever dependent on central

government. The Union List has more subjects than the State List and in the Concurrent List ultimately the union power over the states will prevail. The residuary powers are given to the union government and not granted to the states as in federal countries like the United States.

## 7. Emergencies

The articles 352 to 360 in Part XIII of our constitution provide for three kinds of emergencies in India. The President of India under article 352 of the constitution can proclaim National Emergency on grounds of War, External Aggression and Armed Rebellion if the security and unity of India as a whole or any of its parts is endangered. Under article 356 of the constitution the President can impose emergency in any state on the grounds of the breakdown of constitutional machinery in the state. Under article 360 of the constitution the President can declare Financial Emergency in India if the financial stability or credit of India is endangered. Whenever the emergencies are in operation the federal framework of the constitution will be suspended or modified and state rights will be undermined.

## 8. Integrated Judiciary

Indian constitution envisages distribution of powers only in legislative and administrative domains and it establishes a single, integrated and hierarchical judiciary. The Supreme Court is the apex judicial institution and the High Courts and the Subordinate Courts

function under its supervision and power. There is no federalism in judiciary in India. In contrast the classical federalism of the United States we see federalism not only in legislative, administrative fields but also in judiciary.

## 9. Election Commission

The National Election Commission conducts elections not only to Parliament but also to the state legislatures. There is a unified election machinery in charge of both Parliament and state legislature elections. The Chief Electoral Officer under the control of the Election Commission conducts the elections to the state legislatures. In the ideal federal systems there is a separate election machinery for conducting elections to the state legislature.

### State Election Commission



State Election Commission is not part of the federal system in India. It conducts elections to Panchayat Bodies and Urban Local Bodies in accordance with 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments.

## 10. Unified Auditing

India follows a unified auditing system for both the central and state governments. The Comptroller and Auditor-General as mentioned in article 148 of the constitution controls the entire financial system of the country and there is no specific or separate auditing mechanism for states in Indian federalism.

❖ “Though the country and the people may be divided into different states for convenience of administration, the country is one integral whole, its people a single people living under a single imperium derived from a single source.”

❖ Dr. B.R. Ambedkar, Chairman, Drafting Committee of the Constituent Assembly of the India.



## Conclusion

Indian federalism is designed to be in tune with political, historical, economic and social realities of our nation. The Constituent Assembly that formulated the constitution of India after exhaustive deliberations had recognized the indispensability of federalism in the quintessentially plural Indian society. At the same time the Constituent Assembly acknowledged the imperative of providing for a strong central government so as to curb the fissiparous tendencies in the country. The country faced enormous death and destruction in the aftermath of partition on the eve of independence in 1947 and the Indian political leadership was very determined to protect the nation from any future disintegration. Firstly National Unity and secondly regional identity are the twin objectives of India federalism. In spite of federalism the national unity ought to prevail is the motto of Indian federalism.

**Prof. Wheare** had described Indian federalism as “a system of Government which is quasi-federal... a Unitary State with subsidiary federal features rather than a Federal State with subsidiary unitary features”.

The Russian expert on constitutionalism Prof. Alexandrowicz described that “India is a case *sui generis*” meaning Indian federalism is unique one.

## 5.2. Centre-State Relations

The Centre-State Relations revolve around the fulcrum of distribution of Powers between Centre and States. Distribution of powers is the foundational feature of federalism and in federal constitutions there are three types of distributions, they are:

1. Legislative Power Distribution
2. Executive Power Distribution
3. Financial Power Distribution

### 5.2.1 Legislative Relations

There are two aspects to the distribution of legislative powers between the Centre and States in our constitution. They are

- a) Territorial Distribution of Powers
- b) Subject Distribution

#### a) Territorial Distribution of Powers

The powers are distributed between the union and state governments territorially. The union government possess the powers over the entire territory of India while the states have jurisdiction over their own territories. The central government has extra territorial jurisdiction that means that its laws govern not only persons and property within India but also Indian citizens and their properties located in any corner of the world. In contrast the state legislatures do not possess jurisdiction outside their own territory. The territorial jurisdiction of Parliament, of course, is subject to certain

limitations imposed by the constitution especially with regard to union territories and scheduled areas.

### b) Subject Distribution

The constitution distributes the legislative subjects between the union government and states in an elaborate scheme. There are three Lists of distribution.

**List I (Union List)** contains the subjects and powers exclusively allotted to the union parliament. There are 100 subjects here including defense, foreign affairs, banking, currency

**List II (State List)** contains the subjects that are exclusively allotted to the state governments. There are 59 items including public order, and police, public health, local government, agriculture, forests, fisheries

**List III (Concurrent List)** contains 52 items including Criminal law and procedure, Civil Procedure, marriage, education. This list is called as Concurrent List. Both the union and state governments have powers over these subjects. But when there occurs a clash between the union and state governments the law of the parliament will prevail

There is also another category called residuary powers. Any subject not mentioned in the above three lists will automatically come under the jurisdiction of the union government. Our constitution broadly follows the legislative distribution of powers provided in the Government of India Act 1935 enacted during the British colonial era.

### Exceptions

The above scheme of legislative power distribution will be normally followed. But under exceptional circumstances the scheme will be suspended. The power of the Union Parliament will be expanded and concomitantly the powers of the state legislatures will be diminished.

#### a) National Emergency

When the President of India declares National Emergency the union parliament acquires the powers to legislate over the subjects in the State List. The emergency is declared by the president to tackle problems like war, external aggression and armed rebellion that pose a danger to the existence of our nation. For the purpose of tackling the challenges successfully and effectively these challenges the union government gains control over state legislature powers too.

#### b) Agreement between States

When two or more states agree that their mutual interests will be served better if there is common law on a particular subject and request the union government to enact the needed law, the Parliament can enact a common law for the desiring states on that subject even if it falls in the List II (State List).

- c) The Parliament will have powers of enactment on a state subject for the purpose of implementing an international agreement.
- d) After the declaration of article 356 emergency in a state the President can declare that the parliament will enact on state list subjects for that state



### 5.2.2 Executive Relations

Our constitution distributes executive powers between the union and state governments. The distribution is coterminous with legislative power distribution to a great extent. The union government possesses executive powers over the subjects that are included in the List I, namely the Union List. The states have executive powers over the subjects that are included in the List II, namely the State List. The executive power of the union government extends over the territory of India while the executive power of the state governments extend over their own territories. The distribution of executive powers over the List I and List II is based on the simple principle that they are coterminous with legislative powers of the union and state governments.

The distribution of the executive powers over the List III namely the Concurrent List is based on a slightly complicated scheme. Succinctly it can be stated that the executive powers over the subjects in the Concurrent List is ordinarily with the state governments. Nevertheless, the union government retains powers to issue directions to the state governments in the execution of executive functions both in normal times and during emergencies.

Another feature in the executive powers distribution scheme in the constitution relates to mutual delegation of functions between the union and state governments. The union government can entrust its functions to the state government after getting the consent of the state government concerned. Conversely the state government can entrust its executive functions to the union government after getting the consent

of the union government. Moreover, the union government can entrust its executive function to the state government without getting the consent of the state government concerned but it must obtain the consent of the parliament.

### 5.2.3 Financial Relations

Finances are very fundamental in the successful operation of federal system. Indian constitution distributes financial powers between the union and states in a comprehensive arrangement that is broadly modeled on the 1935 Government of India Act. There are two sources of revenue distributed by the constitution namely Tax Revenue and Non-tax Revenue.

#### A) Tax Revenue Distribution

There are five important ways in which the tax revenues are distributed between the union and state governments.

1. Certain taxes like Corporation tax and Custom tax are exclusively allotted to the central government
2. Certain taxes like sales tax are exclusively allotted to the states
3. Certain taxes are levied by the Union but collected and appropriated by the concerned states and the examples are stamp duties on Bills of Exchange and Excise duties on medicinal and toilet preparations containing alcohol
4. Certain taxes are levied and collected by the union government but the proceeds are assigned to the states in which they are levied like the taxes on the sale of advertisements in newspapers.

5. Certain taxes are levied and collected by the state governments and are distributed between the union and state governments in a certain proportion like the tax on income other than an agricultural income

### B) Non-tax Revenue Distribution

Both the union and state governments are provided with non-tax revenue sources. The union government gets its revenue from the receipts from

commercial and industrial undertakings relating to central subjects like Industrial Finance Corporation. It gets its revenue from Railways, Posts and Telegraphs, Broadcasting etc

The state governments get revenue from the receipts of commercial enterprises and industrial undertakings allotted to them. The sources among others include forests, irrigation, electricity, road transport.



The constitution understands the greater financial needs of certain states and therefore the article 275 asks the union government to provide Grants-in-Aid to the states like Assam keeping in mind the imperative of the development and welfare of the tribal population.

### Finance Commission

The president of India constitutes a Finance Commission once in every five years. The article 280 of the constitution

describes the composition of the Finance Commission. It will have one Chairman and four other members. The Chairman will be a person with experience in public affairs and the members will have experience in financial administration, special knowledge of economics, special knowledge of public accounts and government finances, and one member will have the qualification of a High Court judge.

**Finance Commission will provide recommendations in the following manner:**

1. For the distribution of net proceeds of taxes between the centre and states
2. Principles governing grants-in-aid
3. Measures needed to increase the Consolidated Fund of India or states to supplement the resources of the Panchayat Bodies
4. Measures needed to increase the Consolidated Fund of India or states to supplement the resources of the Urban Local Bodies

Any other matter referred by the president

So far fourteen Finance Commissions have been constituted once in every five years

### 5.3 Co-operative Federalism

The Indian Constitutional expert Granville Austin described (Granville Austin, renowned scholar of the Indian constitution, described) Indian federal system as Co-operative Federalism designed to promote co-operation between the centre and states. The concepts of co-operative federalism applies to those federal governments like the USA where the states have more or adequate powers and the formation of the union is based on “the indestructible union composed of indestructible states”. In a quasi federal state like India, the Union Government can very easily pull down any constituent state for non-cooperation or non-compliance or defiance of union government’s

will through constitutional provisions, especially through the emergency powers assigned to the President. The constitution does not permit states defiance to centre.

There are many provisions, institutions and bodies created in Indian political system to promote the co-ordinative functioning of the central and state governments in India. They can be classified into constitutional, statutory and Political bodies and provisions.

### Constitutional Provisions and Institutions

The constitution itself has created a number of devices to promote cooperation and co-ordination.

#### I) Inter-State Council

The article 263 of the constitution says that the President of India can establish the Inter-State Council to serve public interests. There are three functions and duties assigned to the Inter-State Council

- a) To enquire into and advise upon disputes among the states
- b) To investigate and discuss the subjects that are common to the union and state governments
- c) To make recommendations to the President for better co-ordination on any particular subjects among the state governments.

A number of councils have been created to promote cooperation on specific subjects in the past like the Central Council of Health, Transport

Development Council, and Central Council of Local Self-Government.

The holistic Inter-State Council was established in early nineties to deal with general cooperation among the units of Indian federal system on the recommendation of the Sarkaria Commission. The Prime Minister functions as the chairperson of the council. The Chief Ministers of all the states and Union Territories with Legislative Assemblies, six cabinet ministers of the union government, administrators of the Union Territories without Legislative Assemblies and Governors of states under President's Rule are its members. A Standing Committee consisting of the Union Home Minister, five other cabinet ministers and nine Chief Ministers also works as part of the Inter State Council to promote cooperation among the members of the federal system.

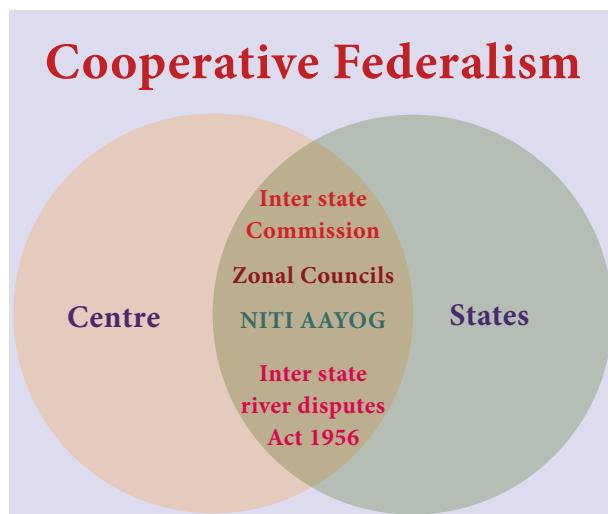
### Statutory Bodies

There are certain bodies created through the statute of the parliament but not mentioned in the constitution that function to promote cooperative federalism.

#### 1. Zonal Councils

The Zonal Councils were established by the States Reorganization Act in 1956 to achieve cooperation and co-ordination among states. They were created in the backdrop of linguistic reorganization of India and the first Prime Minister of India Jawaharlal Nehru described their objective as to "develop the habit of

co-operative working" Originally five Zonal Councils were created and later on in



1971 one more Zonal Council was established for the North Eastern States. They are

1. Northern Zonal Council
2. Southern Zonal Council
3. Eastern Zonal Council
4. Western Zonal Council
5. Central Zonal Council
6. North Eastern Zonal Council

The Union Home Minister will be the common Chairperson of all the Zonal Councils. Additionally each Zonal Council will consist of the Chief Minister and two other Ministers of the each state and the Administrator of the Union Territory in the zone.

The Zonal Councils will discuss and suggest measures to promote cooperation among the members in areas like economic and social planning, border disputes, inter-state transport etc.

## 2. River Board

The River Boards Act, 1956 establishes River Boards to provide advice to the concerned governments concerned for the regulation of an interstate river or river valley.

## 3. Water disputes Tribunal

The Inter-State Water Disputes Act, 1956 was enacted in accordance with the article 262 of the constitution that mandated that all interstate river disputes should be resolved through negotiations. The act provides for the formation of ad hoc tribunals for resolving interstate water disputes if repeated negotiations prove to be futile in resolving the issue.

## Political or Resolution Bodies

### NITI AYOG

The union government created the National Commission for Transforming India after dissolving the Planning Commission in 2015. The Prime Minister is the ex officio chairman and the permanent members of the governing council are all the Chief Ministers of all the states, Chief Ministers of the Union Territories of Delhi and Puducherry and the Lieutenant Governor of Andaman and Nicobar Islands. One of the primary objectives of the commission is to "foster cooperative federalism through structured support initiatives and mechanisms with the states on a continuous basis". It recognizes that strong states will make strong nation. But, without constitutionally empowering more the constituent states and adequate devolution of revenue resources, the states continue to remain over dependent on the Union Government, even in matters relating to tackling of natural calamities.

## 5.4. Inter – State River Water Dispute

Inter-State River Water Disputes play a crucial role in the evolution of federalism in Indian politics. There are a large number of such disputes in our country. The Cauvery dispute involving Tamil Nadu, Karnataka, Kerala and Puducherry Union Territory, Vamsadara River dispute involving Andhra Pradesh and Odisha, Sutlej dispute involving Punjab, Haryana, Mahadayi river dispute involving Goa, Maharashtra and Karnataka are the major ones. We have a following dispute settlement mechanism in Indian federalism to solve them.

### 1. Constitution and Inter – State River Water Disputes

The article 262 of the constitution empowers the parliament to enact a law providing for the adjudication of any dispute, complaint relating to the use, distribution and control of any inter-state river or river valley. It also provides that parliament can exclude the Supreme Court or any other court from exercising any jurisdiction over inter-state river water disputes. For this purpose parliament is empowered to enact a law overriding any provision of the constitution. The logic of this provision is that inter-state river water disputes contain emotional and economic implications affecting the lives and livelihood of millions of people. Judicial adjudication of the disputes may create social and economic problems. Therefore the national legislature must have competence to evolve a mechanism for resolution of these disputes through negotiations and direct dialogue.



## 2. Inter-State River Water Disputes Act, 1956

Empowered by the article 262 of the constitution the parliament enacted inter – state river water dispute act, 1956. This act enables the union government to establish a tribunal for the adjudication of an inter-state river water dispute. The Indian constitutional and legal consensus is that all inter-state river water disputes must be resolved through peaceful negotiations. If no fruitful decisions can be reached through negotiations the states concerned can approach the union for the constitution of a tribunal on ad hoc basis for resolving that issue.

When the union govt. decides to constitute a tribunal the Chief Justice of Supreme Court of India will nominate a person to head it. Earlier, the tribunal always used to consist of one person only but later on this provision was amended to

include more members. The Chief Justice will choose a person (nominee?) from the sitting or retired Judge of the Supreme Court and High Courts. The decision of the Tribunal shall be published in the Official Gazette and there after that decision shall be final and binding on the parties to the dispute. Neither the Supreme Court nor any other court shall have jurisdiction over any inter-state water dispute referred to a tribunal under the Act. No tribunal can be constituted for any dispute that has been placed for arbitration under the River Water Board Act, 1955.

Succinctly, we can say that our constitutional, legal and political strategy advocates a dual strategy to resolve inter-state river water disputes. It advocates negotiated settlement as the first choice and as and when sincere negotiations fail to resolve the issues, an ad hoc tribunal based adjudication should be established.

### Activity: Conversation on Cauvery Dispute



**Student:** Sir, can you please explain us the Cauvery dispute?

**Teacher:** Cauvery dispute is an interstate water dispute. It involves the states of Tamil Nadu, Karnataka, Kerala and Union Territory of Puducherry.

**Student:** what is the history behind the issue?

**Teacher:** The history of the issue is a long one. The Madras Presidency and the Princely State of Mysore signed an agreement in 1924 for sharing the waters. After being in operation for fifty years the agreement lapsed in 1974.

**Student:** Did the disputants hold negotiations thereafter?

**Teacher:** Yes, many rounds of negotiations were conducted for nearly two decades but no solution was reached. As we learnt earlier in the class the Inter State River Water Disputes Act 1956 allows for the formation of a tribunal for resolving the river water disputes. The Cauvery River Water Tribunal was established in 1991 to solve the issue.

**Student:** Did the Tribunal deliver its Award? What are the features of its Award?

**Teacher:** Yes. The Tribunal gave the final Award in 2007. It stipulated a monthly release of water from Karnataka to Tamil Nadu across the border in Biligundlu. It fixed the share of each state from Cauvery River. It provided a distress formula to share the waters in years when rainfall is low allowing for proportionate sharing of the available water.

**Student:** What is the Cauvery management Board?

**Teacher:** The Tribunal provided a Cauvery Water Management Board to manage the tricky problem of sharing the water

**Student:** Has it been formed?

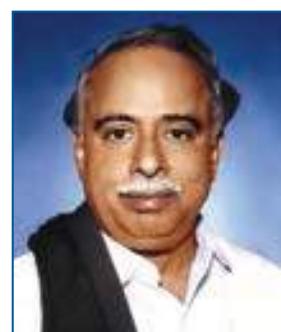
**Teacher:** After many years of litigation the Supreme Court delivered the final verdict and directed the union government to constitute the mechanism to implement the Award. The Cauvery Water Management Authority and the Cauvery Water Regulation Committee were established in 2018 to implement the Award of the Tribunal as modified by the Supreme Court. At present Tamil Nadu is entitled to get 177.25 tmcft of water from Karnataka as measured in Biligundlu border. The total share for Cauvery water allotted to Tamil Nadu is 404.25 tmcft. Karnataka is entitled to get 284.25 tmcft. Kerala's share is 30 tmcft and the fourth disputant Puducherry will get 7 tmcft.

## 5.5 Issues and Demands in Indian Federalism

There are many issues in Indian federalism that create disturbances in the centre-state relations. We will focus on the major problems in this section

### Appointment and Role of the Governor

The very office of the Governor as an agent of the central government to monitor the state government imperils the sovereignty of the constituent States. The Raja Mannar Committee Report was



Arignar Anna, the Champion of State Rights

highly critical of the office and role of governor. It is often pointed out that the union Government tries to arm-twist the state executive. The Dravidian parties, since the days of C.N. Annadurai, have been demanding 'genuine autonomy for the states, by divesting the Governor's power of

interfering with the state executive and state legislature.

The regional parties have deprecated the practice of appointing politically active and partisan persons as governors. They have frequently demanded that the governor should be appointed in consultation with the state government. Many political commentators and commissions have argued for the appointment of eminent persons who have contributed to India's development in diverse fields as governors.

The attitude of the Governor towards the state governments of those ruled by parties opposed to the ruling party at the centre is another major tension area in centre-state relations. Whenever there is a split in a ruling state party or hung assembly, the role of the Governor becomes very crucial and in many instances the regional and opposition parties have agitated against the decisions of the incumbents in gubernatorial office.

### Activity

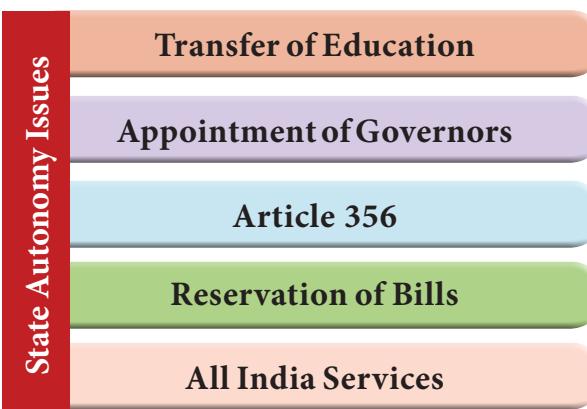


Prepare a project report on the role of the Governor in the evolution of state politics in India.

### Education

There is a popular demand that the subject of education must be restored to the List II or State List in which originally it was located. The Parliament in 1976 enacted the Forty Second Constitutional Amendment Act that transferred the subject of education to the List III or Concurrent List. The state governments exclusively had authority over education when it was in State List and the union government came to acquire joint jurisdiction over education

after this transfer. As we learnt earlier when a contradiction arises between the states and the central government in the Concurrent List the authority of the central government or Parliament will prevail. Many political parties in states like Tamil Nadu are demanding the transfer of education back to the State List.



### Reservation of State Bills for Presidential Consideration

The Governor of a state has discretionary power to reserve a bill of the state legislature for the consideration of the President. Whenever a money bill of the state legislature is reserved by the Governor the President may either declare or withhold his assent. In case of other bills he can declare or withhold his assent. He can also direct the Governor to send the bill for reconsideration to the legislature concerned. Even if the bill is again passed by the state legislature it is not obligatory for President to declare his assent. This provision was incorporated in the constitution to protect the unity and integrity of India.

But many state governments have criticized the Governors for reserving the duly passed state bills for the consideration of the President as there were alleged to have been motivated by political considerations to suppress the state

governments and to further the interests of the ruling party or coalition at the centre.

### Activity



Organize a debate in the class on the state autonomy demands in India.

### Improper use of Article 356

The article 356 in Part XIII of the constitution provides for the proclamation of Emergency by the President in any state where there is a breakdown of constitutional machinery either based on the report of the Governor or even otherwise. The article emphasizes on the supremacy of the constitution and national unity and integrity. The state governments ruled by the opposition parties of the ruling party at the centre have complained against the frequent and improper use of this article by the ruling party or coalition at the centre. More than a hundred times the article has been used to impose emergency in states and in many instances there was a huge complaint that political and party considerations have led to the imposition of the President's Rule. Many regional parties have demanded the abolition of this article. However, since the Supreme Court's judgement in S.R. Bommai vs Union of India case the chances for misuse of article 356 drastically reduced and it has been discussed in detail in a chapter latter.

### All India Services

All India Services are created under article 312 of the constitution. The officers to these services are recruited by the union government and posted in the states. The state governments have powers of posting, transfer while the central government alone has powers to dismiss them. As the ultimate

control over the All India Services are with the central government the state governments have sought changes in the system and the Rajamannar Commission of Tamil Nadu government suggested a complete revamping in the structure and position of All India Services.

### Commissions on Centre-State Relations

A number of commission have been formed in past to study and provide recommendation on Centre-State relations.

#### 5.5.1 Administrative Reforms Commission

There were two Administrative Reforms Commissions that were established in the past to provide recommendations for reviewing and reforming the administrative system of the country. The First Administrative Reforms Commission was formed in 1966 initially under the leadership of Morarji Desai and later on K.Hanumanthaiah. It submitted twenty reports including one in which extensive suggestions were provided in the domain of centre-state relations. The Second Administrative Reforms Commission was constituted in the new millennium in 2005 under the chairmanship of initially Veerappa Moily and later on V. Ramachandran.

Commissions on  
Centre-State Relations

1. Administration Reforms Commission

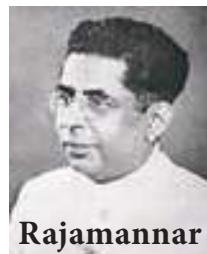
2. Rajamannar Commission

3. Sarkaria Commission

4. Punchhi Commission

5. Venkatachaliah Commission

## 5.5.2 Rajamannar Commission



Rajamannar

The Tamil Nadu government established the Rajamannar committee to analyze and provide recommendations for restructuring the centre-state relations in our constitution. The committee consisted of the retired Chief Justice of Madras High Court Justice. P.V.Rajamannar, former Vice-Chancellor of the University of Madras, Dr A Lakshmanaswamy and a former Chief Justice of Andhra, Dr P. Chandra Reddy. It submitted its report to the government in 1971 marking a great milestone in the history of autonomy debate in the country. The major suggestions of the committee include

1. The article 263 of the constitution should be implemented and Inter-State Commission should be formed to promote cooperation among central and state governments. The proposed council must consist of the Chief Ministers of the states or their nominees as members and the Prime Minister as the Chairperson. It should be endowed with far reaching powers and all the major bills of the Parliament and decisions of the union government that affect the interests of one or more states must be placed and discussed in the council and its opinion should be considered in the decision making process. The committee's made consultation with the Inter State Council is mandatory in all matters barring those

related to the two subjects, namely defence and foreign affairs.

2. The committee argued that the present scheme of centre-state relations in the constitution favors centre's supremacy and erodes state autonomy and therefore recommended the elimination of articles 256, 257, 339(2) from our constitution. The committee was against specifically these articles as they enable the centre to issue instructions to the state governments
3. It favored the shifting of the residuary powers of legislation and taxation from the union government to the state governments to empower the states.
4. As article 356 in Part XVIII of the constitution should be diligently used by the union government only as a measure of last resort in the event of a complete breakdown of the constitutional machinery in the state and not in a mere law and order break down situation
5. The committee wanted to introduce far reaching changes in All India Services. It opined that there should be only two kinds of services, central services devoted to needs of union administration and state services looking after the state administration. It suggested the abolition of All India Services including the elite Indian Administrative Service as they are against the spirit of federalism and state autonomy. It highlighted the concerns of the state governments ruled by opposition parties of the ruling party at the centre about the All India Services acting as agents of the union government.
6. In the domain of financial resources the committee recommended greater

devolution of powers and resources to the states. For the purpose of expanding the financial capacity of the states it suggested changes in certain taxes like corporation tax, customs and export taxes. The committee recognized the finances as the fulcrum of state rights and balanced federalism and therefore recommended the transfer of many items from Union List and Concurrent List to State List in the seventh schedule of the constitution. It argued for making the Finance Commission a permanent, impartial body devoted to the priorities of national unity, development and state rights and identities.

### 5.5.3 Sarkaria Commission



Justice R.S. Sarkaria

The Union Government in the backdrop of many demands for reform in federal domain constituted a commission under the chairmanship of

Justice R.S.Sarkaria in 1983 to review the centre-state relations. B.Sivaraman and Dr.R.S.Sen were the two othermembers of the commission. Five years later, it submitted a comprehensive report containing 247 recommendations.

#### Inter State Council

It recommended that the Inter-State Council must have the functions laid down in article 263 (b) and (c) that is to investigate subjects where many states have common interest and to make recommendation for better co-ordination of policy in that subject. The commission argued against

article 263(a) stating that the Inter-State Commission should not have powers to enquire and advise on interstate disputes. The commission also suggested the establishment of an independent, permanent secretariat for Inter-State Council to make the body more effective

#### Article 356

It suggested that the article 356 must be imposed only sparingly, as a measure of last resort when there is a complete breakdown of constitutional machinery in a state. All available and possible alternatives should be explored before the imposition of the article 356 Emergency in the state concerned.

#### Governor

The commission rejected the demand and suggestion of some political parties and states that the office of governor must be abolished or the concerned state government must be consulted before the appointment of state governors. On the contrary, for smoother functioning of federalism it suggested that the politically active persons and leaders should not be appointed as governors. Only eminent persons must be appointed as governors. When differing parties are ruling at the centre and states the leader belonging the ruling party at the centre must not be appointed as the governor of a state

#### Language

It recommended the strict adherence to the tri language formula to strengthen the unity and integrity of the country.

### 5.5.4. Punchhi Commission



The union government constituted a commission in 2007, under the leadership of Justice Madan Mohan Punchhi, the former Chief Justice of the Supreme Court in 2007. The commission also had three more members and a Secretary and presented its report in 2010. It recommended that the governors of the states must have fixed tenure

and they should be removed only through impeachment process akin to the President of India. It wanted to introduce changes in articles 355 and 356 so that insurgency or problem afflicted areas or districts in a state rather than the entire state can be brought under emergency as a strategy to localize emergency and efficiently handle insurgency or troubles. The commission also suggested that the union government must have power and authority for the suomotu deployment of central forces without the consent of the concerned states in areas affected by communal violence.

#### Activity



Organize a group discussion in the class on the argument that the big states must be bifurcated into small states so as to promote development.

#### Activity: Case study

##### Supreme Court Judgment in S.R. Bommai Case

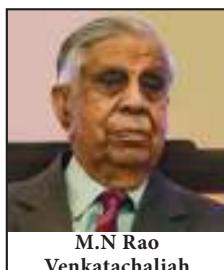
- ❖ Somappa Rayappa Bommai (6 June 1924 to 10 October 2007) was the 11th Chief Minister of Karnataka. He was also the Human Resource Development Minister in the United Front Government from 1996 to 1998 and served with both the Prime Ministers H. D. Deve Gowda and I. K. Gujral.
- ❖ The Supreme Court delivered a landmark judgment in the S.R.Bommai versus Union of India Case in 1994 that has protected the rights of the states greatly. S.R. Bommai was the Chief Minister of Karnataka and his government was dismissed in 1994 by the central government leading to the filing of the case in the Supreme Court. The judgment protected the states from the arbitrary dismissal at the hands of the hostile central government. The main features of the judgment are:
- ❖ Article 356 is an exceptional power to the union government and it should be used only occasionally to meet the exigencies of special occasions.



- ❖ Emergency under this article can be imposed only on certain grounds signifying constitutional breakdown. For example, if no party or coalition is able to generate majority support after the Legislative Assembly elections resulting in a hung Assembly; if constitutional directions from the central government are disregarded by the state government or state government actively assists in internal subversion.
- ❖ Emergency cannot be imposed on certain grounds as they do not constitute constitutional breakdown. For example, a mere law and order problem cannot be construed as constitutional breakdown. And, emergency cannot be imposed if the ruling party in the state lost heavily in the Parliamentary Elections.
- ❖ The Governor's report on the breakdown of the constitutional machinery in the state must be placed in Parliament. The report should be a thorough one detailing the exceptional situation in the state.
- ❖ The Legislative Assembly of a state cannot be dissolved before the proclamation of the president is approved by both Houses of the Parliament.
- ❖ The court has power to determine the validity of the imposition of emergency under article 356 of the constitution. If the court finds the grounds of imposition unconstitutional it can and will nullify the proclamation and restore the dismissed state government to life. To put it succinctly the Supreme Court possesses the power of Judicial Review over the imposition of article 356.
- ❖ Ever since the judgment was delivered by the Supreme Court the state governments ruled by opposition parties have been protected from arbitrary dismissal by the central government with a different ruling party.

Dr. Ambedkar called this Article 356 as a dead letter to the Constitution as it neglects the federal characters of the Indian Political System and the popular sovereignty of an elected government.

#### 5.5.5 Venkatachaliah Commission



The National Commission to review the working of the Constitution (NCRWC) also known as Justice Manepalli Narayana Rao Venkatachaliah Commission was set up by a resolution of the NDA Government of India led by Atal

Bihari Vajpayee on 22 February 2000 for suggesting possible amendments to the Constitution of India.



**Dicey:** “A federal state is nothing but a political contrivance intended to reconcile national unity with maintenance of states' rights”.

## Glossary



- ❖ **Federalism:** A political system in which powers are distributed between the central and state governments through the constitution.
- ❖ **Rigid Constitution:** A constitution that can be changed only through a special or greater majority based amendment process in Parliament or by a Constituent Assembly. It cannot be changed easily.
- ❖ **Flexible Constitution:** A constitution that can be changed through an ordinary legislative process. It can be changed easily.
- ❖ **Distribution of Powers:** The powers or subjects of governance will be constitutionally divided between the central and state governments in federal system.
- ❖ **Single Citizenship:** There is only one citizenship that is national citizenship. Usually the unitary constitutions provide single citizenship.
- ❖ **Bicameralism:** It refers to a Parliament having two Houses. Federalism requires bicameralism where the upper House will be House of the States and the lower House will be the House of the people.
- ❖ **Co-operative Federalism:** Granville Austin, the noted constitutional scholar described the federalism of our constitution as Co-operative Federalism. It promotes cooperation between the centre and the states.
- ❖ **Union List:** The List I in the Seventh Schedule of the constitution contains the subjects that are exclusively allotted to the union government.
- ❖ **State List:** The List II in the Seventh Schedule of the constitution contains the subjects that are exclusively allotted to the states
- ❖ **Concurrent List:** The List III contains the subjects that are allotted to the joint jurisdiction of the central and state governments. If there is a contradiction between the central and state governments the law of the union government will prevail.
- ❖ **Residuary List:** Any subject that is not mentioned in the Union List (List I) State List(List II) and Concurrent List( List III) will come under this category. The union government will have jurisdiction over these subjects.
- ❖ **All India Services:** The officers to these services are recruited by the central government and allotted to the state governments. Any new All India Service can be created by a special majority, two third majority based resolution of the Council of the States as per the article 312 of the constitution.
- ❖ **Anandpur Sahib Resolution:** The Shiromani Akali Dal, the regional party of Punjab Akali Dal passed the State autonomy Resolution in 1973 in a place called Anadpur Sahib demanding a new federal system where the central government will be left with a very few powers and the states will enjoy a wide ranging autonomy.

- ❖ **Raja Mannar Commission:** This commission on centre-state relations was established by the Tamil Nadu government in 1968 whose report is an important landmark in the political history of states' rights.
- ❖ **Sarkaria Commission:** The central government constituted in 1983 the Sarkaria Commission to provide recommendations on centre-state relations.
- ❖ **NCRWC:** The National Commission to Review the Working of the Constitution otherwise known as the Venkatachaliah Commission was established by the union government in 2000 to study the centre-state relations.
- ❖ **Unitary Constitution:** The constitution that recognizes only one set of government (National government). There is no constitutional recognition to the state or regional governments in this system
- ❖ **Judicial Review:** The power of the Supreme Court to review the constitutional validity of the laws of the Parliament and other legislature and acts of the Executive. It emerged in the constitution of the United States and our constitution provides limited Judicial Review powers to the Judiciary
- ❖ **Tribunals:** The constitution provides for the establishment of tribunals for the resolution of inter-state water disputes. Tribunal means a body established to settle certain kinds of disputes.
- ❖ **Sui generis:** It means unique and not comparable to any other entity. The Russian expert on Constitutionalism Alexandrowicz described Indian federalism as *sui generis*.

## ( Evaluation )

### I. Choose the correct answer:

1. The first federal constitution in the world belonged to
 

A) United States	B) United Kingdom
C) India	D) Australia
2. Federalism was demanded in India for the first time by
 

A) Mountbatten Plan	B) Nehru Report
C) Cabinet Delegation	D) Rajaji Plan
3. When was federalism officially accepted by the Colonial government?
 

A) Minto Morley Reforms 1909	B) Mont Ford Reforms 1919
C) 1935 Government of India Act	D) Cabinet Delegation



4. Bicameralism refers to the Parliament having
- A) Three Houses      B) One House  
C) Four Houses      D) Two Houses
5. The most important feature of a federal constitution is
- A) Regional Governments      B) National Governments  
C) Decentralization of Powers      D) Political Parties
6. The disputes between central government and state governments are adjudicated by
- A) Parliament      B) Supreme Court  
C) High Court      D) President
7. Who described Indian Constitution as Cooperative Federalism?
- A) Granville Austin      B) Dr. Ambedkar  
C) Jawaharlal Nehru      D) Wheare
8. Article 262 of the constitution deals with
- A) Inter State River Water Disputes      B) Inter State Disputes  
C) Centre-state Disputes      D) International Disputes
9. Find out the correctly matched pair
- A) Union List ----- List II      B) State List ----- List I  
C) Residuary List ----- List I      D) Concurrent List ----- List III
10. Match the following
- |                              |                     |
|------------------------------|---------------------|
| 1) Sarkaria Commission       | a. Tamilnadu Govt.  |
| 2) Rajamannar Commission     | b. Akali Dal        |
| 3) Anandpur Sahib Resolution | c. Supreme Court    |
| 4) Bommai Judgement          | d. Union Government |
- A) 1-a 2-b 3-c 4-d      B) 1-d 2-a 3-b 4-c  
C) 1-a 2-d 3-c 4-b      D) 1-c 2-b 3-d 4-a
11. What is false about the process of creation of the new states in India?
- A) President must recommend the bill for creating new states  
B) President will refer the bill to the concerned state  
C) Parliament will pass a Constitutional Amendment Act for creating the new state



12. The commission that recommended the abolition of All India Services like Indian Administrative Service (IAS) is

- A) Punchchi Commission      B) Sarkaria Commission  
C) Venkatachaliah Commission      D) Rajamannar Commission

13. Match the following

1. First Administrative Reforms Commission - a. Verrappa Moily.  
2. Second Administrative Commission - b. Morarji Desai  
3. Article 312 - c. Transfer of Subject to Concurrent List  
4. Article 249 - d. All India Services

- A) 1-a 2-b 3-c 4-d      B) 1-d 2-a 3-b 4-c  
C) 1-a 2-d 3-c 4-b      D) 1-b 2-a 3-d 4-c

14. The following question consists of two statements, one labeled the Assertion (A) and the other labeled as the Reason (R). You are asked to examine the two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason is a correct explanation of the Assertion. Select your answer to the question using the codes given below and mark your answer sheet accordingly;

**Assertion (A):** The constitution excludes the Inter State River Water Disputes from the jurisdiction of the Supreme Court and entrust them to article 262.

**Reason (R):** River Water disputes affect the livelihood of millions of people and therefore they should be settled through negotiations among the concerned states.

**Codes:**

- A) Both A and R are true and R is the correct explanation of A  
B) Both A and R are true but R is not a correct explanation of A  
C) A is true, but R is false  
D) A is false, but R is true

## II. Answer the following questions very shortly:

1. Explain the meaning of Bicameralism
2. What is the meaning of the Rigid Constitution?
3. What do you mean by Territorial Distribution of Powers?
4. How are All India Services affecting federalism?
5. Write a brief note on Administrative Reform Commission.

6. Write briefly on Punchchi Commission.
7. Explain the term 'Union of States' found in our constitution.

### III. Answer the following questions shortly:

1. Identify the main criteria in the distribution of financial powers in Indian federalism
2. How does article 356 of our constitution affect our federalism?
3. Provide a detailed account on Venkatachaliah Commission
4. Detail the main features of Bommai case Judgment of the Supreme Court
5. Explore the argument that Indian constitution is quasi federal.
6. What are Zonal Councils? How do they promote federalism?
7. Enumerate the main recommendations of Rajamannar Commission

### IV. Answer the following questions in detail:

1. Analyze the scheme of centre state relations in Indian constitution
2. Examine the dispute settlement approach to Inter State River Water Disputes in India
3. Describe the salient features of Sarkaria Commission Recommendations
4. Provide a detailed account on Cooperative Federalism of Indian constitution
5. Discuss the main issues and demands in the Indian federalism.

(
Reference Books
)



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## ICT Corner

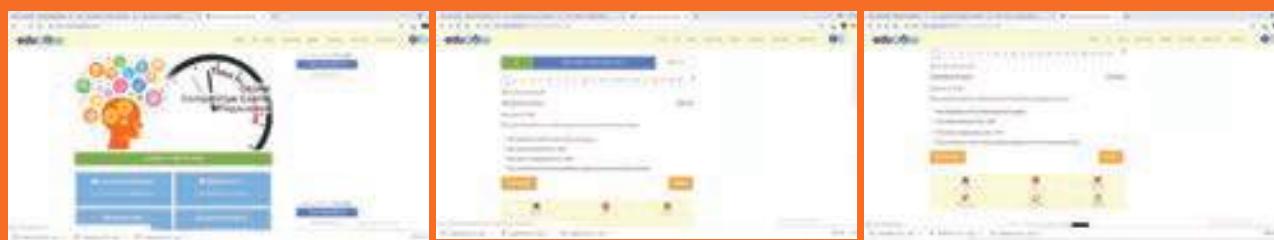
### Federalism In India-Indian Constitution Online Quiz

Through this activity you will learn more about The Indian constitution



#### Procedure:

- Step - 1** Open the Browser and type Indian Constitution online Quiz (or) Scan the QR Code.
- Step - 2** Read the Question and click the answer then click the “ANSWER” box to find the right answer.
- Step - 3** Click “Next Question” you will get more Questions. Then click “FinishTest”



Step 1

Step 2

Step 3

#### URL:

<https://www.edudose.com/gk/indian-constitution-quiz/>

\*Pictures are indicative



Unit

6

## Administrative Machinery in India

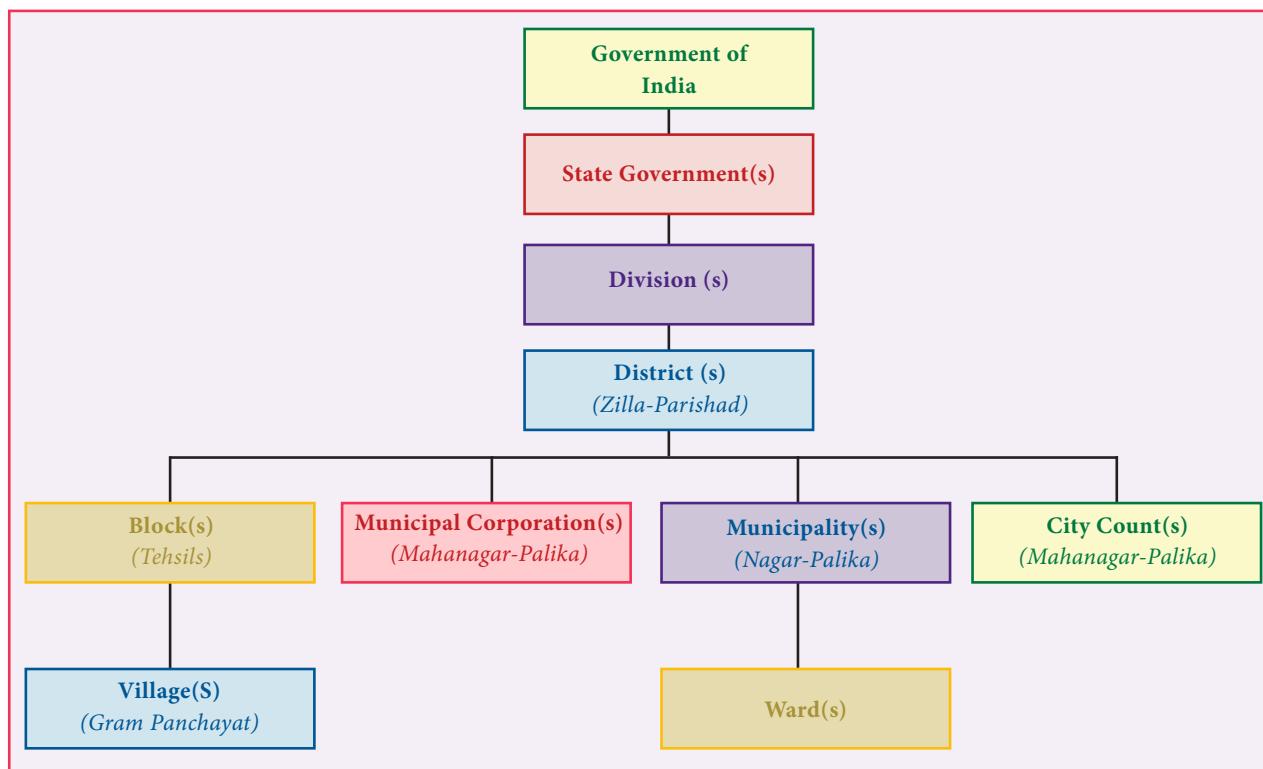


### Learning Objectives



- ❖ Importing the knowledge, skill and rates necessary to affectively lead public service organizations.
- ❖ Providing students with opportunities to explore and identify career choices and achieve public service goals.
- ❖ Helps to understand Administrative machinery in India.
- ❖ Acquaint with the functioning of the Indian administration, at central levels and the responses of these systems in addressing the concerns of the people.
- ❖ To appreciate the emerging issues in Indian Administration in the context of changing role of state, market and civil society.
- ❖ To understand the historical evolution and socioeconomic, political, cultural and global context of Indian Administration.

### 6.1 Framework of Indian Administration



(131)

## Evolution of Indian Administrative System since Independence

Modern India's administrative system had its beginnings in the colonial era. Until 1773, There was no regular system of administration in company's newly acquired territories in India. In theory the East India company acted as the agents of the Mughal Emperor, or the Nawabs. They managed the revenue affairs with nominated officials and traditional native sub staff. They gave priorities to military and policing requirements. Most of the Company's officers were ill educated, inexperienced and untrained.

As the foreign officers had no respect and sympathy for the native people, and as they were not accountable to any legislature, mal administration and corruption became order of the day. English parliamentarians like Edmund Burke brought such issues to the notice of the parliament. Such parliamentary criticisms resulted in the introduction of the regulating Act 1773 and the successive Charter Acts, through which the Company's Indian administration was brought under the surveillance of the British Parliament. The Court of Directors and the Board of Control in England were subordinated to the parliament and the British Cabinet. Thus the administration of Company's territories was systematized, regularized and made accountable to parliament.

Thereafter the English officials to India were trained at Haileybury College. The selected officers of the Superior cadre were known as the members of the Covenanted Service. They assisted the

Governor Generals and Governors in administration. Indians were appointed for middle level and interior services. As the company was unwilling to interface in native traditions, and as it was desirous of winning the support of the influential. And traditional classes and castes for the colonial regime, They mostly accommodated people from such classes and castes in the middle level or lower level administrative assignments. There was no regular system for appointments in the middle and lower level offices.

Persian was retained as official language till 1840: As such the English people were having a monopolistic hold over the superior services and native elites cornered all lower level offices. Gradually there emerged a demand for accommodating Indians in superior services. The introduction of European model of education and English medium prompted the Indians educated in the Macaulay system to plead with the colonial authorities for throwing open the higher services to Indians. After the Crown took over the Indian administration in 1858. The administrative system was revised, and the Indian civil Service (ICS) organized. Offices to highest administrative and judicial positions were to be chosen through a competitive (ICS) examination and training. The elite Indians wanted age relaxations for Indians, and also insisted simultaneous ICS examinations in India too. These because the early demands in the Indian national movement.

Until the 1919 Government of India Act, Indians could not occupy the

highest executive posts. The Dyarchy, under the said Act, provided the 'transferred departments' to be entrusted to the Indian ministers, chosen from the elected members of the legislature. But the Executive officials continued to be under the control of the Governors. It was during this period, the adherence to lesser services was protested and a regular public service commission was contemplated. After India's independence, the existing services were reformed: ICS was replaced with Indian Administrative Service (IAS) thus the administrative system was totally India missed and recruitment through Public Service Commission because the basic feature.

### **Indian Administrative System in the post Independent era:**

The functions and responsibilities of the Indian administration had to undergo significant changes in the Independent India. It is made accountable to the legislature and executive. As the Government of India preferred a welfare state, the responsibilities of the administrative agencies increased manifold.

The new Government under Jawaharlal Nehru Opted for 'democratic Socialism' and introduced a planned economy to achieve modernization, equalization, and tester growth. 'Mixed economy' was chosen to ensure the combination of democracy and socialism. Basic industries (Like steel and iron) were developed through Government sector. While the private sector was allowed to involve in medium industries, transport,

aviation etc. The administrative system had to exert more to achieve the goals in each plan. The first three 'Five year plans' yielded tremendous results. But thereafter the Indian economy had to confront several crises. Capitalism in Its 'Corporate' facade triumphed, the fall of the Soviet union, and other socialist countries. Creation a new challenge By 1990, India has fallen in line with the trend of Globalization – Privatization – Liberalization. The Indian administrative system adopted itself admirably to the Changing conditions. Corruption is a serious issue, but Corruption at highest level involving highest administrative officers is nothing to do with the economic order that the nation Chooses from time to time, as we found similar corruption in pre – Nehru era, as well as in the current economic order. There were corruptions and corrupt officials in every order, but for that reason, we ought not condemn the whole democratic system.

While the Colonial regime introduced modern administrative devices like Survey, Census, Creation of a number of departments to deal with exclusive issues, the post – colonial era regimes in India successfully segregated judicial functions for executive functions, and introduced a number of measures for the welfare of the people in the eradication of diseases extension of education massive irrigation schemes, electrification, for health and hygiene, in improving and expanding roads and railways.

In every scheme of the parliamentary executive the administrative system plays a pivotal role. But for the trained,



experienced and motivated administrative system, none of the developmental plans could have been materialized.

There are now efforts to further democratize, modernize and humanize the Indian Administrative System So as to make them adequately relevant to the changing time. In a democratic system the officialdom ought not to be insulated from criticisms and responsible and lawful interventions. At the same time the officialdom cannot be degenerated as the wings of unethical and unlawful political activism. 'Checks and balances' would ensure a better administrative system. It has to be guarded against pressures from extra-national and transnational forces.

Our present constitution provides for a centralized administrative system. The personnel's in the State categories are subjected to twin masters, the state executive and the union executive. The administrative services created by the states are also subjected to union's supremacy. Liberalization does not mean that the bureaucracy is being relieved from excess burden, but it means reducing government's regulatory control over private sector. In the same way we now find a trend towards more centralization in policy making and policy enforcement. The Indian administrative system, which worked for the democratic socialist economy and planned economy earlier is now given the task of more privatization and more centralized taxation system. This new arrangement now known as new public Management (NPM) movement in public administration.

The Indian administrative system has to cope up with the enforced new economic order. It has to strive for opening domestic markets to new investors, i.e. Corporate from both India and abroad. Now the administrative system has to work for disinvestment, desubsidization, liberalizing and centralizing the tax - system in favour of trade and investors. Mining, ports, petroleum, airways are systematically being corporatized. Labour laws being revised. The Indian bureaucracy has to carry out the guidelines of transnational or globe bodies like world Bank, world Trade Organization, International monetary Fund in the domestic arena.

The formation of regulators like IRDA, TRAI, CCI, PFRDA, SEBI, etc. have been a step in the same direction, further the idea of extending this concept to other areas is also being mooted, viz., in the infrastructure and mining sector. These reform proposals were also followed by reforms in the tax administration in the form of introduction of the VAT regime, introduction of a low and uniform tax rate regime, which is seen as the precursor to the uniform Goods and Services tax (GST). In all, these measures were received well by the industry and the markets and the numbers of economic growth started showing signs of increase and so much so that it is believed that the process of economic reform in India has been instrumental in pulling out more than 300 million out of poverty in India in a period of 20 years. Now-a-days the bureaucracy enjoys enormous powers not because it has a greed for power but because the need of the modern technological civilization



has demanded this delegation. In recent times, there has been accelerated change globally brought about by technological advances, greater decentralization and social activism. The ramifications of these changes are being felt by government in the form of increasing expectations for better governance through effective service delivery, transparency, accountability and rule of law. But the public perception about the members of the civil services, who function at cutting edge and higher coordination and policy making levels, is that they are 'burdensome low-performers' heading a highly bloated bureaucracy which is often perceived to be corrupt and inefficient in governing the country. The introduction of right to Information (RTI) Act, citizen charters and Social audit makes the administration more responsive and accountable to the public.

## 6.2 Ministry, Department, Boards and Commissions

### Union Government Ministries/Department

The main policy making institution in the Union government is the central secretariat which comprises all the ministries and departments which in turn characterized by certain patterns of structural arrangements and functional specifications.

#### Structure of a Ministry

Ministry of Central Government has a three tier structure consisting of

1. Political Head, who is a cabinet minister assisted by minister of state and deputy minister. Sometimes a minister of

state may also be a political head of a ministry/department holding an independent charge.

2. Secretariat organisation headed by a secretary who is a career civil servant. He is assisted by Joint secretaries, Deputy Secretaries, Undersecretaries and office establishment.
3. Executive organization under a head of the department who is known by various designations like Director, Director-General, Commissioner, Inspector-General, Chief Controller etc...

A ministry is primarily divided into departments. Each department is divided into wings. Each wing is in turn divided into divisions which are further divided into branches. Each branch is divided into sections. A section is the lowest level and smallest organizational unit of a ministry/department.

<b>Department (Secretary)</b>
<b>Wing (Additional/Joint Secretary)</b>
<b>Division (Deputy Secretary)</b>
<b>Branch (Under Secretary)</b>
<b>Section (Section Officer)</b>

Under the Government of India, Rules of Business, 1961, the ministries departments in the Government of India were as follows

#### Central Secretariat

The central secretariat comprises of all the ministries and departments of the central Government. Article 77 of the Indian Constitution authorizes the President of India to make rules for more convenient transaction of business of

Central Government and for allocation of such business among the ministries.

### Role and Functions

The Central Secretariat is a policy making body of the government and is not, to undertake work of execution, unless necessitated by the lack of official agencies to perform certain tasks. The Central Secretariat normally performs the following functions:

- (1) Assisting the minister in the discharge of his policy making and parliamentary responsibilities.
- (2) Framing legislation, rules and principles of procedure.

(3) Sectoral planning and programme formulation.

(4) Budgeting and control of expenditure in respect of activities of the Ministry/department.

(5) Supervision and control over the execution of policies and programmes.

(6) Initiating steps to develop greater personnel and organizational competence both in the ministry/department and its executive agencies.

(7) Coordination and interpretation of policies, assisting other branches of government and maintaining contact with state administration.

## Union Government Ministries/Department



### » Ministry of Agriculture and Farmers Welfare

- ❖ Department of Agricultural Research and Education (DARE)
- ❖ Department of Agriculture, Cooperation and Farmers Welfare
- ❖ Department of Animal Husbandry, Dairying and Fisheries



### » Ministry of AYUSH Ministry of Chemicals and Fertilizers

- ❖ Department of Chemicals and Petrochemicals
- ❖ Department of Fertilizers
- ❖ Department of Pharmaceuticals



### » Ministry of Civil Aviation » Ministry of Coal Ministry of Commerce and Industry

- ❖ Department of Commerce
- ❖ Department of Industrial Policy and Promotion



### » Ministry of Communications

- ❖ Department of Posts
- ❖ Department of Telecommunications (DOT)



### » Ministry of Corporate Affairs » Ministry of Culture Ministry of Defence

- ❖ Department of Defence
- ❖ Department of Defence Production
- ❖ Department of Defence Research & Development
- ❖ Department of Ex-Servicemen Welfare



### » Ministry of Consumer Affairs, Food and Public Distribution

- ❖ Department of Consumer Affairs
- ❖ Department of Food and Public Distribution

- 7** » **Ministry of Development of North Eastern Region**  
**Ministry of Drinking Water and Sanitation**  
**Ministry of Earth Sciences**  
❖ India Meteorological Department (IMD)

- 9** » **Ministry of Electronics and Information Technology**  
**Ministry of Environment, Forest and Climate Change**  
**Ministry of External Affairs**  
**Ministry of Finance**  
❖ Department of Economic Affairs  
❖ Department of Expenditure  
❖ Department of Financial Services  
❖ Department of Investment and Public Asset Management  
❖ Department of Revenue

- 11** » **Ministry of Heavy Industries and Public Enterprises**  
❖ Department of Heavy Industry  
❖ Department of Public Enterprises

- 12** » **Department of Atomic Energy**  
**Department of Space**  
[http://goidirectory.nic.in/ministries\\_departments\\_view.php](http://goidirectory.nic.in/ministries_departments_view.php)

- 13** » **Ministry of Information and Broadcasting**  
**Ministry of Labour and Employment**  
**Ministry of Law and Justice**  
❖ Department of Chemicals and Petrochemicals  
❖ Department of Fertilizers  
❖ Department of Pharmaceuticals

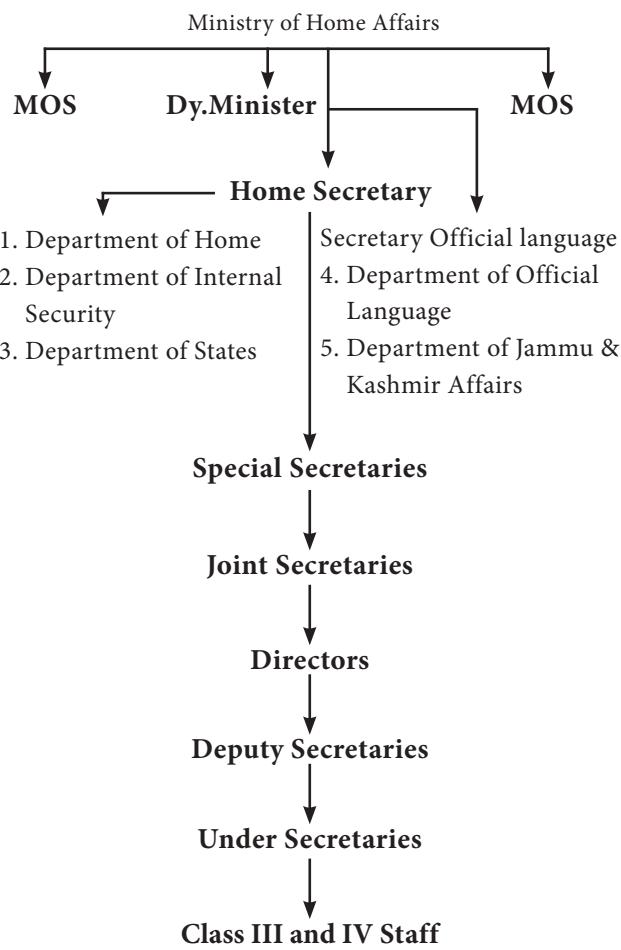
- 14** » **Ministry of Petroleum and Natural Gas**  
**Ministry of Power**  
**Ministry of Railways**  
**Ministry of Road Transport and Highways**  
**Ministry of Rural Development**  
❖ Department of Land Resources (DLR)  
❖ Department of Rural Development (DRD)

- 8** » **Ministry of Food Processing Industries**  
**Ministry of Health and Family Welfare**  
❖ Department of Health and Family Welfare  
❖ Department of Health Research, Ministry of Health & Family Welfare

- 10** » **Ministry of Consumer Affairs, Food and Public Distribution**

- ❖ Central Armed Police Forces  
❖ Central Police Organisation  
❖ Department of Border Management  
❖ Department of Home  
❖ Department of Internal Security  
❖ Department of Jammu & Kashmir (J & K) Affairs  
❖ Department of Official Language  
❖ Department of States

**Ministry of Home Affairs:**  
Organisational Structure





» **Ministry of Micro, Small and Medium Enterprises**

**Ministry of Mines**

**Ministry of New and Renewable Energy**

**Ministry of Panchayati Raj**

**Ministry of Parliamentary Affairs**

**Ministry of Personnel, Public Grievances and Pensions**

❖ Department of Administrative Reforms and Public Grievances (DARPG)

❖ Department of Pension & Pensioner's Welfare

❖ Department of Personnel and Training



» **Ministry of Shipping**

**Ministry of Skill Development and Entrepreneurship**

**Ministry of Social Justice and Empowerment**

❖ Department of Empowerment of Persons with Disabilities

❖ Department of Social Justice and Empowerment



» **Ministry of Housing and Urban Affairs**

» **Ministry of Human Resource Development**

❖ Department of Higher Education

❖ Department of School Education and Literacy



» **Ministry of Science and Technology**

❖ Department of Biotechnology (DBT), Government of India

❖ Department of Science and Technology (DST)

❖ Department of Scientific and Industrial Research (DSIR)



» **Ministry of Statistics and Programme Implementation**

**Ministry of Steel**

**Ministry of Textiles**

**Ministry of Tourism**

**Ministry of Tribal Affairs**

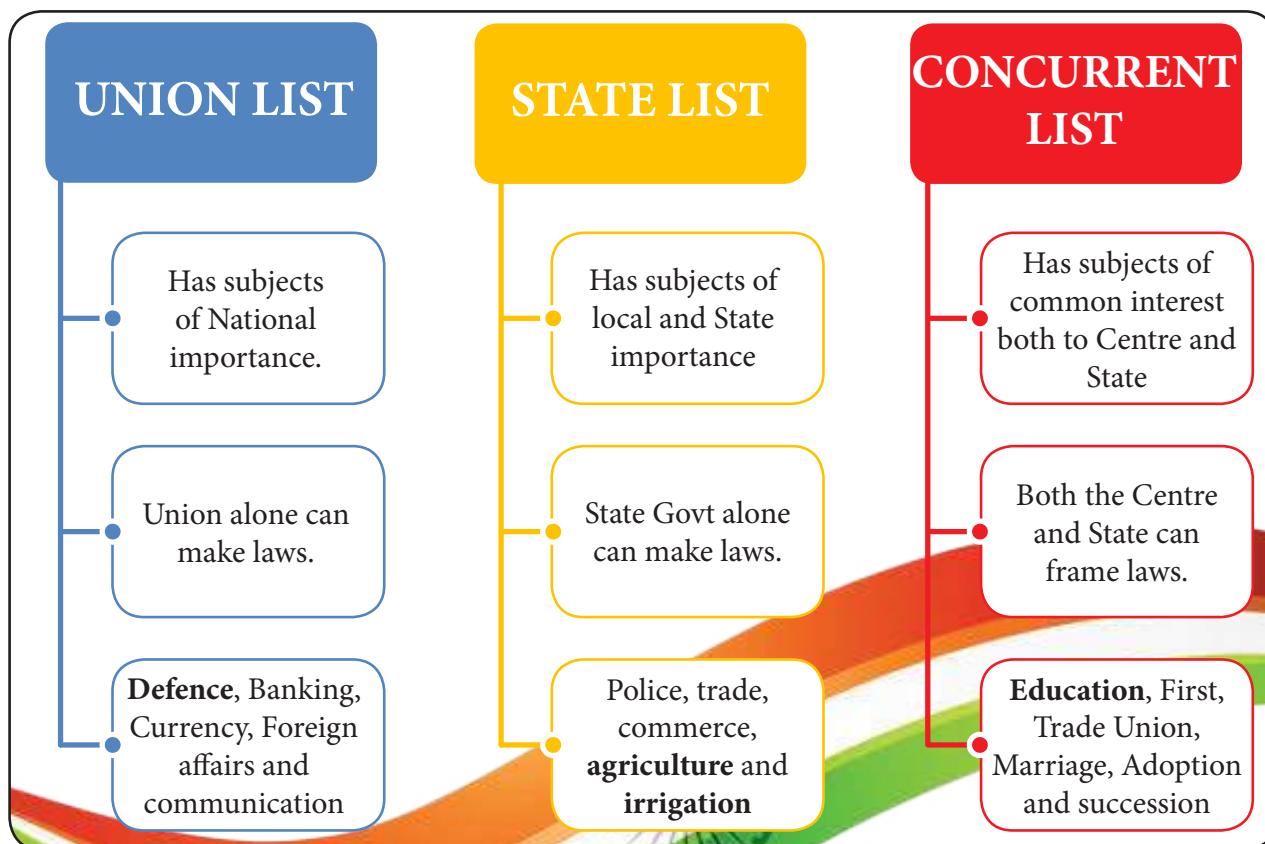
**Ministry of Water Resources, River Development and Ganga Rejuvenation**

**Ministry of Women and Child Development**

**Ministry of Youth Affairs and Sports**

❖ Department of Sports

❖ Department of Youth Affairs



## School Education - A subject of Concurrent List

MHRD

### National Level

Ministry of Human Resource Development (MHRD): Policies

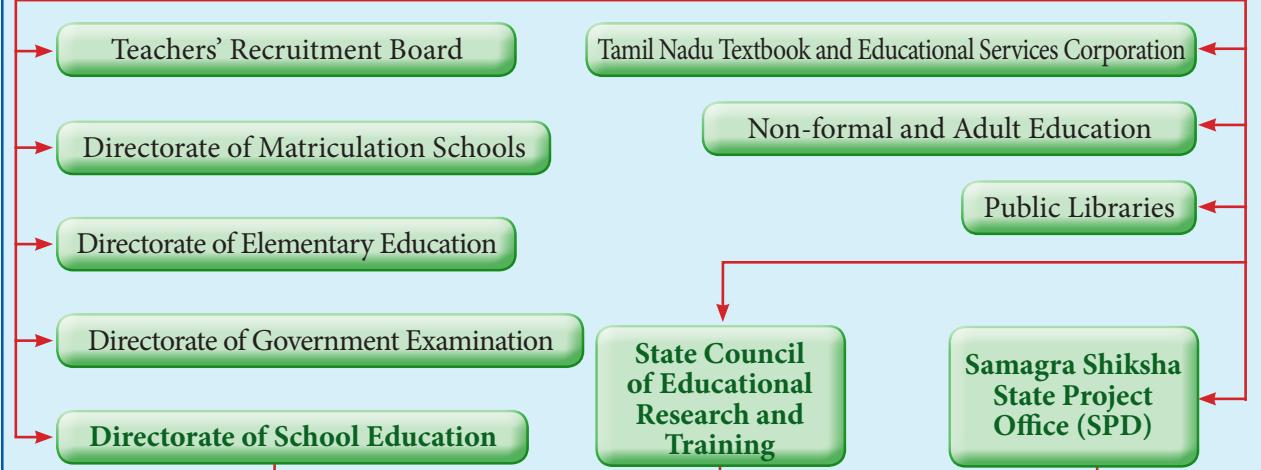
National Council of Educational Research and Training (NCERT):  
NCF, syllabi, textbooks in-service teacher trainings

Indian Certificate of Secondary Education (CSE)

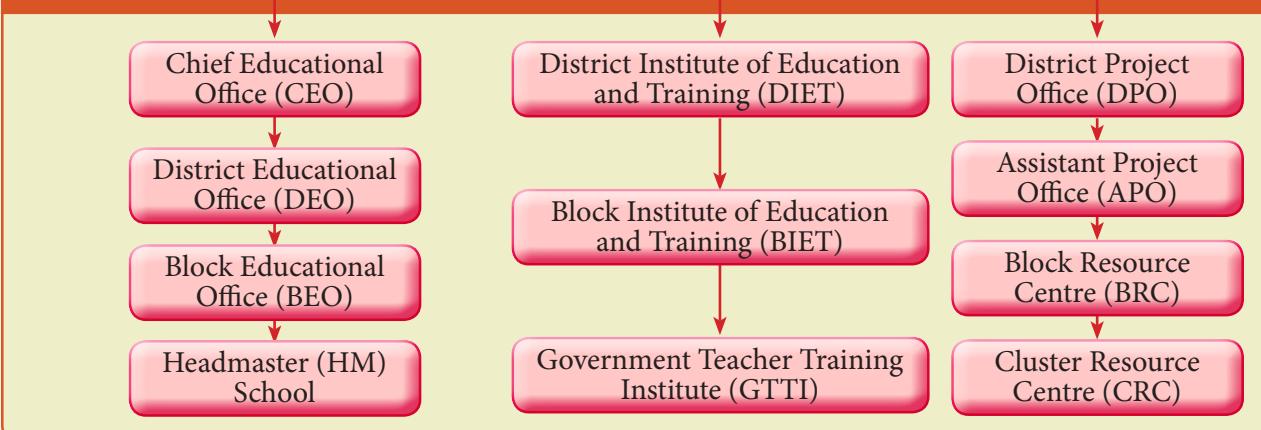
Central Board of Secondary Education (CBSE)

### State Level

#### Department of School Education



### District Level



## Cabinet Secretariat

### Functions

The Cabinet Secretariat functions directly under the Prime Minister. The administrative head of the Secretariat is the Cabinet Secretary who is also the ex-officio Chairman of the Civil Services Board. The business allocated to Cabinet Secretariat under Government of India (Allocation of Business) Rules, 1961 includes (i) Secretarial assistance to the Cabinet and Cabinet Committees; and (ii) Rules of Business.

#### Organisation of Cabinet Secretariat

##### The Cabinet Secretariat has three wings

- ❖ Civil wing
- ❖ Military wing
- ❖ Intelligence wing

**Civil wing** - It is the main wing and provides aid, advice and assistance to the Union cabinet.

**Military wing** - provides secretarial assistance to the defence committee of the cabinet, the military affairs committee etc.

**Intelligence wing** - it deals with the matters pertaining to the joint intelligence committee of the cabinet.

Other organizations are - RAW, Director General of Security, SPG, Joint intelligence group, DG public grievances (1988), National Authority, Chemical Weapons Convention.

The Cabinet Secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules,

1961 and Government of India (Allocation of Business) Rules, The Secretariat assists in decision-making in Government by ensuring Inter-Ministerial coordination, ironing out differences amongst Ministries/Departments and evolving consensus through the instrumentality of the standing/adhoc Committees of Secretaries. Management of major crisis situations in the country and coordinating activities of various ministries in such a situation is also one of the functions of the Cabinet Secretariat.

#### Support to Cabinet Committees

The secretarial assistance, provided by Cabinet Secretariat to the Cabinet and Cabinet committees, includes

- ❖ Convening of the meetings of the Cabinet & its Committees on the orders of the Prime Minister.
- ❖ Preparation and circulation of the agenda.
- ❖ Circulation of papers related to the cases on the agenda.
- ❖ Preparation of record of discussions.
- ❖ Circulation of the record of discussions after obtaining the approval of the Prime Minister.
- ❖ Monitoring implementation of decisions taken by the Cabinet and its Committees.
- ❖ The Cabinet Secretariat is the custodian of the papers of the Cabinet meetings.

#### Cabinet Secretary

The office of cabinet secretary was created in India in 1950. The first Cabinet secretary was N.R.Pillai. The Cabinet

secretary is the head of the Cabinet Secretariat. He is given a top place among the civil servants. Thus he is the senior most civil servant in India.

### Union Government-Apex Bodies

- ❖ President of India
- ❖ Vice President of India
- ❖ Cabinet Secretariat
- ❖ Election Commission of India
- ❖ Union Public Service Commission (UPSC)
- ❖ National Human Rights Commission (NHRC), India
- ❖ Comptroller and Auditor General (CAG) of India,
- ❖ Indian Audit and Accounts Department
- ❖ NITI Aayog - National Institution for Transforming India
- ❖ National Commission for Women (NCW)
- ❖ National Commission for Scheduled Tribes (NCST)
- ❖ Fifteenth Finance Commission of India
- ❖ National Commission for Minorities (NCM)
- ❖ Insurance Regulatory and Development Authority (IRDA)
- ❖ Office of the Principal Scientific Adviser

### The Prime Minister's Office (PMO)

The Prime Minister's Office (PMO) consists of the immediate staff of the Prime Minister of India, as well as multiple levels of support staff reporting to the Prime Minister. The PMO is headed by

the Principal Secretary, The PMO was originally called the Prime Minister's Secretariat until 1977, when it was renamed during the Morarji Desai ministry.

### Office of Principal Scientific Adviser

The Office of the Principal Scientific Adviser to the Government of India (O/o of PSA) was set-up in November, 1999, primarily to:

- ❖ Evolve policies, strategies and missions for the generation of innovations and support systems for multiple applications,
- ❖ Generate science and technology tasks in critical infrastructure, economic and social sectors in partnership with Government departments, institutions and industry,
- ❖ Office of PSA also services the Prime Minister's Science, Technology and Innovation Advisory Council (PM-STIAC)
- ❖ Office of PSA has been placed administratively under the Cabinet Secretariat in August, 2018.

The PMO provides secretarial assistance to the Prime Minister. It is headed by the Principal Secretary to the Prime Minister. The PMO includes the anti-corruption unit and the public wing dealing with grievances. The office houses the Prime Minister and few selected officers of Indian Civil Service who work with him to manage and coordinate government and his office. The Prime Minister through his office coordinates with all ministers in the central union

cabinet, minister of independent charges and governors and ministers of state government.

### 6.3 Personnel Administration

#### Concept of Personnel Administration

The tasks of government are increasing every day. Development and welfare orientations have led to the expansion of government and its administrative machinery. As the tasks, responsibilities and activities of organisations whether public or private multiply, the demands on personnel, at every level, in terms of efficient discharge of their duties also rise. Thus the task of personnel administration is to, assure a steady source of people who can contribute to the success of an organization and meet the growing demands of development. To understand the concept of personnel administration, it is very essential to first understand the meaning and nature of the term.

#### Thus Personnel Administration Aims at:

- ❖ Effective utilisation of human resources
- ❖ Desirable working relations among all members of the organisation
- ❖ Maximum development
- ❖ Meeting the organisation's social and legal responsibilities.

#### Scope of Personnel Administration

Personnel administration incorporates all aspects of management of persons in organization. The primary objective of personnel administration, is to ensure effective utilization of human resources

in pursuit of organizational goals. The personnel administration departments should design and establish an effective working relationship among all the members of an organization by division of organizational tasks into jobs, defining clearly the responsibility and authority for each job and its relation with other jobs in the organization. Personnel administration must try to enthuse among the employees feelings of commitment, Involvement and loyalty to the organization. The aim is to create cordial relations among the employees and do away with frictional situations arising out of personal jealousies, rivalries and prejudices. Personnel administration also has to curbun favorable practices like favoritism and nepotism in an organization.

#### Functions of Personnel Administration

Some of the important functions of personnel administration are :

- a) Manpower Planning
- b) Recruitment
- c) Training
- d) Promotion
- e) Salary structuring
- f) Employees' welfare

#### 6.3.1 Civil Services – Meaning and Features

Advantages of having an independent, permanent and impartial civil service are as follows:

- i) The spoils system has the propensity to degenerate into a system of patronage,



nepotism and corruption. Having a credible recruitment process through an impartial agency provides a defense against such abuse.

- ii) Public policy today has become a complex exercise requiring in-depth knowledge and expertise in public affairs. A permanent civil service provides continuity and develops expertise as well as institutional memory for effective policy making.
- iii) A permanent and impartial civil service is more likely to assess the long-term social payoffs of any policy whereas the political executive may have a tendency to look for short term political gain.
- iv) A permanent civil service helps to ensure uniformity in public administration and also acts as a unifying force particularly in vast and culturally diverse nations.
- v) A permanent civil service like any other reputable profession is likely to evolve over time an ethical basis for its functioning.

### Citizen and Bureaucracy

At the heart of democracy lies the citizen. In the ancient state, the purpose of state was only threefold - defending the realm from external aggression, maintaining internal order, and rendering rough and ready justice. The bureaucracy was limited, and the might of the sword prevailed. In the medieval state, land relations were critical, and a somewhat larger bureaucracy was necessary in

addition to the armed forces. In modern times, the state's role in creating common infrastructure and services became critical, and the bureaucracy's role expanded. In the 20th century state, helping the citizen fulfill her potential and eliminating avoidable suffering became the norm of Notes of a civilized state. Dignity, opportunity and justice became the new watchwords, and the role of bureaucracy vastly expanded.

But despite democracy, we still have a highly centralized state. For a country of over a billion people, India has possibly the smallest number of final decision-makers in the public realm. The PM-CM-DM syndrome still dominates both our psyche and system. There is a near complete divorce between the vote and public good as a remote, centralized government has neither the will nor the capacity to address matters of real significance to the citizen - drinking water, sanitation, schooling, health care, electricity, roads, transport, agricultural productivity, market linkage, value addition, skill promotion and myriad other needs.

The district magistrate has become the embodiment of state power. As a result, the periodic change of governments has not altered the outcomes or quality of services. Politics has become a power game and power the source of private fortunes. The vote has become a purchasable commodity, or a means of transient assertion without real consequences. Democracy is reduced to electoral competition for power and elections about the fortunes of those who contest and not about the citizen and voter. The

tax payer has no clue about the utilization of resources, nor any voice in demanding, and role in getting, better services. The remote-controlled bureaucracy is totally unaccountable to the local people whom it is supposed to serve.

### Core Principles for making Civil Services Citizen Centric are:

1. Rule of Law
2. Making Institutions Responsive and Accountable
3. Active Citizens' Participation - Decentralization and Delegation
4. Transparency
5. Civil Service Reforms
6. Ethics in Governance
7. Periodical Reforms

### 6.3.2 All India Services, Central Services and State Services

A unique feature of the Indian Administration system, is the creation of certain services common to both - the Centre and the States, namely, the All India Services. These are composed of officers who are in the exclusive employment of neither Centre nor the States, and may at any time be at the disposal of either. The officers of these Services are recruited on an all-India basis with common qualifications and uniform scales of pay, and notwithstanding their division among the States, each of them forms a single service with a common status and a common standard of rights and remuneration.

Like other federal polities the Centre and the constituent states, under the Indian Constitution, have their separate public services to administer their respective affairs. Thus, there are Central or Union Services to administer Union subjects, like defence, income tax, customs, posts and telegraphs, railways, etc. The officers of these Services are exclusively in the employment of the Union Government. Similarly, the states have their own separate and independent services.

### All India Services



The Constitution provides for the creation of All India Services (AIS) common to the Union and the States. The All India Services Act, 1951 provides that the Central Government may make rules for regulating the recruitment and the conditions of service of persons appointed to the All India Services. Presently only the IAS, the IPS and the IFS (Indian Forest Service) have been constituted as All India Services. Recruitment to these services is made under the corresponding AIS Recruitment Rules and may be done by Direct Recruitment (through Competitive Examinations) and by promotion from the State Service. The AIS Branch is concerned with the latter mode of recruitment which is governed by the respective IAS/IPS/IFS Promotion Regulations.

## What are the different modes of recruitment to the All India Services?

There are two modes of recruitment to the All India Services;

- (i) Direct Recruitment: Through the Civil Services Examination for IAS and IPS and the Indian Forest Service Examination for the IFS. These Examinations are conducted by UPSC.
- (ii) Promotion/Selection: By way of promotion of the SCS/SPS/SFS officers to the respective All India Service and by way of selection of Non-State Civil Services (NSCS) Officers to the IAS.

### Indian Administrative Service

The Indian Administrative Service (IAS) is the direct descendant of the old Indian Civil Service. As an all India service, it is under the ultimate control of the Union Government, but is divided into State cadres, each under the immediate control of a State Government. The salary and the pension of these officers are met by the States. But the disciplinary control and imposition of penalties rest with the Central Government which is guided, in this respect, by the advice of the Union Public Service Commission. On appointment, the officers are posted to different State cadres. The strength of each State cadre, however, is so fixed as to include a certain number of officers who can be deputed for service under the Union Government for one or more 'tenures' of three, four or five years before they return to the State cadre. The majority of individual officers have an opportunity of serving at least one spell of duty under the Union Government; many have more than one such spell. The practice

of rotating senior officers in and out of the Secretariat position is known in official parlance as the tenure system.



Another distinctive feature of this Service is its multi-purpose character. It is composed of 'generalist administrators' who are expected, from time to time, to hold posts involving a wide variety of duties and functions; for example, maintenance of law and order, collection of revenue, regulation of trade, commerce and industry, welfare activities development and extension work, etc. In brief, the IAS is intended to serve all the purposes formerly served by the ICS except providing officers for the judiciary. Thus, this Service is a kind of generalist service, and its officers are liable for posting in almost any branch, of the administration.

### Indian Police Service

The Indian Police Service is an original all India Service (it had pre-independence origins) which differs from the IAS in two ways: (i) most of the officers in this service work only in the state since there are only a few police posts at the Centre and (ii) its pay scale and status are lower than those of the IAS. The officers of the IPS are recruited from the same unified All India Civil Service examination which recruits all members



of the IAS, IFS and other Central Civil Services. Recruits to the IPS are first given a five months foundational training and later special training at the Sardar Patel National Police Academy, Hyderabad. The subjects of study and the training is drill, handling of weapons, etc., which have a direct bearing on the normal work of a police officer. The syllabus of training includes studies of crime psychology, scientific aids in detection of crime, methods of combating corruption and emergency relief. After completing a year's training, the probationer passes an examination conducted by the UPSC. He is, then appointed as an Assistant Superintendent of Police. But, before this appointment he has to undergo a year's programme of training; he is given practical training which requires him to do the work of various subordinate officers. It is only after this that he is appointed an Assistant Superintendent of Police.



As an all India Service it is under the ultimate control of the Union Government, but is divided into state cadres, each under the immediate control of a state government. The Indian Police Service is managed by the Ministry of Home Affairs, though the general policies relating to its personnel are determined by the Department of Personnel and Administrative Reforms.

### Indian Forest Service

The Indian Forest Service is the only all India Service that has been set up after independence. It became operational by an Act of Parliament in 1963. Its pay scale and status is lower than that of the two original all India Services - the IAS and the IPS. Its recruits are chosen from an exclusive examination conducted by the Union Public Service Commission which consists of a written test and interview. Though it is an All India Service, its nature is not that of a generalized civil service, but is specialized and functional. It is managed by the Department of Personnel and Administrative Reforms which is in charge of making rules of recruitment, discipline and conditions of service regarding all India Services.



After selection the appointees undergo a foundational course lasting three months along with successful candidates of the other all India and Central Services. After the foundation course, the probationers move to their own Academy (Indian Forest Institute) at Dehradun for a rigorous two year training course, the end of which they have to pass an examination before final posting. The Indian Forest Service is cadre-based as in the case of other All India Services. Like all other All India Services,



a member of this Service can come to the Centre on deputation but has to go back to his cadre after the period of deputation is over.

Unlike the all India services, the Central Civil Services are under the exclusive control of the Central Government, its member positions only in the Central Government. The Civil Services of the Central Government comprise established services known as central civil service as well as civil posts created outside the established services, which constitute the general central service. Both the established central civil services and the civil posts are classified in the descending order of importance into Class I, Class II, Class III and Class IV.

It has often been pointed out that since the appointing authority is the same, there is no justification for classifying the services into the all India and central services. Though the appointing authority is the same, yet there is a significant difference between the two. Officers of all India services are employed to serve under the central as well as the state governments. Further, the members of IAS can be appointed to any office calling for duties of a general supervisory nature, while the officers of the central services are employed in jobs of specialized nature. Therefore, the distinction can be said to be justified.

### Recruitment

Recruitment to the Central Services Class I and II are made by the Union Public Service Commission on the basis of the unified all India Civil Service Examination.

### The Indian Foreign Service (IFS)

The Indian Foreign Service comes under Central Civil Service - Class I and was created after Independence. It is under the exclusive control of the Central Government and its members are recruited from the top few positions of the All India Civil Services examination. Among the Central Civil Services it is the top most in prestige, status, pay and emoluments and its recruits are asked, to serve in Indian mission and embassies abroad. It is managed by the Ministry of External

Affairs. Also, involved in the management of the IFS are the Department of Personnel which determines the conditions of service and the Ministry of Finance which is concerned with the pay scales and other financial aspects of conditions of service. In matters of allowances the members of the Indian Foreign Service are more fortunate compared to other services. They are entitled to foreign allowance which are fixed with reference to: (a) local cost of living, (b) other expenditure

which an officer serving abroad necessarily incurs either at home or abroad, over and above that an officer of corresponding grade serving in India, (c) representational expenditure, i.e., expenditure which while optional for a private individual is obligatory for a member of the service resident, by virtue of his official position.

The recruit of the IFS undergoes a training programme which covers a period of three years. He is attached to a district for some time to enable him to pick up contact with practical work, he also undergoes a period of secretariat training.



## Present Pattern of Civil Services Examination

The competitive examination comprises three successive stages:

- (A) Civil Services (Preliminary) examination,
- (B) Civil Services (Main) Examination.

### A. Preliminary Examination:

The Examination shall comprise of two compulsory Papers of 200 marks each.

- (i) Both the question papers will be of the objective type (multiple choice questions) and each will be of two hours duration.
- (ii) CSAT of the Civil Services (Preliminary) Examination will be a qualifying paper with minimum qualifying marks fixed at 33%.
- (iii) The question papers will be set both in Hindi and English.

### B. Main Examination:

The written examination and personality test.

The written examination will consist of the following papers.

#### Two Qualifying Papers:

##### Paper-A

(One of the Indian Language to be selected by the candidate from the Languages included in the

Eighth Schedule to the Constitution).

**300 Marks**

##### Paper-B

- ❖ English 300 Marks
- ❖ Papers to be counted for merit

### I. Seven papers for ranking:

#### Paper-I

- ❖ Essay **250 Marks**

#### Paper-II

- ❖ General Studies-I (Indian Heritage and Culture, History and Geography of the World and Society) **250 Marks**

#### Paper-III

- ❖ General Studies -II (Governance, Constitution, Polity, Social Justice and International relations) **250 Marks**

#### Paper-IV

- ❖ General Studies -III (Technology, Economic Development, Bio-diversity, Environment, Security and Disaster Management) **250 Marks**

#### Paper-V

- ❖ General Studies -IV (Ethics, Integrity and Aptitude) **250 Marks**

#### Paper-VI

- ❖ Optional Subject - Paper 1 **250 Marks**

#### Paper-VII

- ❖ Optional Subject - Paper 2 **250 Marks**

- ❖ Sub Total (Written test) **1750 Marks**

- ❖ Personality Test **275 Marks**

**Grand Total **2025 Marks****

### 6.3.3 UPSC- Organization, Powers, Functions and Role



#### Historical Perspective

The origin of the Public Service Commission in India is found in the First Dispatch of the Government of India on the Indian Constitutional Reforms on the 5th March, 1919 which referred to the need for setting up some permanent office charged with the regulation of service matters. This concept of a body intended to be charged primarily with the regulation of service matters, found a somewhat more practical shape in the Government of India Act, 1919. Section 96(C) of the Act provided for the establishment in India of a Public Service Commission which should “discharge, in regard to recruitment and control of the Public Services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council”.

After passing of the Government of India Act, 1919, in spite of a prolonged correspondence among various levels on the functions and machinery of the body to be set up, no decision was taken on setting up of the body. The subject was then referred to the Royal Commission on the Superior Civil Services in India (also known as Lee Commission). The Lee Commission, in their report in the year 1924, recommended that the statutory Public Service Commission

contemplated by the Government of India Act, 1919 should be established without delay.

Subsequent to the provisions of Section 96(C) of the Government of India Act, 1919 and the strong recommendations made by the Lee Commission in 1924 for the early establishment of a Public Service Commission, it was on October 1, 1926 that the Public Service Commission was set up in India for the first time. It consisted of four Members in addition to the Chairman. Sir Ross Barker, a member of the Home Civil Service of the United Kingdom was the first Chairman of the Commission.

The functions of the Public Service Commission were not laid down in the Government of India Act, 1919, but were regulated by the Public Service Commission (Functions) Rules, 1926 framed under sub-section (2) of Section 96(C) of the Government of India Act, 1919. Further, the Government of India Act, 1935 envisaged a Public Service Commission for the Federation and a Provincial Public Service Commission for each Province or group of Provinces. Therefore, in terms of the provisions of the Government of India Act, 1935 and with its coming into effect on 1st April, 1937, the Public Service Commission became the Federal Public Service Commission.

With the inauguration of the Constitution of India in January 26, 1950, the Federal Public Service Commission came to be known as the Union Public Service Commission, and the Chairman and Members of the Federal Public Service Commission became Chairman and Members of the Union Public Service

Commission by virtue of Clause (1) of Article 378 of the Constitution.

The Union Public Service Commission is a Constitutional Body established under Article 315 of the Constitution of India. The Commission consists of a Chairman and ten Members.

Union Public Service Commission is a Constitutional Body, which has been mandated the responsibilities of making recruitment by conduct of competitive examinations as well as selection through interviews, advising on the suitability of officers for appointment on promotion and transfer-on-deputation, advising the Government on all matters relating to methods of recruitment to various services, framing & amendment of Recruitment Rules, disciplinary cases relating to various Civil Services, miscellaneous matters relating to grant of extra-ordinary pensions, reimbursement of legal expenses etc, advising the Government on any matter referred to the Commission by the President of India and on the request of the Governor of a State, to serve all or any of the needs of a State relating to recruitment, with the approval of the President.

In order to fulfill its constitutional obligations, the Commission is supported by Officers/Staff broadly known as Secretariat of the Commission, headed by the Secretary. The Administration Branch of the Commission is entrusted with the functions of administering the Secretariat of the Commission as well as looking after the personal matters of Hon'ble Chairman/ Hon'ble Members and other Officers/ Staff of the Commission.

## **The Mandate of Union Public Service Commission**

### **The Mandate of Union Public Service Commission Under Article 320 and 321 of the Constitution of India, includes:**

1. Recruitment by conduct of competitive examinations;
2. Recruitment by Selection through Interviews;
3. Advising on the suitability of officers for appointment on promotion as well as transfer-on-deputation;
4. Advising the Government on all matters relating to methods of Recruitment to various services and posts; framing and amendment of Recruitment Rules;
5. Disciplinary cases relating to different civil services;
6. Miscellaneous matters relating to grant of extra-ordinary pensions, reimbursement of legal expenses, etc.
7. Advising the Government on any matter referred to the Commission by the President of India.
8. On the request of the Governor of a State, to serve all or any of the needs of a State relating to recruitment, with the approval of the President.

### **Methods of Recruitment is made by one of the following four methods:**

1. Direct Recruitment
2. Promotion
3. Deputation/absorption; and
4. Composite Method (Deputation + Promotion)



## Direct Recruitment

Direct Recruitment is conducted broadly under the following two methods:

1. Recruitment by Competitive Examination; and
2. Recruitment by Selection. Recruitment Through Examination The Commission conducts following examinations on a regular basis at various Centers located throughout the country for appointment to various Civil/Defense services/posts:
  1. Civil Services (Preliminary) Examination;
  2. Civil Services (Main) Examination;
  3. Engineering Services Examination;
  4. Combined Medical Services Examination;
  5. Indian Forest Service Examination;
  6. Geologists' Examination;
  7. Indian Economic Service/ Indian Statistical Service Examination;
  8. Special Class Railway Apprentices' Examination [Held every alternate year];
  9. Combined Defense Services Examination [Held twice a year];

10. National Defense Academy and Naval Academy Examination [Held twice a year];

11. Central Police Forces (Assistant Commandants) Examination;

12. Section Officers/ Stenographers (Grade-B/Grade-I) Ltd. Departmental Competitive Examination;

a) A Calendar of examinations is published in the Employment News / Rozgar Samachar, stating name of examination, date of notification, date of receipt of application & date of commencement of examination, well in advance normally in October of the preceding year and also displayed on the website [www.upsc.gov.in](http://www.upsc.gov.in)

### Exemption for payment of fees for female candidates

In accordance with the instructions issued vide DOPT Letter No. 39020/03/2009 - Estt (B) dated 15<sup>th</sup> July, 2009, all female candidates have been exempted from payment of fees for Commission's Examination

## Constitutional Provisions

Article-315	Public Service Commissions for the Union and for the States.
Article-316	Appointment and term of office of members.
Article-317	Removal and suspension of a member of a Public Service Commission.
Article-318	Power to make regulations as to conditions of service of members and staff of the Commission.
Article-319	Prohibition as to the holding of offices by members of Commission on ceasing to be such members.
Article-320	Functions of Public Service Commissions.
Article-321	Power to extend functions of Public Service Commissions.
Article-322	Expenses of Public Service Commissions.
Article-323	Reports of Public Service Commissions.

## Functions

Under Article 320 of the Constitution of India, the Commission is, inter-alia, required to be consulted on all matters relating to recruitment to civil services and posts. The functions of the Commission under Article 320 of the

### Constitution are:

- ❖ Conduct examinations for appointment to the services of the Union.
- ❖ Direct recruitment by selection through interviews.
- ❖ Appointment of officers on promotion / deputation / absorption.
- ❖ Framing and amendment of Recruitment Rules for various services and posts under the Government.
- ❖ Disciplinary cases relating to different Civil Services.
- ❖ Advising the Government on any matter referred to the Commission by the President of India.

### 6.3.4 State Public Service Commission



Parallel to the Union Public Service Commission (UPSC) at the Centre, there is a State Public Service Commission (State Public Service Commission) in a state. The same set of Articles (i.e., 315 to 323 in Part XIV) of the Constitution also deal with the composition, appointment

and removal of members, power and functions and independence of a State Public Service Commission.

## Composition

A State Public Service Commission consists of a chairman and other members appointed by the governor of the state. The Constitution does not specify the strength of the Commission but has left the matter to the discretion of the Governor. Further, no qualifications are prescribed for the commission's membership except that one-half of the members of the commission should be such persons who have held office for at least ten years either under the government of India or under the Government of a state. The Constitution also authorizes the governor to determine the conditions of service of the chairman and members of the Commission.

The chairman and members of the Commission hold office for a term of six years or until they attain the age of 62 years, whichever is earlier (in the case of UPSC, the age limit is 65 years). However, they can relinquish their offices at any time by addressing their resignation to the governor.

The governor can appoint one of the members of the State Public Service Commission as an acting chairman in the following two circumstances:

- a) When the office of the chairman falls vacant; or
- b) When the chairman is unable to perform his functions due to absence or some other reason.

The acting chairman functions till the person appointed as chairman enters on the duties of the office or till the chairman is able to resume his duties.

### Removal

Although the chairman and members of a State Public Service Commission are appointed by the governor, they can be removed only by the president (and not by the governor). The president can remove them on the same grounds and in the same manner as he can remove a chairman or a member of the UPSC. Thus, he can remove him under the following circumstances:

- If he is adjudged an insolvent (i.e., has gone bankrupt); or
- If he engages, during his term of office, in any paid employment outside the duties of his office; or
- If he is, in the opinion of the president, unfit to continue in office by reason of infirmity of mind or body.

In addition to these, the president can also remove the chairman or any other member of State Public Service Commission for misbehavior. However, in this case, the president has to refer the matter to the Supreme Court for an enquiry. If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, the president can remove the chairman or a member. Under the provisions of the Constitution, the advise tendered by the Supreme Court in this regard is binding on the president. However, during the course of enquiry by the Supreme Court, the governor can suspend the concerned chairman or member, pending the final

removal order of the president on receipt of the report of the Supreme Court.

Further, the Constitution has also defined the term 'misbehaviour' in this context. The Constitution states that the chairman or any other member of a State Public Service Commission is deemed to be guilty of misbehavior. If he (a) is concerned or interested in any contract or agreement made by the Government of India or the government of a state, or (b) participates in any way in the profit of such contract or agreement or in any benefit there from otherwise than as a member and in common with other members of an incorporated company.

### Independence

As in the case of UPSC, the Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of a State Public Service Commission:

- The chairman or a member of a State Public Service Commission can be removed from office by the president only in the manner and on the grounds mentioned in the Constitution. Therefore, they enjoy the security of tenure.
- The conditions of service of the chairman or a member, though determined by the governor, cannot be varied to his disadvantage after his appointment.
- The entire expense including the salaries, allowances and pensions of the chairman and members of a State Public Service Commission are charged

on the consolidated fund of the state. Thus, they are not subject to vote of the state legislature.

- d) The chairman of a State Public Service Commission (on ceasing to hold office) is eligible for appointment as the chairman or a member of UPSC or as the chairman of any other State Public Service Commission, but not for any other employment under the Government of India or a state.
- e) A member of a State Public Service Commission (on ceasing to hold office) is eligible for appointment as the chairman or a member of the UPSC, or as the chairman of that State Public Service Commission or any other State Public Service Commission, but not for any other employment under the Government of India or a state.
- f) The chairman or a member of a State Public Service Commission is (after having completed his first term) not eligible for reappointment to that office (that is, not eligible for second term)

### Functions

A State Public Service Commission performs all those functions in respect of the state services as the UPSC does in relation to the Central services:

- a) It conducts examinations for appointments in the services of the state.
- b) It is consulted on the following matters related to personnel management:
- i) All matters relating to methods of recruitment to civil services and for civil posts.

ii) The principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another.

- iii) The suitability of candidates for appointments to civil services and posts; for to another; and transfers from one service to another; and appointments by transfer or deputation. The concerned departments make recommendations for promotions and request the State Public Service Commission to ratify them.
- iv) All disciplinary matters affecting a person serving under the government of the state in a civil capacity including memorials or petitions relating to such matters. These include:

- ❖ Censure (severe disapproval)
- ❖ Withholding of increments
- ❖ Withholding of promotions
- ❖ Recovery of pecuniary loss
- ❖ Reduction to lower service or rank (demotion)
- ❖ Compulsory retirement
- ❖ Removal from service
- ❖ Dismissal from service

- v) Any Claim for reimbursement of legal expenses incurred by a civil servant in defending legal proceedings instituted against him in respect of acts done in the execution of his official duties.
- vi) Any claim for the award of a pension in respect of injuries sustained by a person while serving under the government of the state and any question as to the amount of any such award.

vii) Any other matter related to the personnel management.

The Supreme Court has held that if the government fails to consult the State Public Service Commission in these matters, the aggrieved public servant has no remedy in a court. In other words, the court held that any irregularity in consultation with the State Public Service Commission or acting without consultation does not invalidate the decision of the government. Thus, the provision is directory and not mandatory. Similarly, the court held that a selection by the State Public Service Commission does not confer any right to the post upon the candidate. However, the government is to act fairly and without arbitrariness or malafides.

The additional functions relating to the services of the state can be conferred on State Public Service Commission by the state legislature. It can also place the personnel system of any local authority, corporate body or public institution within the jurisdiction of the State Public Service Commission. Hence, the jurisdiction of State Public Service Commission can be extended by an Act made by the state legislature.

The State Public Service Commission presents, annually, to the governor a report on its performance. The governor places this report before both the Houses of the state legislature, along with a memorandum explaining the cases where the advice of the Commission was not accepted and the reasons for such non-acceptance.

### Limitations

The following matters are kept outside the functional jurisdiction of the State Public Service Commission. In other words, the State Public Service Commission is not consulted on the following matters:

- While making reservations of appointments or posts in favour of any backward class of citizens.
- While taking into consideration the claims of scheduled castes and scheduled tribes in making appointments to services and posts.

The governor can exclude posts, services and matters from the purview of the State Public Service Commission. The Constitution states that the governor, in respect to the state services and posts may make regulations specifying the matters in which, it shall not be necessary for State Public Service Commission to be consulted. But all such regulations made by the governor shall be laid before each House of the state legislature for at least 14 days. The state legislature can amend or repeal them.

### Role

The Constitution visualizes the State Public Service Commission to be the 'watchdog of merit system' in the state. It is concerned with the recruitment to the state services and advises the government, when consulted, on promotion and disciplinary matters. It is not concerned with the classification of services, pay and service conditions, cadre management, training and so on. These matters are handled by the Department of

Personnel or the General Administration Department. Therefore, the State Public Service Commission is only a central recruiting agency in the state while the Department of Personnel or the General Administration Department is the central personnel agency in the state.

The role of State Public Service Commission is not only limited, but also recommendations made by it are only of advisory nature and hence, not binding on the government. It is up to the state government to accept or reject that advice. The only safeguard is the answerability of the government to the state legislature for departing from the recommendation of the Commission. Further, the government can also make rules which regulated the scope of the advisory functions of State Public Service Commission.

Also, the emergence of State Vigilance Commission (SVC) in 1964 affected the role of State Public Service Commission in disciplinary matters. This is because both are consulted by the government

while taking disciplinary action against a civil servant. The problem arises when the two bodies tender conflicting advice. However, the State Public Service Commission, being an independent constitutional body, has an edge over the SVC.

Finally, the State Public Service Commission is consulted by the governor while framing rules for appointment to judiciary service of the state other than the posts of district judges. In this regard, the concerned state high court is also consulted.

### 6.3.5 Staff Selection Commission



#### Function of Commission

1. To make recruitment to (i) all Group "B" posts in the various Ministries/Departments of the Govt. of India and their Attached and Subordinate Offices which are in the pay scales the maximum of which is ₹10,500 or below and (ii) all non-technical Group "C" posts in the various Ministries/Departments of the Govt. of India and their Attached and Subordinate Offices, except those posts which are specifically exempt from the purview of the Staff Selection Commission.
2. To conduct examinations and/or interviews, whenever required for recruitment to the posts within its purview. The examinations would be held as far as possible at different centres and successful candidates posted, to the extent possible, to their home State/Region.
3. In particular, to hold Open Competitive Examinations for recruitment to the posts of:



- i) Lower Division Clerks in the various Ministries/Departments, Attached and Subordinate Offices of the Government of India including those participating in the Central Secretariat Clerical Service /Indian Foreign Service (B), Railway Board Secretariat Clerical Service and the Armed Forces Headquarters Clerical Service;
  - ii) Grade "C" and Grade 'D" Stenographers of the Central Secretariat Stenographers Service and equivalent Grades of Indian Foreign Service (B) Railway Board Secretariat Stenographers Service/Armed Forces Head quarters Stenographers Service and to the posts of Stenographers in other Departments including Attached and Subordinate Offices of the Government of India not participating in the aforesaid Services;
  - iii) Assistants in the various Ministries/Departments including Attached and Subordinate Offices of the Government of India including those participating in the Central Secretariat Service/ IFS (B)/ Railway Board Secretariat Service/Armed Forces Headquarters Civil Service;
  - iv) Inspectors of Central Excise in different Collectorates of Central Excise, Inspectors of Income-Tax in different charges of the Commissioners of Income-Tax, Preventive Officers and Examiners in different Custom Houses, Assistant Enforcement Officers in Directorate of Enforcement;
  - v) Sub-Inspectors in, Central Bureau of Investigation and Central Police Organisations;
  - vi) Divisional Accountants, Auditors and Accountants under the Office of Comptroller and Auditor General of India and other Accounts Departments and Upper Division Clerks in Attached and Subordinate Offices of the Government of India.
  - vii) Junior Engineer (Civil & Electrical) in CPWD, a Group 'C' Non-Gazetted, Non-Ministerial, General Central Services (Technical) post.
  - viii) Statistical Investigators, Grade IV of Subordinate Statistical Service (SSC), a Group 'C' non-gazetted, non-ministerial post in the Ministry of Statistics and Programme Implementation
  - ix) Tax Assistant (a Group C non – Gazetted Ministerial post in various Commissionerates of Central Board of Direct Taxes ( CBDT) and Central Board of Excise and Customs )
  - x) Section Officer ( Commercial Audit), a Group "B" Non-gazetted post in the Indian Audit and Accounts Department
  - xi) Section Officer (Audit), a Group B Non-Gazetted post in the Office of the Comptroller and Auditor General
4. The Commission also holds Departmental Examination for promotion from: Group "D" to Lower Division Clerk Grade of the Central Secretariat Clerical Service and equivalent grades in Indian Foreign Service (B)/Railway Board Secretariat Clerical Service/Armed Force Hqrs. Clerical Service;
- i) Lower Divisional Clerks to Upper Divisional Clerks Grade of the Central Secretariat Clerical Service and equivalent Indian Foreign Service (B)/Railway Board Secretariat Clerical Service/Armed Forces Hqrs. Clerical Service;

- ii) Stenographers Grade "D" to Stenographers Grade "C" of the Central Secretariat Stenographers Service and equivalent grades in Indian Foreign Service (B)/Railway Board Secretariat Stenographers Service/Armed Forces Hqrs. Stenographers Service.
5. The Commission conducts periodical Typewriting Tests in English and Hindi.
6. The Commission prepares schemes for recruitment to all Group "B" posts which are in the pay scale of ₹ 9300 to 34800 with a grade pay of ₹ 42000 or below and Group "C" non-technical posts in the Ministries/Departmental of the Govt. of India including its Attached and Subordinate Offices in consultation with the Departments concerned.
7. The Commission conducts examinations/selections for recruitment to all Group "B" posts which are in the pay scales the maximum of which is ₹10, 500 or below and all Group "C" non-technical posts in the Ministries/Departments of the Govt. from time to time.
8. The Commission performs such other functions as may be entrusted to it by the Central Govt. from time to time.

#### 6.4. Election Commission



The Election Commission is a permanent and an independent body established by the Constitution of India directly to ensure free and fair elections in the country. Article 324 of the Constitution provides that the powers of superintendence, direction and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India shall be vested in the election commission. Thus, the Election Commission is an all-India body in the sense that it is common to

both the Central government and the state governments.

It must be noted here that the election commission is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate State Election Commission.

#### 6.5 Comptroller and Auditor General of India

The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). He is the head of the Indian



Audit and Accounts Department. He is the guardian of the public purse and controls the entire financial system of the country at both the levels the Centre and the state. His duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration. This is the reason why Dr. B.R. Ambedkar said that the CAG shall be the most important Officer under the Constitution of India. He is one of the bulwarks of the democratic system of government in India; the others being the Supreme Court, the Election Commission and the Union Public Service Commission.

## 6.6. Financial Administration

### Financial Administration : Objectives

The vagaries of the market in the developed countries, have led to an enlarged scope of financial administration which is characterised by deficit budgets, massive public debt and deficit financing. Similarly, in the developing countries, where governments have assumed the role of a facilitator of development, fiscal policies and administration reflect a set of multiple objectives such as stability, development, self-reliance, reduction of interpersonal inequalities in income and wealth, and balanced regional development. Interestingly these countries also utilize the same instruments of action. Even though political ideologies, or economic doctrines are of crucial importance in the management of the affairs of the state, there are certain fundamental objectives of financial administration which transcend, politico-economic compulsions.

These are as follows:

- 1) Management of the finances of public household
- 2) Implementation of projects and programmes
- 3) Provision for public goods and social services
- 4) Growth, Employment and Price Stability
- 5) Capital formation
- 6) Productive deployment of national funds
- 7) Facilitating smooth flow of parliamentary processes
- 8) Achieving equity and equality.

### Principles of Financial Administration

**The following may be listed as some of the important principles of financial administration**

- 1) The principle of primacy of public interest, public choice and public policy
- 2) The principle of political direction and control
- 3) The principle of correspondence
- 4) The principle of unity of organisation and management
- 5) The principle of stability and balance
- 6) The principle of simplicity and flexibility
- 7) The principle of conduct, discipline and regularity
- 8) The principle of public trust and accountability.

## Four Distinct Phases- Financial Administrative History of India

**Period I (1765-1858)** - Creation of structure and concretisation.

**Period II (1860-1919)** - Development of systems and Procedures.

**Period III (1919-1947)** - Democratisation and Decentralisation

**Period IV (1950-till date)** - Development orientation.

## New Emerging Trends - Financial Administration in India

- 1) Regulation and control of fiscal deficit
- 2) Cutback on non-development expenditure
- 3) Development of zero base perspective
- 4) De-emphasised public sector
- 5) Non-bureaucratic delivery of public goods and services
- 6) Focus on decentralized responsibility for financing development plans
- 7) Towards deregulation and liberalization

### 6.6.1 Enactment and Execution of Budget

#### Budgetary Cycle

In order to allow time for the executive and legislative processes to go through, budgeting is geared to a cycle. The process of approval is very significant in any possible form of government.

#### The cycle consists of four phases:

- Preparation and submission;
- Approval;
- Execution; and Audit

At any given point of time, several cycles would be in operation and would be overlapping. Nevertheless, various segments of a cycle have different operational life.

#### Budget Preparation

In India, budget preparation formally begins on the receipt of a circular from the Ministry of Finance sometime during September/October, that is, about six months before the budget presentation. The circular prescribes the time-schedule for sending final estimates separately for plan and non-plan, and the guidelines to be followed in the examination of budget estimates to be prepared by the department concerned. The general rule is that the person who spends money should also prepare the budget estimates. Budget proposals normally contain the following information:

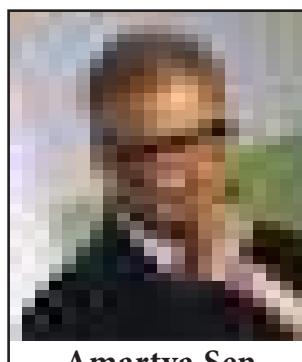
- i) Accounts classification
- ii) Budget estimates of the current year
- iii) Revised estimates of the current year
- iv) Actuals for the previous year; and
- V) Proposed estimates for the next financial year.

#### Financial Year

When the first modern budget was presented in 1860, the financial year adopted by the government was from 1st May to 30th April. Beginning with the year 1866, however, the financial year was changed to 1<sup>st</sup> April to 31<sup>st</sup> March, in conformity with the practice in England.

## Everything you wanted to know about the Sen-Bhagwati debate

The debate on economic policy has never been as riveting as it is today, with two giants from the world of academic economics, Amartya Sen and Jagdish Bhagwati, tackling each other on what India's governance priorities should be.



Amartya Sen



Jagdish Bhagwati

The debate between two of the finest Indian economists Amartya Sen and Jagdish Bhagwati reflects the deeper question facing India's political leaders

The debate on economic policy has never been as riveting as it is today, with two giants from the world of academic economics, Amartya Sen and Jagdish Bhagwati, tackling each other on what India's governance priorities should be. Sen is a Nobel Prize winner in economics and a professor of economics and philosophy at Harvard University. Bhagwati is a Columbia University professor of economics, who has been nominated for

the top honour several times. Along with Sen and Avinash Dixit, he is considered to be among the three greatest Indian economists ever.

While Sen believes that India should invest more in its social infrastructure to boost the productivity of its people and thereby raise growth, Bhagwati argues that only a focus on growth can yield enough resources for investing in social sector schemes. Investing in health and education to improve human capabilities is central to Sen's scheme of things. Without such investments, inequality will widen and the growth process itself will falter, Sen believes. Bhagwati argues that growth may raise inequality initially but sustained growth will eventually raise enough resources for the state to redistribute and mitigate the effects of the initial inequality.

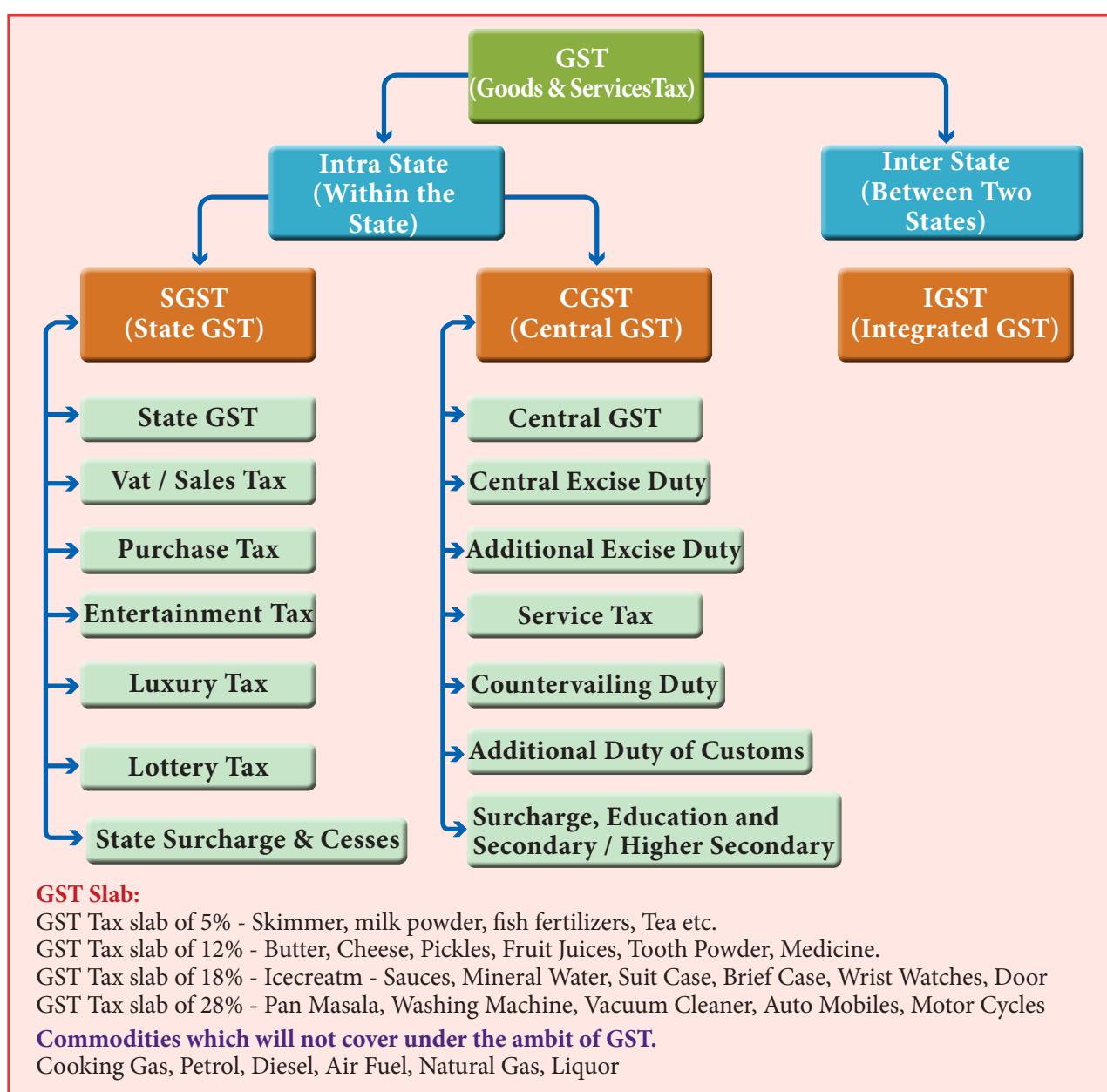
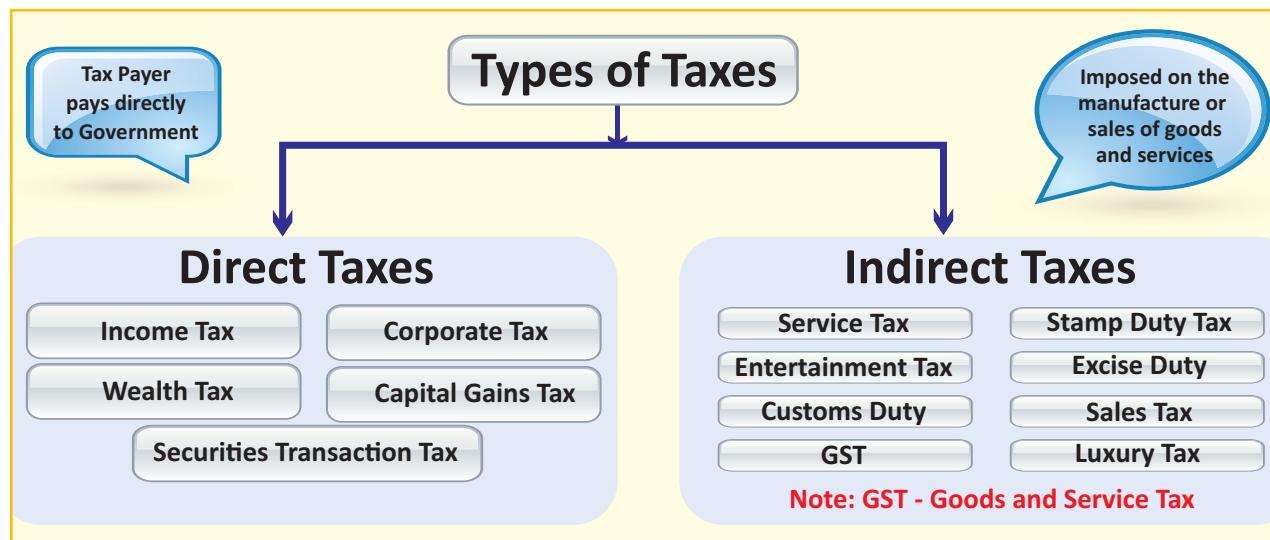
The debate on economic policy has never been as riveting as it is today, with two giants from the world of academic economics, Amartya Sen and Jagdish Bhagwati, tackling each other on what India's governance priorities should be.\

### Activity



Assess Tamil Nadu's growth and social indicators improvement.

## 6.6.2 Tax Structure in India



## Glossary



- ❖ **Civil Service:** Those branches of public service that are not legislative, judicial, or military and in which employment is usually based on competitive examination. The entire body of persons employed by the civil branches of a government.
- ❖ **Appointment:** A non-elected government job. Most jurisdictions offer several kinds of appointments. A noncompetitive appointment is government employment obtained without competing with others, in the sense that is done without regard to civil service registers.
- ❖ **Civil Service Reform:** Civil service reform, which implies developing the capacity of the civil service to fulfill its mandate, defined to include issues of recruitment and promotion, pay, number of employees, performance appraisal and related matters.
- ❖ **Decentralization:** Decentralization is commonly regarded as a process through which powers, functions, responsibilities and resources are transferred from central to local governments and/or to other decentralized entities. In practical terms, decentralization is a process of striking a balance between the claims of the periphery and the demands of the centre.
- ❖ **E-democracy:** E-democracy is the utilization of electronic communications technologies, such as the Internet, to enhance democratic processes, including elections, forums and other participatory means. It is a relatively new political development, as well as the subject of much debate and activity within government, civic-oriented groups and societies around the world.
- ❖ **E-governance:** E-governance can be defined as the application of ICT tools in (1) the interaction between government and citizens and businesses, and (2) in internal government operations to simplify and improve democratic governance.
- ❖ **Globalization:** Globalization is increased global integration and interdependence. It has a multidimensional character: economic, political, social, and cultural. It is characterized by unprecedented rapid flows of goods and services: private capital, circulation of ideas and tendencies and the emergence of new social and political movements.
- ❖ **Good governance:** Good governance entails sound public sector management (efficiency, effectiveness and economy), accountability, exchange and free flow of information (transparency), and a legal framework for development (justice, respect for human rights and liberties) (World Bank).
- ❖ **Human Resources:** Human resources is a term with which many organizations describe the combination of traditionally administrative personnel functions with performance, Employee Relations and resource planning. The field draws upon concepts developed in Industrial/Organizational Psychology.



Human resources has at least two related interpretations depending on context. The original usage derives from political economy and economics, where it was traditionally called labor, one of four factors of production. The more common usage within corporations and businesses refers to the individuals within the firm, and to the portion of the firm's organization that deals with hiring, firing, training, and other personnel issues.

❖ **Integrity:** In public administration, integrity refers to "honesty" or "trustworthiness" in the discharge of official duties, serving as an antithesis to "corruption" or "the abuse of office." Integrity is a key element that completes the notion of accountability and transparency. It can also be defined as incorruptibility, an unimpaired condition or soundness and is synonymous to honesty.

❖ **Public Administration:** public administration is centrally concerned

with the organization of government policies and programmes as well as the behavior of officials (usually non-elected) formally responsible for their conduct.

❖ **Transparency:** Transparency refers to unfettered access by the public to timely and reliable information on decisions and performance in the public sector, as well as on governmental political and economic activities, procedures and decisions

❖ **Welfare State:** Political system based on the premise that the government has the responsibility for the wellbeing of its citizens, by ensuring that a minimum standard of living is within everyone's reach. This commitment is translated into provision of universal and free education, universal medical care, insurance against disability, sickness, and unemployment, family allowances for income supplement, and old age pensions.

## ( Evaluation



### I. Choose the correct answer:

1. Who appoints the members of the All India Services?
  - a) The President
  - b) The Union Home Minister
  - c) The Chairman of the Union Public Service Commission
  - d) The Attorney General of India
  
2. The Union Public Service Commission, which is concerned with the recruitment of civil services at the Centre,
  - a) Was created through a presidential Ordinance in 1950
  - b) Was created by an executive resolution which was duly endorsed by the Parliament
  - c) Was provided in the Constitution
  - d) Was provided under the Indian Independence Act, 1947.



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3. The Composition of the Union Public Service Commission has been

- a) Laid down in the Constitution
- b) Determined by the Parliament
- c) Determined by the president
- d) Determined by the Union Home Ministry

4. What is the chief function of the UPSC?

- a) To conduct examinations for appointment to All India and Central Services
- b) To advise the President regarding claims of civil servants for costs incurred in the course of execution of duties
- c) to advise the President regarding disciplinary action against a civil servant
- d) All the above

5. Members of the UPSC can be removed from office before the expiry of their term by

- a) the Prime Minister
- b) the Chairman of the UPSC
- c) the President on the Recommendation of the Supreme court
- d) The President on the recommendation of the Parliament

6. Which of the following has been wrongly listed at an All India Services?

- a) India Police Service
- b) Indian Administrative Service
- c) Indian Foreign Service
- d) Indian Economic Service

7. Which of the following is not a statutory functions of the UPSC?

- a) To advise the government on the methods of recruitment, promotion and control of public services
- b) To look after the interests and right of civil servants
- c) To hear appeals from civil servants and redress their grievances
- d) To act as a watchdog on the functioning of the state Public Service Commission

8. In India, new All India Services can be created

- a) Through an amendment in the Constitution
- b) By the Union Government in Consultation with the UPSC
- c) By the Parliament
- d) By the President on the Advice of the Union Council of Ministers

9. A member of a state Public Service Commission can be removed on the ground of misbehavior only after an enquiry has been conducted by
- A committee appointed by the President
  - The Supreme Court of India
  - The High Court of the State
  - A committee appointed by the governor of the state
10. Expenses incurred out of the Contingency Fund of India are
- Subsequently recouped by transferring savings from other heads of budget
  - recouped through supplementary, additional or excess grants by Parliament
  - not recouped till the whole fund is exhausted
  - recouped by collecting contributions from various states
11. Which one of the following motions is related with the Union Budget
- Adjournment motion
  - Cut motion
  - Censure motion
  - None of the above
12. Lok Sabha passes vote on account to
- meet the expenditure during the period between the introduction of Budget and its passage.
  - to meet expenditure on secret service
  - to enable the government to meet unexpected expenditure
  - none of the above
13. Which one of the following sets of Bills is presented to the Parliament along with the Budget?
- contingency Bill and Appropriation Bill
  - Finance Bill and Appropriation Bill
  - Finance Bill and Appropriation Bill
  - Direct Taxes and Indirect Taxes Bill
14. Under the Constitution, the Central Government collects various types of taxes, which it has to share with the state governments. Which of the following enjoys Constitutional authority to decide the share of the states in the taxes?
- The Union Finance Minister
  - The Finance Commission
  - The Planning Commission
  - The Union Cabinet in consultation with the President



15. When an advance grant is made by the Parliament pending regular passage of the Budget, it is called
- Vote on Account
  - Token Grant
  - Supplementary Grant
  - Vote on Credit
16. The Parliament exercises control over finances through several methods. Which one of the following has been wrongly listed?
- It prepares and passes central Budget
  - It levies and collects the taxes
  - It sanctions the amounts spent out of the Consolidated Fund of India
17. The parliament of India generally holds three sessions. Which one of the following has been wrongly listed as a session of Parliament?
- Budget Session
  - Monsoon Session
  - Spring Session
  - Winter Session
18. The Lok Sabha is superior to the Rajya Sabha because
- it is a directly elected house
  - the Council of Ministers is accountable to it
  - it controls the budget
  - of all the above reasons
19. A Joint Public Service Commission for two or more states
- cannot be constituted under any circumstances
  - can be constituted by the Parliament on its own
  - can be constituted by the Parliament after a resolution to this effect is passed by the legislatures of the concerned states
  - can be constituted by the president on the recommendation of the Chairmen of the concerned State Public Service Commission
20. When was the Public Service Commission, a forerunner of Union Public Service Commission, first of all set up in India?
- 1926
  - 1938
  - 1947
  - 1950



21. **Assertion(A):** A Secretary is the chief advisor to the minister on all aspects of policy and administrative affairs.

**Reason (B) :** Cabinet Secretary is head of the civil service.

- A) Both A and R are true and R is the correct explanation of A.
- B) Both A and R are true but R is not the correct explanation of A.
- C) A is true but R is false.
- D) A is false but R is true.

22. Match the following

- |                         |               |
|-------------------------|---------------|
| A. Additional Secretary | 1. Section    |
| B. Under Secretary      | 2. Division   |
| C. Deputy Secretary     | 3. Department |
| D. Secretary            | 4. Branch     |
|                         | 5. Wing       |

A B C D

- a) 5 4 2 3
- b) 1 2 3 5
- c) 2 1 3 5
- d) 3 4 5 2

23. **Assertion(A):** India adopted a model of development based on five year plans.

**Reason(R):** In all the five year plans the approach was to fix a goal and employ the bureaucracy to work towards achieving that goal

- A) Both A and R are true and R is the correct explanation of A.
- B) Both A and R are true but R is not the correct explanation of A.
- C) A is true but R is false.
- D) A is false but R is true.

## II. Answer the following questions very shortly:

1. Define Public Administration.
2. Ministry of External Affairs.
3. What is Personnel Administration?
4. IAS.
5. UPSC
6. SSC
7. Explain Financial Administration

### III. Answer the following questions shortly

1. Independent Regulatory Authority.
2. What is GST?
3. What is AYUSH?
4. What is Informal communication?
5. Write about the two modes of recruitment to the All India Services.

### IV. Answer the following questions detail

1. Explain the concept Rule of law.
2. Write about the importance of transparency in Administration.
3. Write about the functions of SSC.
4. Explain the objectives of financial Administration.
5. Describe the structure and functions of Ministry of Home Affairs.

#### Reference Books



- ❖ Ramesh K Arora, Rajini Goel, - Indian Public Administration Wishwa Prakashan Publications, January 2010.
- ❖ Laxmikanth M, Public Administration, TATA McGRAWHILL'S Publications, 2011.
- ❖ Shriram Maheshwari, Indian Administration: An Historical Account, Published by Jawahar (1994).

#### Web links



- ❖ <https://upsc.gov.in/>
- ❖ <https://cabsec.gov.in/>
- ❖ <https://www.pmindia.gov.in/en/prime-ministers-office/>

## Unit

## 7

## Challenges of Nation Building



## ( Learning Objectives



- ❖ To outline the emergence and the phase-out of Princely States from pre-independence through post-independence
- ❖ To explain the need for the integration of Princely States in order to consolidate administrative and political fragments
- ❖ To compare the reasons between the apprehension of the Indian government and the insistence of citizens to reorganise States based on linguistic factors
- ❖ To discuss the effectiveness of the changes India underwent after the integration of Princely States and linguistic reorganisation of States
- ❖ To review the different Commissions set up by the government and Acts passed by the Parliament towards reorganisation of States
- ❖ To interpret the social, economic, political, linguistic, and administrative challenges of nation building
- ❖ To illustrate elaborately the various pressing factors that influenced the creation of Tamil Nadu State, thereby establishing a strong foundation for linguistic, ethnic, and political autonomy

## Activity



James Mill was a Scottish economist and political theorist, philosopher, published a three-volume work called THE HISTORY OF BRITISH INDIA in 1817. He divided Indian history into three periods – Hindu, Muslim and British.

According to Mill, before the British came to India, the country was ruled by Hindu and Muslim autocrats, religious intolerance, caste taboos and superstitious dominated the social life in India. Mill felt that the British rule could civilize India by introducing British institutions, laws and manners in the country. According to him, British rule could bring enlightenment and help India to progress.

## Brain Strom

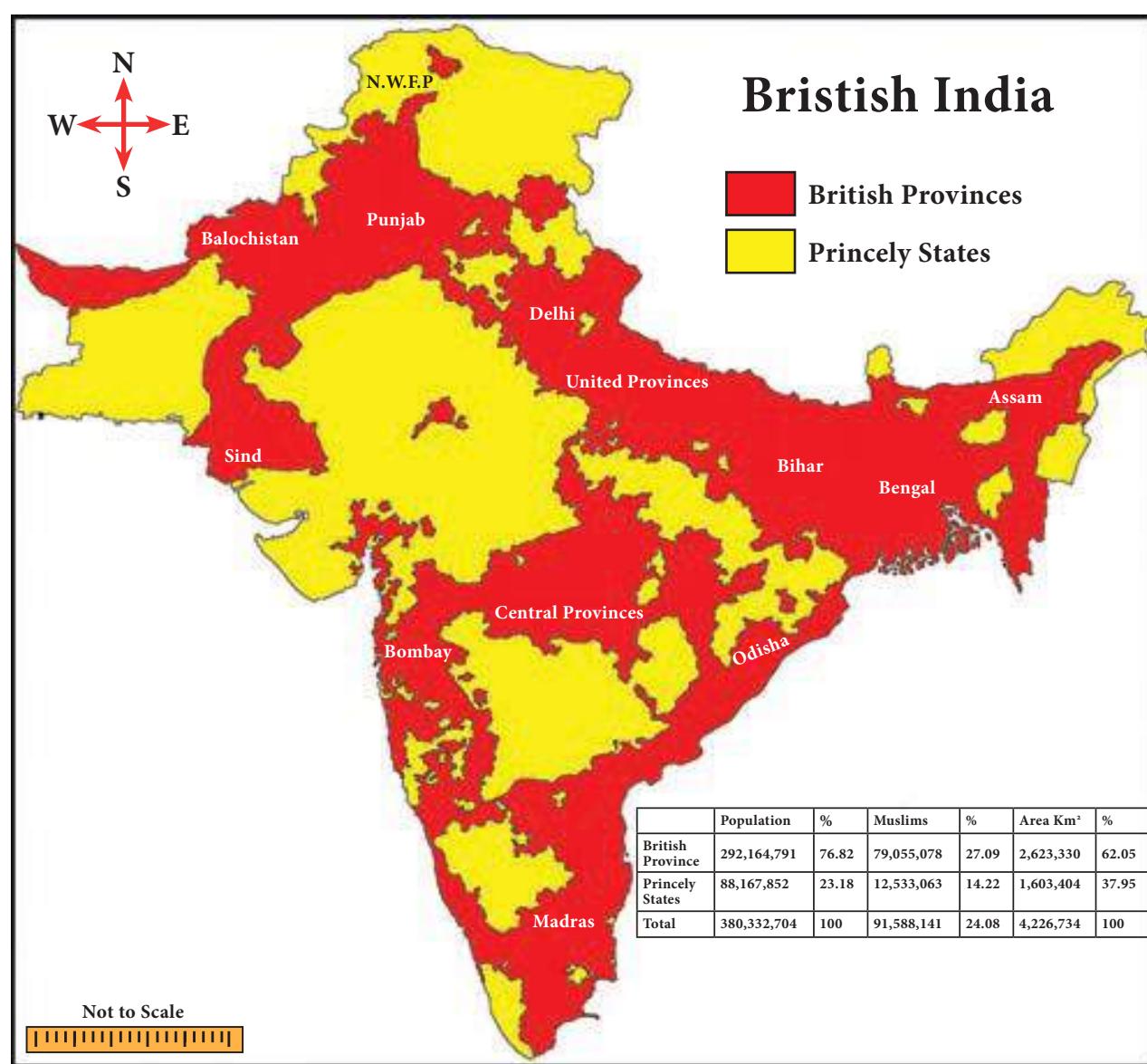
Do you agree with James Mill's periodization and his views on British rule in India?

## 7.1 Integration of Princely States

### Emergence of Princely States in India

A 'princely state' or a 'native state' is a political unit of a larger administrative province, which either is ruled directly by monarchic lineage or serves as a subsidiary coalition with a more powerful monarchic government. These smaller administrative pockets were based on the political, cultural, lingual, and geographical landscape. In the westerns and central India. Princely states came into existence with the entry of Rajputs into the Indian sub-continent who migrated from Central

Asia around 200 AD(CE). The word 'Rajput' means 'sons of kings'. Hence, princely states were established even before the Mughal and British colonial invasion. There were a number of non-Rajput princely states too some ruled by Nawabs and Nijams, some ruled by native dynasties like Mysore, Travancore and Pudukottai. All those monarchical states subordinated to the British India were termed as Princely States. However, the word 'princely' was deliberately retained during the British regime, to ascribe subordination of the rulers in the sub-continent to the British Crown.



## Attempts at Integrating Princely States

As mentioned earlier, the princely states were fragmented administrative pockets and the subject of integration of princely states in the phase preceding Indian independence has a long history even before the Colonial invasion. Many dynasties attempted to integrate the princely states starting from the Maghada Kings, Bimbisara, and Ajatasatru belonging to sixth century BC(BCE). Then came the Mauryans, and Ashoka, and five centuries later Chandragupta and his son Samudragupta, all of them who almost managed to bring many smaller kingdoms together, but consolidating under one rule still remained a far cry. Many princely states asserted their autonomy while pledging their loyalty to a powerful neighbouring ruler, especially during the time of war. However, when the thirst for power, jealousy and frequent disagreements among kingdoms led to resentment and disunity, it paved way for Arab and Persian invasion, establishing the Moghul empire and eventually conquering the northern part of pre-independent India.

### Princely States under British Raj

#### a) Gun Salute System:

Therefore, by the time European colonisation, i.e. the British, Portuguese, and French, started to take over, the disunity worked in their favour to establish their presence, initially through trade. Among the three, the British managed to institute sovereignty under the crown of many princely states but not all. There were 565 princely states in pre-independent India and, the 'gun salute'

system under the British rule was an open gesture to announce the level of affiliation of a princely state to the British East India Company. Therefore, there were two kinds of princely states: 'Salute Princely States' and 'Non- Salute Princely States'.

#### b) Salute States

The 'Salute States' were States that had the British East India presence, and there were around 117 to 120 salute states. So, the heads, rulers, or princes of these states, were greeted with gun salutes. The number of guns used to salute a particular head of a State reflected the level of honour and prestige granted to a ruler. A 21-gun salute was the highest honour granted to a ruler and rulers of lesser ranks received a minimum of 9-gun salute. Some of the rulers who received the 21-gun salute include:

- ❖ His Highness the Maharaja Scindia of Gwalior
- ❖ His Highness the Maharaja Gaekwar of Baroda
- ❖ His Highness the Maharaja of Jammu and Kashmir
- ❖ His Highness the Maharaja of Mysore
- ❖ His Exalted Highness the Nizam of Hyderabad and Berar

Some of the rulers who received 9-gun salutes include:

- ❖ The Nawab of Sachin
- ❖ The Maharaja of Patna
- ❖ The Maharana of Wadhwan
- ❖ The Nawab of Loharu

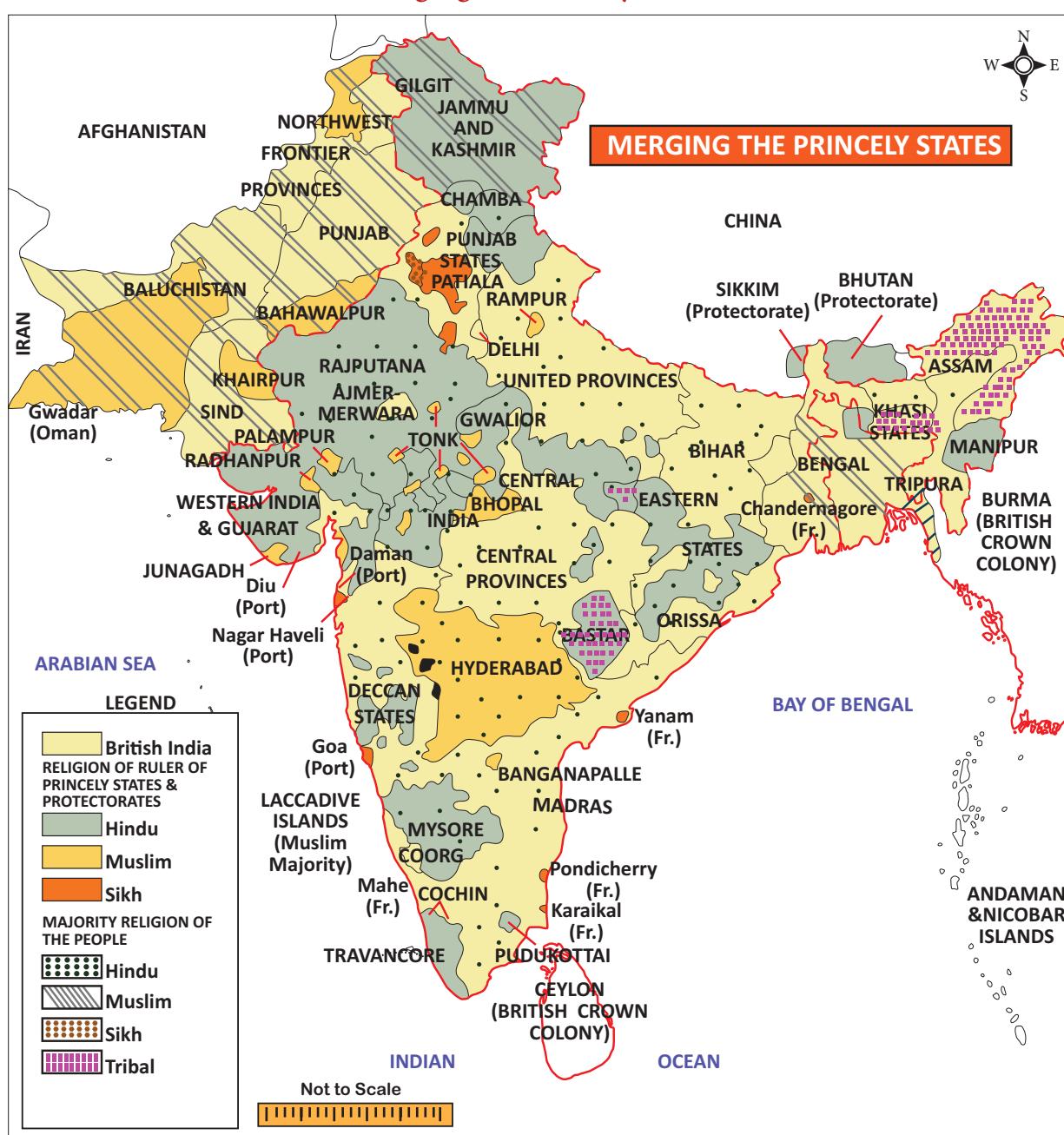
### c) Non-salute States

Among the 565 Princely States, only 117 to 120 were salute states, which implied there were many other States which were under the British rule or British Raj were non-salute states. The number of gun salutes or no gun salute actually had nothing to do with the relevance of the States, i.e. if the State was any less or more important than the rest.

Some heads of States did not receive any gun salute. Some of the reasons include:

- Some were not acknowledged as gun salute states
- Some princely states were considered of lower prestige
- Some princely states were obsolete but the rulers were permitted to their royal entitlements and even received pensions

### Merging the Princely States



## Princely States of India

During the pre-independence phase, many princely states enjoyed the patronage of the British rule and were not eager to part with their privileges when the integration of States was proposed. Some of the rulers were looking forward to establishing finally their own independent State, and assert their autonomy, post-independence. A unification of princely states meant the end of British rule, as well as the dissolving of the princely states, and provinces. In 1947, the unification process began amidst high politics, diplomatic negotiations, and violence. The British

Prime Minister Clement Attlee when addressing the House of Commons on 15th March 1946 acknowledged the fight for freedom and the lives lost towards the struggle for an independent nation. He also put forth the challenges that India would face given its complex cultural heritage. He said, "I am well aware, when I speak of India, that I speak of a country containing a congeries of races, religions and languages, and I know well all the difficulties thereby created. But those difficulties can only be overcome by Indians. We are very mindful of the rights of minorities and minorities should be able to live free from fear."



### Activity

Identify the prominent personalities and discuss their contributions to our nation with your friend.



Nevertheless, the process towards nation building and negotiations to merge the States began in April 1947. Some of the problems faced towards nation building were communal riots, partition, and refugee crisis. Once India became independent Sardar Vallabhai Patel, took over as the Deputy Prime Minister and Minister of Home Affairs and the merging of 565 princely states began. He along with VP Menon, Patel's able Secretary, who did the groundwork, since he was formerly an Indian civil servant, who served the last three British viceroys, made political integration possible.

Sardar Patel and VP Menon convinced the heads of the Princely States to cooperate by joining the Indian Constituent Assembly. They were also promised that their personal assets and possessions would not be taken over by the government. Many princely states consented, except Junagadh, Kashmir, and Hyderabad who wanted to remain independent.

### **Junagadh**



The Nawab of Junagadh, or his Dewan, Shah Nawaz Bhutto, father of

Zulfikar Ali Bhutto, who later went on to become the President of Pakistan, both rejected the autocratic rule. Three States surrounding Junagadh, chose to be part of India, and the fourth side it is covered by the Arabian sea. The majority of the population were non-Muslims, nonetheless Dewan Bhutto joined Pakistan on 15<sup>th</sup> August 1947. People started to protest and insisted the Dewan to request the Indian government to take over the administration. By then, the Dewan had already flown with his family to Karachi, the then capital of Pakistan, along with the State's treasure.

### **Activity**

#### **Role Play**

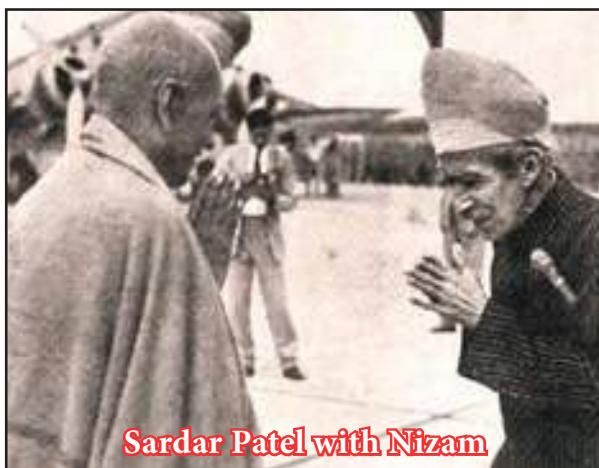


Organise an interview in the colonial period with various royal families, colonisers, and freedom fighters who are on the verge of merging States to establish a nation, 'India'. This activity requires four teams. Team 1 are members of the Royal Family, Team 2 are freedom fighters and politicians, Team 3 are Colonisers, and Team 4 are journalists.

### **Hyderabad**

The Nizam of Hyderabad was yet another ruler who headed a State with predominantly non-Muslim population. However, Hyderabad was in the heart of India and anticipated independent status. There were lengthy debates on the issue between Hyderabad and Delhi but Lord Mountbatten informed that it cannot become a Dominion. A 'dominion' meant a self-governing nation in the British Commonwealth. In addition, it became

known that the Nizam became a prisoner of a communal organisation, Ittehad-ul-Musilmeen led by Kasim Razvi, whose armed volunteers were called 'razakars'. The Nizam had initially encouraged them but later lost control over their activities. In addition, the Nizam had also lifted the ban on imposed on Communist Party in 1943. The collaborated activities of the Razakars and the Communist party resulted in violence. Trains passing through the State were attacked. With barely any help from the Nizam, the Indian troops were sent into the State in September 1948. The Nizam was offered a large portion of wealth and privileges once he declared that Hyderabad will be part of India.



**Sardar Patel with Nizam**

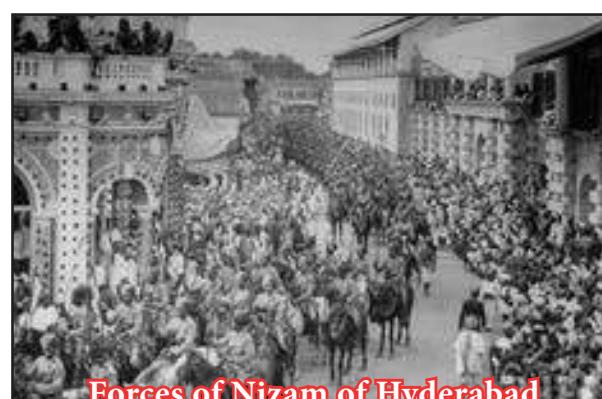
As a result of the Communist anti-lanlord uprising in Telangana region of Hyderabad was the Bhoodan movement, meaning the 'gifting of land'. The Bhoodan movement was initiated by Vinobha Bhave, a disciple of Mahatma Gandhi, who promoted the voluntary redistribution of land favouring the landless.

Hyderabad, the largest princely state under Nizam Mir Osman Ali Khan Siddiqi, Asaf Jah VII, wanted to join neither India nor Pakistan. When the peasants

of Telangana, who were mostly Hindus, revolted, he exerted violence using his army to suppress the resistance and to fight against the Indian Union. Eventually, in September 1948, the Indian army under Operation Polo annexed Hyderabad and overthrew the Nizam, merging the State with the rest of the country.

### **Jodhpur**

Initially, Jodhpur had expressed their desire to join India, but when Maharaja Hanwant Singh took over as the ruler, he preferred joining Pakistan instead of India. Muhammed Ali Jinnah, allegedly offered Maharaja Hanwant Singh, free access to Karachi port, and arms manufacturing and importing them. Seeing the threat posed at the border, Patel made a better offer to Maharaja Hanwant Singh, by permitting importing of arms, rail connectivity between Jodhpur and Kathiawar and supply of grains to farmers during a famine. Fearing communal violence, because the population of Jodhpur were predominantly Hindus, Maharaja Hanwant Singh conceded to join India.



**Forces of Nizam of Hyderabad**

### **Kashmir**

The only Princely State left was Kashmir, which had a Hindu ruler Maharaja Hari Singh. Since the majority of the

population were Muslims, Pakistan assumed Kashmir belonged to them. Hence, on August 15th 1947, ruler Hari Singh proposed a standstill agreement allowing the mobility of people and goods. Pakistan consented but India refused, which provoked Pakistan to violate the Standstill agreement. When Hari Singh wanted military assistance from India,



**Lord Mountbatten**

Lord Mountbatten clarified that under the International law, India can send her military troops only if the State signs the instrument of accession, which Hari Singh promptly did, on 26<sup>th</sup> October 1954. On the very next day, 27<sup>th</sup> October 1954, the army was sent to Srinagar, ousting Pakistan from the Kashmir valley.

## 7.2 Linguistic Reorganisation of the State

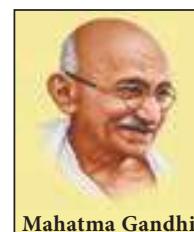
### Pre-Independence

Even before independence, the linguistic vibrancy of the land had a significant impact on mobilising movements and protests during the freedom struggle. Hence, the restructuring of the States based on vernacular languages was of strategic importance in integrating the States as one nation. In fact, when Annie Besant initiated the 'Home Rule Movement', there were more participants from the Southern region.

The plan for linguistic re-organisation began in 1917 by the Congress party; plans to redistribute the provinces on linguistic basis came to the fore and by the 1920s, there were expressions on the need to acknowledge vernacular languages for administration and formal education. In fact, many regional Congress members also insisted on linguistic provincials, especially the Andhra Provincial Congress Committee consolidated the Telugu speaking districts from the Madras Presidency in 1917. Noticing the rising demand for a linguistic assertion, the process of re-distribution of provinces began in 1927. After a long struggle that began in 1895, to separate from Bihar from the Odisha Province, Odisha became the first Indian State to be linguistically independent State in 1936. Prominent leaders such as Lokmanya Tilak, Annie Besant, and Mahatma Gandhi were all in favour of States reorganised on linguistic basis.



Annie Besant



Mahatma Gandhi



Bal Gangadhar Tilak

### At the Wake of Independence

Once, India became independent, Congress was apprehensive about separating the States based on vernacular languages fearing more unrest, similar to the religious conflicts that lead to the partition. Eventually, in 1948, the Constituent Assembly set up the first Linguistic Province Commission (LPC), to review the practicality of linguistic provinces under the headship of Justice SK

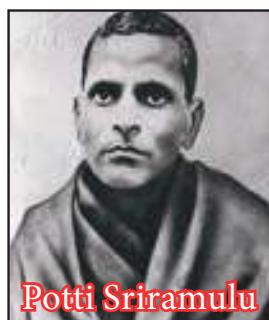
Dhar. This commission called, 'The Dhar Commission' did not favour the linguistic redistribution fearing threat to national unity and difficulty in the administrative process.

Such a decision did not go well with the citizens of the country, especially those in States with independent linguistic identity. Therefore, in 1948, Jawaharlal Nehru, Sardar Vallabhai Patel, and Pattabhi Sitaramayya, who was then the President of the Congress, set up the JVP Committee, to reconsider the demand of linguistic reorganisation.

### The JVP Committee

Initially, the committee adamantly continued to oppose the reorganisation of linguistic States, insisting on higher ideals like unity and development. With the growing demand for linguistic autonomy, a report was generated enabling the creation of linguistic States. Agitation and movements across the country continued until the 1960s.

### First Linguistic State



**Potti Sriramulu**

The first linguistic State was Andhra Pradesh comprising of Telugu speaking people established under pressure. Massive protests prevailed for a prolonged period, costing the life of Potti Sriramulu, who died on the 56th day of his hunger strike. Violent agitation followed all over Andhra Pradesh even after his death. When the protests by Vishalandhra

movement, meaning Greater Andhra, persisted, Nehru was forced to declare the State of Andhra Pradesh, after merging Telugu speaking Hyderabad State and Andhra State in 1956.

### State Reorganisation Commission

Heeding to the growing violent insistence for the creation of States based on linguistic factors from across the country, Jawaharlal Nehru appointed three members with Shri Saiyid Fazl Ali as the Chairman, Hridayanath Kunzru, and K.M. Panikkar as the members to set up the Fazl Commission, to review the demand for separate States. Finally, on 22nd December 1953, the Fazl Commission was in place. The Commission acknowledges four major criteria to consider for the reorganisation of the States based on languages, and the report was submitted in September 1955. The following were the recommendations in brief:

#### 1. Linguistic and Cultural Homogeneity

To reject the ideology of a State speaking only one language because there are States where people speak multiple languages, whereas there are independent multiple States where communities speak the same language. For example, Hindi is spoken across the North Indian States.

#### 2. Financial, Economic and Administrative Considerations

To ensure that the economic, political, and administrative functioning treats all sections of the society in a balanced manner because the Indian constitutions stand for equal rights and opportunities for all her citizens. To acknowledge that linguistic homogeneity

aids in administration. However, it cannot be considered as a unifying principle, ignoring other aspects such as administrative, financial, and political.

### 3. Preservation and Strengthening of the Unity and Security of the Nation

To promote deeper nationalism, unilingual States must realise that a singular language will instil particularistic empathy, which should be countered with more positive and pluralistic measures to ensure deeper content to national feeling.

4. Planning and promotion of the welfare of the people in each state as well as of the Nation as a whole to meet the communicational, educational, and cultural needs of various linguistic communities, who either live in unilingual or multilingual communities of a particular administrative unit.

Eventually, the Commission suggested the reorganisation of the country into sixteen States and three Union Territories. The Indian government accepted the report, though it made few modifications and constituted the State Reorganisation Act in 1956. After the Act was passed by the Parliament, and the Indian government implemented it leading to the creation of 14 States and 6 Union Territories came into existence in 1st November 1956.

The States were Andhra Pradesh, Assam, Bihar, Bombay, Jammu and Kashmir, Kerala, Madhya Pradesh, Madras, Mysore, Odisha, Punjab, Rajasthan, Uttar Pradesh and West Bengal. The six union territories were Andaman and Nicobar

Islands, Delhi, Himachal Pradesh, Laccadive, Minicoy and Amindivi Islands, Manipur and Tripura.

### Emergence of More States

The reorganisation of States continued even after 1956, and not particularly based on vernacular language, after careful consideration by the Parliament. Some of the States that emerged after 1956 include:

- ❖ Bombay Reorganisation Act, 1960: Formation of Gujarat
- ❖ State of Nagaland Act, 1962: State of Nagaland, separate from Assam
- ❖ Punjab Reorganisation Act, 1966: Formation of Haryana
- ❖ New State of Himachal Pradesh Act, 1970
- ❖ North Eastern Reorganisation act, 1971: Formation of Manipur, Tripura, Meghalaya, Mizoram and Union territories of Arunachal Pradesh & Mizoram
- ❖ New State of Sikkim Act in 1975
- ❖ State of Arunachal Pradesh Act, State of Mizoram act 1986: Formation of the States of Mizoram and Arunachal Pradesh
- ❖ State of Goa Act in 1987
- ❖ Reorganisation Act, 2000: Formation of Chhattisgarh
- ❖ Reorganisation Act, 2000: Formation of Uttarakhand
- ❖ Bihar Reorganisation Act, 2000: Formation of Jharkhand
- ❖ Andhra Pradesh Reorganisation Act, 2014: Formation of Telangana

## Pending States

The process of reorganisation of States continues with some of the localities demanding separate States:

1. Harith Pradesh (Western Uttar Pradesh)
2. Purvanchal (Eastern Uttar Pradesh)
3. Bodoland (Northern Assam)
4. Saurashtra (Southern Gujarat)
5. Gorkhaland (Northern West Bengal)
6. Vidarbha (Eastern Maharashtra)
7. Kosal (Odisha)

The formation of States remains a complex issue owing to various forms of diversity, such as culture, caste, religion, language, ethnicity, and even how a particular territory is geographically placed. Therefore, the undercurrent of the constant strife for a separate State lies in access to resources and more importantly asserting identity.

### Activity



Draft a Commission to explore suggestions other than linguistic diversity to be a reason to create States. How can it contribute to the progress of the country?

## 7.3 India after Reorganisation

### After 1947 – Independent India

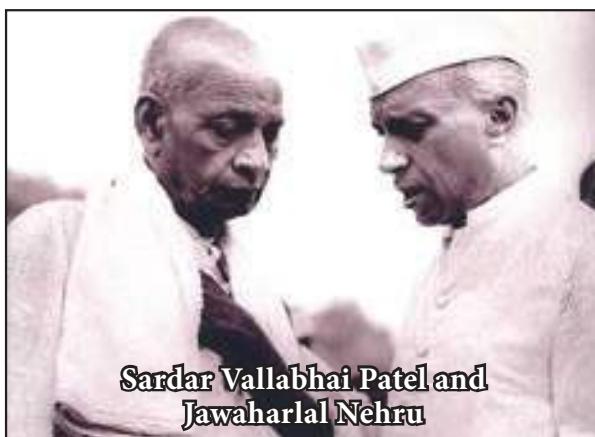
During the British Colonial period, there were about 600 administrative units as the Princely States. Depending on the geographical, cultural, and religious preferences, people were given a choice

to either stay back in the new country India or equally new country Pakistan. Meanwhile, there were other countries that were formed such as Bhutan. The current administrative units were formed between 1947 and 1950. Some places retained their boundaries from British India such as Mysore, Hyderabad, and Bhopal.

Amidst religious tensions, post-independence witnessed two nations, India and Pakistan. The independence of India led to the close of colonial rule and in the reorganisation of States, which were mostly based on languages, and the rest based on a geographical and cultural basis. Hence, the new nation of India was restructured and reorganised, which instituted easier governance and administration. The reorganisation of the country maintained cultural diversity, linguistic vibrancy, and glorious heritage. One of the primary concerns for the Indian government was to instil sentiments of unity and a deep sense of belonging to the country. During the national movement, Congress did take notice of the impact vernacular languages had in mobilising powerful participation towards freedom.

Immediately after independence, the same vigour had to be translated by redrawing the map of India, which was now destined for self-governance, replacing the colonial mapping, which had completely negated the local lingual, historical, and cultural dynamics of the land. The reorganisation of the States and granting self-governance to the States meant, the central government and the State government had to balance the powers. However, with the number of agitation that

prevailed while restructuring the States based on language, made it clear, that the Centre was stronger than the States. Therefore, the process of nation-building was facing a new ordeal where the country was declared independent, but the States wanted a similar political consolidation based on ethnicity, geographical borders, language and more autonomy in local governance. The key leaders who paved the way for the restructuring include Jawaharlal Nehru and Sardar Vallabhbhai Patel. However, the pain of partition and circumstances under which the participation led to justifiable concerns for the two leaders. They did not want to divide the country any further because they had a vision a more pluralistic nation, a unified State than one that should be further divided based on any specific identity that differentiates people based on religion, language, or ethnicity. Hence, the apprehension to reorganise the States had its roots from past experiments and experiences. The former provinces and presidencies served the colonial administration, now the States had a specific cultural identity, linguistic individuality, economic viability, geographical placement, political improvement, and administrative convenience.



**Sardar Vallabhbhai Patel and Jawaharlal Nehru**

### Challenges and Negotiations

After the establishment of States, with few more pending to get independent status as a State, the political and administrative history of India is placed within the democratic representation of the States, by legalising their political autonomy constitutionally.

Following the creation of the States, distribution of resources and right to access to resources became the next priority. Some States were large, and some were small. Some States, irrespective of their size, wielded more power than the rest. Therefore, the Central government had to ensure a balance was maintained between the developed and the underdeveloped States. This was ensured through assigning impartial supply of capital, development projects, and labour opportunities. Since the size of the States differed, smaller States raised concerns that the larger States would have more control over resources thus, moderating, or even violating the access of the smaller States to access resources. The result of such sentiments, will lead to resentment, worsen the economic disparity, and assert hegemonic usurpation of resources.

Post-independence, the cultural, social, political, linguistic, and economic restructuring process was implemented for specific political reasons. Restructuring could not be done with the language being the only criterion, because it stood in the way of national integration. It gave certain languages more privilege over the others, which did not go well with States whose linguistic population was lesser than other dominant languages. Therefore,



structuring of States based on languages sparked a debate between national identity and linguistic-cultural identity. Some such communities include Bodos in Assam and the Coorgis in Karnataka. Even if two neighbouring States, spoke the same language, it still caused unrest concerning the assertion of national identity owing to caste, ethnic, and religious differences. Nevertheless, in 1950, 12 languages were recognised but later 22 languages were acknowledged, which shows the growing demand among linguistic-cultural communities aspiring for political identity.

### Borders

Prior to independence, the land was divided into Provinces, Princely States, and Presidencies. Once States were declared, the borders had to be negotiated especially between States such as Karnataka and Maharashtra, Maharashtra and Gujarat, Haryana and Punjab, Odisha and West Bengal, and between Andhra Pradesh and parts of Madras Presidency.

Apart from the other differences, the dominant linguistic communities asserted their specific regional and cultural forms of power and identity. These very specific cultural and linguistic identities received patronage from the State. Here again, the State had to accommodate the cultural-linguistic minorities who spoke languages other than the language of the dominant population.

As expected, the dominant population started to assert their power over the minorities, by imposing the language of the dominant linguistic population in administration, education, employment,

judiciary, and economy. To tackle the cultural autonomy, development issues, and regional inequalities. States had to strategise a standard agenda that ensured overall development of all linguistic communities. In spite of the efforts by the government to ensure uniformity, two cultures emerged, the elite and the mass.

### Rise of Regional Political Parties

The regional parties across States started to emerge because of region-based identity movements and loyalty towards one's own region. Most of the political parties were capitalised on the local bases of power. The economic inequality and regional disparities slowed down the development pace and in some cases stalled progress. When regional political parties began to emerge, it meant more challenge for the Centre because the problems at the grassroots were not the same throughout the country.

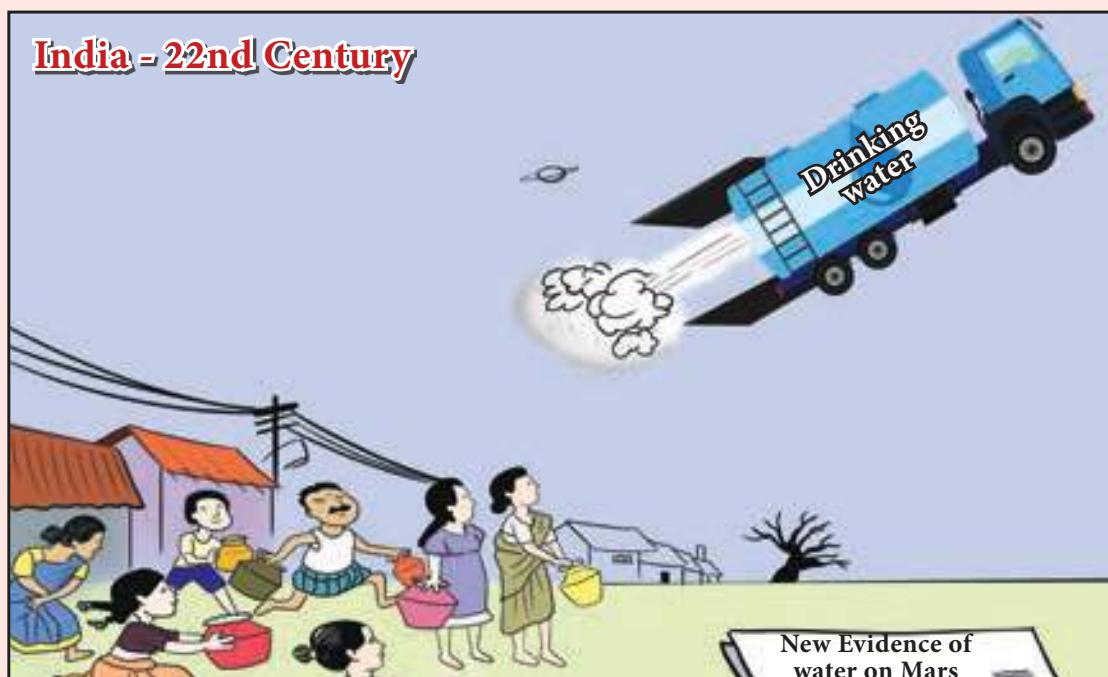
### Formation of States

The Parliament in recent context can form a new State by removing a particular locality from any State. Therefore, a single State has the potential to be multiple States. At the same time, the Parliament has the power to increase or reduce the land to be allotted for a particular State. Other powers include changing the boundary and even the name of the State. However, for all these changes to be implemented, a bill will be drafted and referred by the President to the legislature of the State that is in question. The legislature of the State will be granted a certain period to express their views of the State government and then a resolution will be presented before the assembly.

## Activity: Read the Cartoon – Identify the Context



Can you explain what this cartoon is about?



**The Hindu - 26.12.2011**

## Activity: T-Chart (Graphic Organizer)



T-Charts are a type of graphic organizer in which a student lists and examines two facets of a topic, like the 'pros' and 'cons' associated with it, its advantages and disadvantages, facts vs. opinions, etc.



Courtesy: The Hindu –  
19.2.2014

**Topic :** Andhra Pradesh was formally bifurcated by an Act of Parliament on June 2, 2014. The event marked the end of the decades-old movement demanding a separate state.

- ❖ Evaluating the pros and cons of bifurcation of Telangana.

Advantages	Disadvantages

### Activity: Group Discussion



**Topic :** After Right to Information and Right to Education, do you think that the time has come for a Right to Healthcare legislation given the poor state of public healthcare infrastructure in our country?

If the State Assembly passes the bill, then the President recommends the introduction of a separate bill in the Parliament. If the Parliament passes the bill, then the President ratifies it and a new State comes into existence.

### Activity



#### Setting up a Political Party

Organise groups and ask them to set up political parties that adhere to the rules of the Indian Constitution. Explore the procedure from setting up a party, registering it with the election commission, to contesting in the elections.

### 7.4. Social, Economic and Political Challenges of Nation Building

The difference between a State and a Nation must first be examined.

**The State:** A State exists where there is a territory, a people, a government and sovereignty, it may lack the feeling

of nationality or of oneness among the people and yet remain a State. The sense of belonging together creates a readiness on the part of the members of a State to subordinate their differences to the common good.

**The Nation:** The word nation comes from the Latin and when first coined clearly conveyed the idea of common blood ties. It was derived the past participle of the verb *nasci* meaning to be born, and hence the Latin noun *nationem* connoting breed or race. The term 'nation' emphasises the consciousness of unity among its people and according to the older view, a nation need not necessarily be a State.

### Activity - Think-Pair-Share



**Topic:** Culture played an important role in creating the idea of the nation in India.



## Nationality

The idea of nationality is not easy to define, for there is not one single factor to which it can be traced. It is essentially a sentiment of unity, the resultant of many forces; a community of race and language, geographic unity, a community of religion, common political aspirations, and above all historical development. Ernest Renan (He is best known for his influential and pioneering on 28 February 1823 – 2 October 1892 political theories, especially concerning nationalism and national identity.) He rejects the statist concept of the nation in order to identify the nation as a form of morality. It is solidarity sustained by a distinctive historical consciousness. The nation he declares is a

daily plebiscite differentiating nations from races and tribes on the one hand and imperial states on the other.

He argues that a nation comes into existence only when several elements have come together, especially economic life, language, and territory. According to Ernest Renan, “a nation is a soul, a spiritual principle – only two things constitute this soul: one is in the past; the other is in the present”. One is the possession in common of a rich legacy of remembrances, and the other is the actual consent. The desire to live together, the will to continue to value the heritage, which holds in common, contributes to the feeling of nationality.

### Nehru's letter to Chief Ministers on Nationalism. In 1953, after the success of Everest Expedition

“The final ascent of Everest has been a great achievement in which all of us should take pride. Here again there has been great pettiness and the narrowest type of nationalism shown by some people.

Controversies have arisen as to whether Tenzing got there first or Hillary, and whether Tenzing is an Indian national or a Nepalese national. It does not make the slightest difference ... Neither could have done so without the help of the other.

Indeed, both of them could not have done so without the help of the whole party, ... and the whole party could not have done so without the accumulated experience, labour and sacrifice of all their predecessors who tried to reach the top of Everest.

Great human achievements are always the result of combined endeavours in which numerous people take part. It may be that one person takes the last step, but the other persons also count and should not be forgotten.

For us to show a narrow and deplorable nationalism in such matters is not to add to the credit of our country but to lead people to think that we are petty in outlook and suffering from some kind of inferiority complex.”



## Challenges

**Know-How:** The problem was not only increasing production but also reducing disparities. Pandit Jawaharlal Nehru preferred a planned and mixed economy to make India a self-reliant modern nation without compromising its democratic and federal bases. Five years plans ensured plenty of irrigation schemes, institution of basic industries, speedy electrification and extensions of infrastructure facilities India was able to eliminate diseases like malaria, to ensure self-sufficiency in food production, and to evolve and accelerate development of modern science and technologies.

However during the late 60th and early 70th there were signs of recessions. Leading to political disturbances. Wars with China and Pakistan added to her economic miseries. Nationalisation of bank by Indira Gandhi, electronic revolutions introduced by Rajiv Gandhi did contribute to some positive changes. By 1990 and India had come forward to adopt market oriented new economic policy, thus opening India to LPG (Liberalisation Privatisation & Globalisation)

**Agriculture:** The agriculture sector has been declining since the mid-1990s. There were several farmers suicides since 1990 and the export-oriented agriculture has ruined the farmers especially the cotton growing farmers in the Vidarbha region of Maharashtra.

India's agriculture sector, which houses more than 60 percent of the people, has grown at a rate of 1.65 percent between 1996/97 and 2004/05. This is cause for concern as it may produce India's

second agrarian crisis. (The first one was at the beginning of the 1960s) Subsidies to the rich and middle-income farmers like free power, price supports, free water, and free fertilizer have not been reduced but a public investment that uplifts all has come down.

US\$15 billion loan waiver for farmers announced in the populist Union budget of 2008/09 will not affect the majority of the marginal farmers. Eighty percent of the marginal farmers do not have access to formal loans. Drought proofing 60 million hectares of arable land with the same amount of money would have produced results that are more inclusive.

Mandal Commission recommended reservation for OBCs in Unions educational and employment avenues.

**Industry:** The Industrial Disputes Act protects less than 10 percent of India's workforce, which means that more than 90 percent of the workers are in the unorganised sector. The public sector has unionised workers with greater bargaining power and the private sector keeps the workers from joining any union and from taking up any labour issues. Indian industry remains capital intensive, resulting in high-level unemployment in the formal sector. Unemployment is steadily rising resulting in informalisation and casualisation of work.

### Activity

Discussion on Rights To Information Act



## Activity



### India's Toilet Story

The National Annual Rural Sanitation Survey of the Swachh Gram Mission conducted for 2018-19 has re-confirmed the Open Defecation Free (ODF) status of 90.7% of villages which were previously declared and verified as ODF by various districts and states

#### Key Findings



96.5%  
rural  
households in  
India that have  
access to toilets  
and use them



90.7%  
number of  
villages  
declared  
ODF (Open  
Defecation Free)

92,040

households  
studied  
as part of the  
government's  
survey

6,136

villages were  
a part of the  
government's  
overarching  
survey



93.1%  
households had  
access to toilets  
during the  
survey period



96.5%  
people who  
had access to  
toilets used  
them

2014

the year  
Swachh Bharat  
Mission was  
launched

500

million people  
stopped  
defecating in  
public



50

million drop  
in those  
defecating in  
public as of  
today

5.5

lakh villages  
declared  
ODF following  
start of  
Centre's plan

615

districts  
declared ODF  
in the period

30

states and UTs  
declared ODF  
in the period

#### Where The Survey Went

The working  
group  
presented  
their findings  
to the Expert  
Working  
Group (EWG)  
constituted  
for oversight  
of NARSS

The EWG comprises representatives  
from organizations including the  
World Bank, UNICFF, Water Aid,  
Bill & Melinda Gates Foundation,  
India Sanitation and Coalition, NITI  
Aayog, and Ministry of Statistics and  
Programme Implementation.

The EWG noted the satisfactory  
completion of the survey round 2 (last  
year also NARSS conducted a survey).

The survey used PPS (Probability Proportion to Size  
sampling methodology, which yields results within a  
confidence interval of 95%).

**Interpretation of Infograph:** As a class, discuss what you already know or  
think about the following topic: a.

Land acquisition has become a major problem resulting in the displacement of tribals and their land. India's industrialisation is beginning to demand more and more land. Industrial land acquisition needed to be based on the consent of the local people. Acquisition needed to be preceded by compensation and welfare measures that rendered the acquisition of land for industrial purposes as a developmental endeavour. The current laws give the government substantial powers to acquire land. Forced land acquisition by the government has led to violent unrest in some parts of India.

**Political Challenges:** Interstate inequalities have increased in the post-1991 period. As the Central government's role in funding the State governments became less, the States needed to attract private investment. Some States have turned themselves a hub for foreign investment and some could not. This has resulted in the uneven development of States.

**Union-State Relations:** With more states in India coming under the influence of regional parties, the union-state relations have suffered a setback. Earlier the party in the centre and most of the states were same now the parties ruling the states are different and the regional parties are asking for more state autonomy and a greater role for the Inter-state council. They are also asking for more sharing of the finances from the centre (as the financial relations of the State are limited).

**Challenges in Economy:** Deaton and Dreze point out that the number of Indians living at less than a dollar a day has come down, even though there is a substantial debate about the extent of decline in the poverty rate. According to one widely quoted estimate, between 1993/94 and 1999/2000, the number of Indians living at less than a dollar a day came down from 36 percent to 26 percent. This means that India has about 270 million absolutely poor people when the figure for China is about 110 million.

Human development in areas such as primary education and health leave a lot to be desired. The result is that even though there has been a decline in the number of people below the poverty line, a strategy of inclusive growth would have achieved poverty alleviation more rapidly.

A shift to LPG since 1990 also resulted in increasing disparities leading to extensive socio-political unrest in different parts of the country. The Dalit India, the tribal India in addition to the OBC India need to be given more attention so as to ensure social integration and National unity.

**Social Challenges:** India's public health record presents a dismal picture during the reform period. The infant mortality rate declined by 30 percent in the 1980s but the same declined by only 12.5 percent in the 1990s. India's (80/1000) infant mortality rate was lower than Bangladesh's (91/1000) in 1990. In 1999, India's infant mortality rate (71/1000) had overtaken Bangladesh's (61/1000).

**Communalism:** India has witnessed communal violence since the time of partition. Political parties, movements with ulterior motives, fundamental groups spread the stories of hatred among the different communities. It is the 'narratives of hatred' spread by these groups that result in the communal clashes. Minorities are often victims of the communal clashes and their property and livelihood are greatly affected.

**Caste and Gender Discrimination:** Caste clashes and caste discrimination continues to be a major challenge for nation building. In spite of strict laws passed against untouchability, the practice continues in places where the caste system is pronounced. (Dis)honour killing is a major blow to the inter-caste marriages in India.

Women are not treated equally to men is a reality and their representation in politics is abysmally low and Violence Against Women (VAW) is increasing. 33% reservation of seats for women in the parliament and assembly seats are yet to be materialised.

The major challenge for India's development is inclusive growth. Growth has unambiguously reduced poverty and

improved the human condition in India. However, the gains of the middle and richer classes have been greater than those that went to the poorer sections of society. This is evident from the fact that reforms in areas such as telecommunications, banks, stock markets, airlines, trade and industrial policy have not been matched by agricultural and human development. India's industrialisation continues to be capital and knowledge-intensive at a time when over 250 million people survive on less than a dollar a day. If India grows in this way it will take a longer time to eradicate poverty, illiteracy, and malnutrition. Moreover, slow progress in human development in areas such as education and health will make it tougher for India to grow in the long run.

The socio-economic and political challenges highlighted above are major challenges to Nation building.

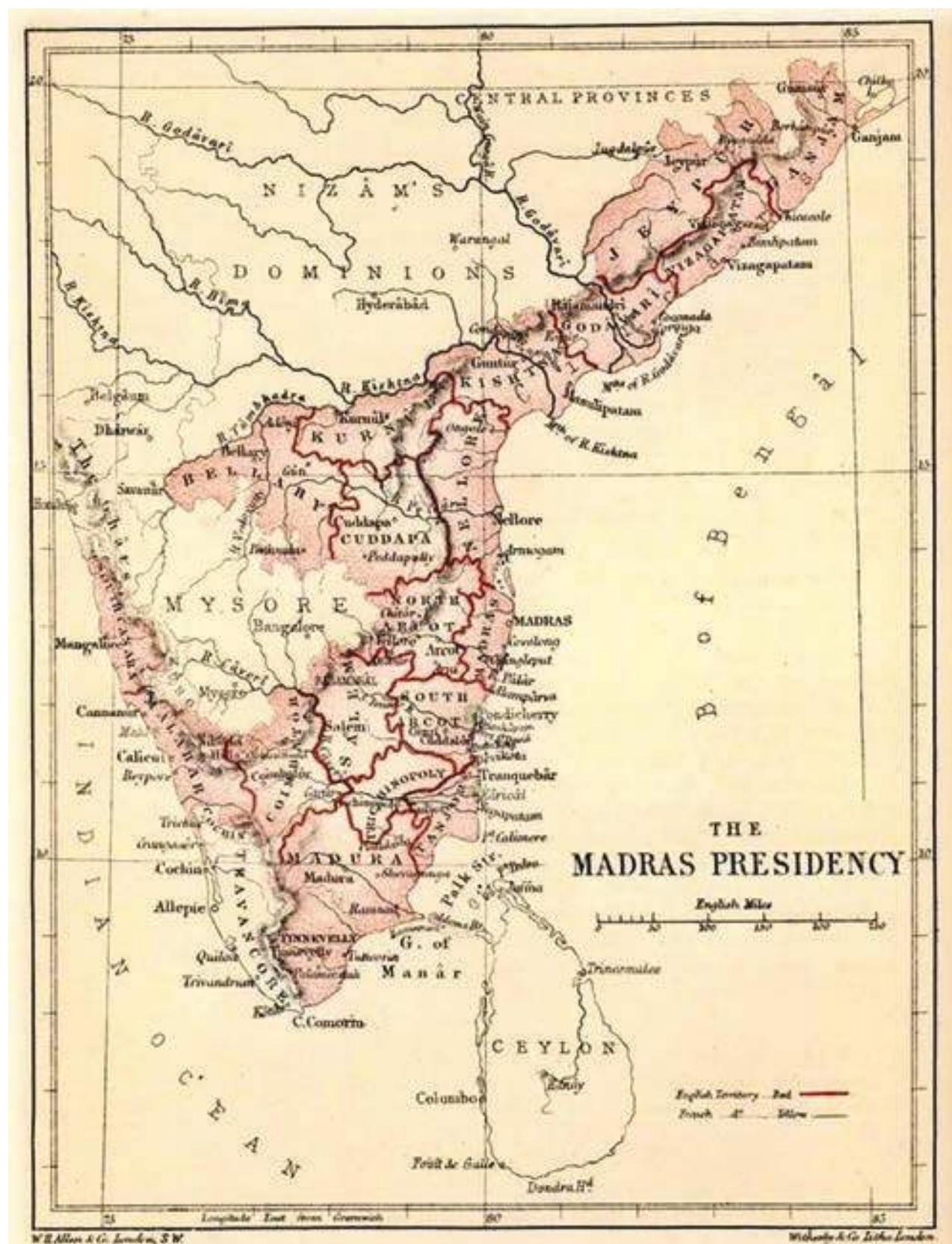
### Activity

#### Development Plans

Frame 4 development projects that are State specific. Two development projects should target rural areas and two development projects that target urban areas.



## 7.5 Formation of Tamil Nadu State



In the year 1802, Lord Wellesley created the Madras Presidency. Until the second half of the 18th century, the

different small Kingdoms ruled South India. The British conquest of South India led to the integration of different

Kingdoms into one. This Madras Presidency was an administrative subdivision of British India. This administrative subdivision included the present day Tamil Nadu, Andhra Pradesh, some parts of Odisha, Kerala, Karnataka and the Lakshadweep. After the Independence Madras Presidency became the Madras State. Then due to the linguistically based reorganisation of Indian States on November 1, 1956, the new separate State for Tamil's was created that was formerly known as the Madras State. Later the name of Madras State was renamed as Tamil Nadu after the great political struggle of Tamil people.

### The Emergence of Linguistic Nationalism

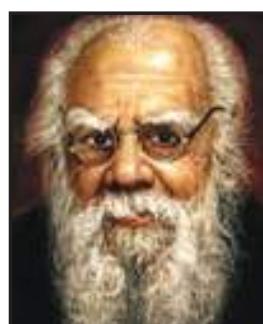
In the early 20th century along with the National consciousness, the linguistic regional consciousness also emerged in the different parts of India due to the influence of the vernacular press and regional political associations. The 'Indian Nation' imagined by the Indian National Congress, a leading body of Nationalist movement contained several problems. One of the problems was it gave the honoured position of national language to Hindi. This created the way for the emergence of Tamil linguistic sub-nationalism in the second decade of the 20th century. It witnessed the emergence of the non-Brahmin movement as a complex issue that included caste conflict, linguistic nationalism and class struggle. T. Madhavan, Tyagaraja, and other non-Brahmin leaders formed the South Indian Liberal Federation.



Tyagarajar



T. Madhavan

Periyar  
E.V. Ramaswamy

Sankaralinganar

Later it was popularly known as the 'Justice Party'. Justice Party was had contested in the provincial elections of Madras at 1920, and it emerged victoriously and formed the government. From 1920 to 1937, it formed four out of the five ministries. Finally, it lost to Congress in the 1937 election, it never recovered. Later emerged the leadership of Periyar E.V. Ramaswamy and his 'Self-respect Movement'. These movements created great influence in the Tamil people's cultural and political life. The consciousness of Tamil nationalism emerged in South India due to the impact of these movements.

### The Idea of Dravida Nadu

Indian National Congress strengthened its organisation in Tamil country through the Civil- Disobedience



Achutha Menon



N.Sreekanth



A.K.Gopalan

Movement. In 1937 Congress won the Madras legislative assembly election and Rajaji became the Chief Minister. After



Maraimalai Adigal



Tiru. Vi.Kalyanasundaram

that he prioritised and implemented two public policies, first one was abolishing the untouchability and the second one was adopting of Hindi as the National language. Rajaji announcement that Hindi should be a compulsory subject in schools was perceived as an insult to the non-Brahmins pride as Dravidians/Tamilians. EVR Periyar and other Self-

respect Movement members organised marches and massive anti-Hindi conferences. (Shiga Miwako and Karashima Noboru, Ed. 2014) Tamil scholars like Maraimalai Adigal, Tiru. Vi.Kalyanasundaram and others convened a lot of public meetings and created awareness among the people about the imposition of Hindi. EVR Periyar extended his wholehearted support to this agitation. He raised even a slogan, 'Tamil Nadu Tamilarukke' (Tamil State for Tamils). He organised the Dravida Nadu Conference in 1939 and demanded the separate Independent 'Dravida Nadu'.

### Kamarajar and Rajaji

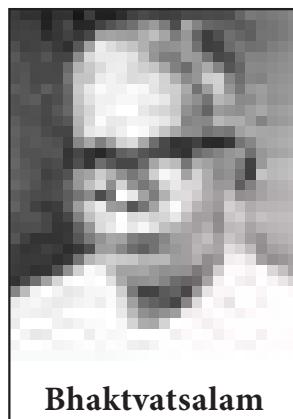
A consequence of this protests was the demand for the separated state for the non-Brahmin people, which also included the Tamils, Telugus, Kannadigas, Malayalees. In 1944 E.V. Ramasamy reorganised the Justice Party into Dravidar Kazhagam in the Salem conference in order to streamline the voice of the Tamils upon the social cause and for the upliftment of the Tamils. Periyar's Salem Conference was noted for its militancy and mass arousing spirit. Now, the object of the Dravidar Kazhagam was to proclaim a sovereign independent Dravidian Republic, which would be federal in nature with four units corresponding to the linguistic divisions, each having residuary powers and autonomy of internal administration. However, the struggle for Dravida Nadu could not get the support outside the Tamil speaking territory.

## The Idea of the State of Dakshina Pradesh

Rajaji initiated the creation of a new concept of political state in South India. This initiation was to counter the Dravida movement. *Dakshina Pradesh* means the amalgamation of Tamil Nadu and Kerala. He spread his ideology through his



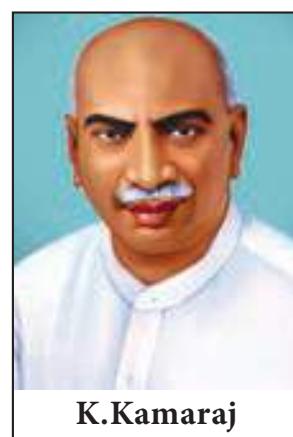
C. Subramaniam



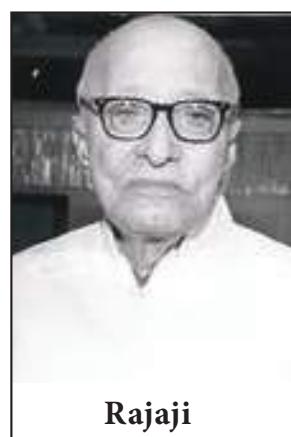
Bhaktavatsalam

followers like C. Subramaniam, Bhaktavatsalam, and some others. Rajaji's political idea was vehemently opposed by most of the political parties of South India. Sreekanth of the Revolutionary Socialist Party, Achutha Menon of Cochin Communist Party and A.K. Gopalan leader of the Travancore Communist Party strongly opposed the idea of the State of Dakshina Pradesh. E.V. Ramasamy wrote an editorial column in the press, *Viduthalai* and requested all Tamils to send telegrams against the formation of Dakshina Pradesh to the Chief Minister of Madras Government. Meanwhile, the people of Karnataka also opposed the concept of Rajaji, particularly Sardar Sarana Gowda of Karnataka People's Party. However, Rajaji and his supporters once again raised the concept of Dakshina Pradesh at Amritsar Congress Conference in 1956. There, K. Kamaraj, Chief Minister of Madras

State reflected people's resistance and stood against Dakshina Pradesh. He opposed the Dakshina Pradesh concept in all the public meetings and it had aroused a great spirit among the Tamils, who were ready to fight against the concept of Dakshina Pradesh.



K. Kamaraj



Rajaji

## Linguistic Reorganisation of Indian States after Independence

The demand of States on linguistic basis was developed even before the independence of India under British rule. After independence, the first ten years of nation-building between 1947 and 1956 saw the issue play a decisive role again and prompted the formation of two major policy directions: one was the official language policy and other the reorganisation of States, that is, federal restructuring. (Yamada, Keiko, Karashima, Noboru (Ed), 2014). The reorganisation of the States on the basis of language, a major aspect of national consolidation and integration, came to the force almost immediately after independence.

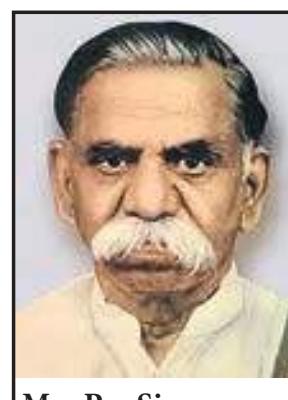
The boundaries of provinces in pre-1947 India had been drawn in a haphazard

manner as the British conquest of India had proceeded for nearly a hundred years. No heed was paid to linguistic or cultural cohesion so most of the provinces were multilingual and multi-cultural. The case for linguistic States as administrative units was very strong. Language is closely related to culture and therefore to the customs of people. Besides, the massive spread of education and the growth of mass literacy can occur through the medium of the mother tongue. Democracy can become real to the common people only when there is politics and administration or judicial activity unless a state is formed on the basis of such a predominant language. (Chandra, Bipan, Mukherjee, Mridula & Mukherjee Aditya, 1999 )

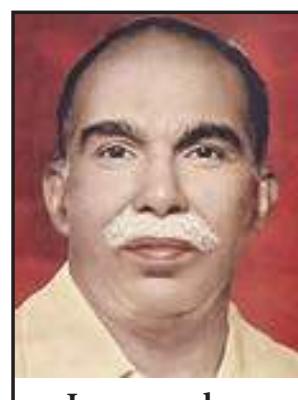
### Formation of Tamil Nadu

The formation of Tamil Nadu, based mainly on political trends and conceived after the linguistic status reorganisation, emerged as an offshoot of the freedom struggle of India. The trends and development in the socio-political scene of Madras-based on the Linguistic Movement. The glory and the antiquity of Tamil language touched the minds of Tamil scholars as well as Tamil people and unified them under the new political system of independent India. The States Reorganisation Commission submitted the final report in 1955. It recommended the creation of the States of Madras, Mysore, and Kerala. According to States Reorganisation Commission, the new Madras State came into existence on 1st November 1956. The States Reorganisation Act, 1956 was a major reform of the

boundaries of India's States and territories, organising them along linguistic lines. The State Reorganisation Commission recommended on the basis of the percentage of the people speaking Tamil, in the four taluks namely Agasteeswaram, Thovalai, Kalkulam, and Vilavancode to Tamil Nadu from the State of Travancore. The same yardstick was applied for the transfer of Shenkotta taluk to Tamil Nadu. However, while dealing with Devikulam and Peermedu (Idukki), even though the majority was Tamil speaking people and the representatives to the State assembly were Tamils. The Commission used a different yardstick and recommended to retain in Travancore – Cochin State due to geographical reasons. For the first time in history Tamil Nadu has been created as a district linguistic State.



Ma. Po. Sivaganam



Jeevanandam

### Struggle for Renaming Madras State into Tamil Nadu

After the attainment of a separate State for Tamils, they were not fully satisfied since they wanted to change the name of the State from Madras to Tamil Nadu. The struggle for the renaming of Madras State into Tamil Nadu continued for more than a decade. The States Reorganisation Commission had not recommended for

the adoption of the name Tamil Nadu for the reorganised Madras State. Ma. Po. Si, tireless efforts an all-party conference

was convened on 27th January 1956 which called for a general hartal on 20th Feb 1956. A number of protests and agitation took

## TAMIL NADU - DISTRICT





place in Madras State. Sankaralinganar, a freedom fighter and one of the disciples of Gandhi who belonged to Virudhunager demanded to rename Madras State as Tamil Nadu. He observed fast unto his death from 27 July 1956 to his last breath on 13th October 1956. The death of Sankaralinganar created a mass struggle in Madras State. College students, labourers, women, and different organisations openly participated in the movements. Later this affected the politics of Madras State. Owing to the influence of these movements, Congress lost its popularity among the people. Finally, it reflected in the 1967 general election, when Congress was totally swept away from Tamil Nadu and Dravida Munnetra Kazhagam (DMK) captured political power. DMK renamed the Madras State as 'Tamil Nadu'.

### Activity



Trace the various movements in different cities within Tamil Nadu during the formation of the State. What were the different rallies and protests other than the ones mentioned in the text organised across Tamil Nadu?

### Multi Culturalism, Diversity and Process of Nation Building

The new Indian nation evolved during the post-mutiny colonial period, through the national movement, was inspired by past experiences, and emerging ideas of democracy, liberalism and federalism. The age of monarchies were

gone forever, the era of religious states too were gone. In an age of liberal democracy, peoples' will, rights and their linguistic, cultural identities, and their economic development have to be the basis of nation building. The great nation builders of modern times like Mahatma Gandhi and Jawaharlal Nehru were against religious or cultural nationalism (Hindu Nationalism, Muslim Nationalism or Two-Nation Theory, they acknowledged the plural base of emerging new India, hence advocated a democratic liberal and federal India. However, many thinkers have pointed out that the constitution of our New India through called India a union of states did not provide adequate financial and political powers for the constituent states. Over centralization along with insistence on a single national-official language (i.e. Hindi) replacing English would erode into the cultural and linguistic identity of the constituent regions. Jawaharlal Nehru could see the perils involved in replacing English with Hindi, hence gave an assurance on the continuance of English as long as the non-Hindi people desired the same.

### Activity



Trace the various movements in different cities within Tamil Nadu during the formation of the State. What were the different rallies and protests other than the ones mentioned in the text organised across Tamil Nadu?

## Glossary



- ❖ **British Commonwealth** : An association of nations involving the United Kingdom and many former British colonies that later became independent states but continue to pledge allegiance to the British Crown are British Commonwealth.
- ❖ **Cultural Homogeneity** : A State promoted standardisation of culture that interconnects the States, based on the supposition of establishing an ideal unified community is Cultural Homogeneity.
- ❖ **Constituent Assembly** : A body of representatives, who are elected by popular vote, with the objective of creating, changing, or drafting a constitution, i.e. a legal system that determines the fundamental political principles of a government is a Constituent Assembly.
- ❖ **Dominion** : A self-governing nation in the British Commonwealth is Dominion.
- ❖ **Dravidar Kazhagam** : A revolutionary movement that aimed at streamlining the voice of the Tamils towards social cause and for the upliftment of the Tamils is Dravidar Kazhagam.
- ❖ **House of Commons** : The lower house of the Parliament of the United Kingdom, whose members are elected by people. These members are known as 'Members of Parliament'.
- ❖ **Inter-state Council** : A constitutional body set up to develop and encourage a support system between the Centre and the State to improve the Inter-State coordination and cooperation in India is Inter-state Council.
- ❖ **Monarchic Government** : A kingdom or an empire ruled by king or a queen is monarchic government. However, in a constitutional monarchy, the powers of the monarch are limited but in absolute monarchy, the powers of the monarch are limitless.
- ❖ **Presidency** : A large administrative unit under the British Colonial rule that was governed by a Governor General, or Generals, appointed by Viceroys was called a Presidency. The three Presidencies under the British rule were the Bombay Presidency, the Calcutta Presidency, and the Madras Presidency.
- ❖ **Princely State** : Also known as a 'native state', a Princely State is a political unit of a larger administrative province that either is ruled directly by monarchic lineage (Indian royal family) or serves as a subsidiary coalition with a more powerful monarchic government (Colonial rulers).
- ❖ **Provinces** : A smaller administrative unit than a Presidency that was under the British Colonial rule was called a Province.
- ❖ **Taluk** : A tax or administrative district in some South Asian countries is a Taluk.
- ❖ **Union Budget** : The Union Budget also known as, the 'Annual Financial Statement' is the account or estimation of the Indian government's finances,

i.e. receipts and expenditure for the fiscal (financial) year. The fiscal year begins from 1st April to 31st March. The Union Budget is of two types: Revenue Budget and Capital Budget.

❖ **Union Territories** : An administrative unit that comes under the governance of the Central government is a Union Territory. During the reorganisation of

States, some administrative units were too weak, economically unstable, or were smaller in geographical area to be declared a State. Hence, these places were declared as Union Territories.

❖ **Viceroy** : An official of country, colony, or province, who rules as the representative of his or her king or sovereign is a Viceroy.

## ( Evaluation )

### I. Choose the correct answer:

1. What did the highest honour, the 21 gun salute granted to a royal member of a Princely State, indicate during the Colonial period?
  - a. The Princely State has the strongest armed forces
  - b. The Royal Member is the ruler of the largest Princely State
  - c. The Princely State actively collaborates with the East India Company
2. Who is the author of “India’s Struggle for Independence?”
  - a. Hridayanath Kunzru
  - b. Prof. Bipan Chandra
  - c. Pattabhi Sitaramayya
3. Choose the States that were formed once the State Reorganisation Act was passed by the Parliament in 1956
  - a. Andhra Pradesh, Punjab, Manipur, Tripura
  - b. Andhra Pradesh, West Bengal, Madhya Pradesh, Bihar
  - c. Andhra Pradesh, Laccadive, Odisha, West Bengal
  - d. Andhra Pradesh, Tripura, West Bengal, Madras
4. How should Industrial Land Acquisition be processed and compensated ?
  - a. i. Obtain the consent of the local people
  - ii. Compensate with welfare measures





- b. i. Obtain approval from the government  
ii. Compensate the displaced tribal people
- c. i. Obtain consent to set up the industry from the government  
ii. Compensate the government for providing land to set up the industry
5. Periyar E.V. Ramaswamy's 'Self-Respect Movement' triggered which of the following:
- Formation of the State of Tamil Nadu
  - Abolition of Madras Presidency
  - Inculcation of Tamil nationalism consciousness
6. What is the reason for State governments to seek foreign or private investment?  
Check more than one reason
- Private investments provide more funding
  - Uneven distribution of funding among States by the Central government
  - Increasing unemployment
  - All of the above
  - None of the above
7. In 1956, Jawaharlal Nehru was forced to declare Andhra Pradesh as an independent State on linguistic grounds, owing to mass protests turned violent after:
- Resistance by the Nizam of Hyderabad to concede to the demands of India
  - Hunger strike by Potti Sriramulu resulting in his death
  - Protests by Vishalandhra movement
8. In 1950, how many languages were recognised?
- 26
  - 22
  - 12
9. What were the offers made to Maharaja Hanwant Singh of Jodhpur to join either Pakistan or India? (Answer any two)
- Sardar Vallabhai Patel
    - Free access to Karachi port
    - Rail connectivity between Jodhpur and Kathiawar
  - Muhammed Ali Jinnah
    - Arms manufacturing
    - Supply of grains to farmers during a famine
  - Sardar Vallabhai Patel
    - Permission to import arms
    - Supply of grains to farmers during famine



- d. Muhammed Ali Jinnah
  - i. Free access to Karachi port
  - ii. Arms manufacturing and importing them

**II. Answer the following questions very shortly:**

- 1. What did the Gun Salute system signify?
- 2. Define a Presidency and a Province
- 3. State the motivation of the Bhoodan movement.
- 4. Name the States that emerged from the former Madras Presidency.
- 5. List at least three Princely States along with their rulers who resisted merging with India after independence.

**III. Answer the following questions shortly:**

- 1. Distinguish between a Nation and a State.
- 2. Outline the reasons for communal violence.
- 3. How did the Dhar Commission respond to linguistic redistribution?
- 4. Why did Jawaharlal Nehru feel pressured to declare the first linguistic State?
- 5. Explain the role of VP Menon in merging the Princely States.

**IV. Answer the following questions detail:**

- 1. Discuss the emergence of regional political parties in the creation of linguistic States.
- 2. Describe the role of the Fazl Commission in linguistic State reorganisation.
- 3. Identify five major challenges in the process of Nation building in India.
- 4. Explain the Constitutional rule regarding land acquisition.
- 5. How significant is the 'Self-respect Movement' in shaping Tamil identity?

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## Annexure



### I. List of Constitutional Amendments of India (1<sup>st</sup> to 103<sup>rd</sup> Amendment)

Amendment	Year	Objectives
1 <sup>st</sup> Amendment Act	1951	Added Ninth Schedule to protect the land reform, Added three more grounds of restrictions on freedom of speech and expression, viz., public order, friendly relations with foreign states and incitement to an offence. Empowered the state to make special provisions for the advancement of socially and economically backward classes.
2 <sup>nd</sup> Amendment Act	1952	Readjusted the scale of representation in the Lok Sabha by providing that one member could represent even more than 7,50,000 persons.
3 <sup>rd</sup> Amendment Act	1954	Empowered the Parliament to control the production, supply and distribution of the food stuffs, cattle fodder, raw cotton, cotton seed and raw jute in the public interest.
4 <sup>th</sup> Amendment Act	1955	Made the scale of compensation given in lieu of compulsory acquisition of private property beyond the scrutiny of courts.
5 <sup>th</sup> Amendment Act	1955	Empowered the president to fix the time-limit for the state legislatures. Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a period of ten years (i.e. up to 1970)
6 <sup>th</sup> Amendment Act	1956	Taxes on the sale or purchase of goods other than newspapers, where such scale or purchase takes place in the course of inter-state trade or commerce.
7 <sup>th</sup> Amendment Act	1956	State reorganization
8 <sup>th</sup> Amendment Act	1959	Abolition of Zamindaris
9 <sup>th</sup> Amendment Act	1960	Facilitated the cession of Indian territory of Berubari Union (located in West Bengal) to Pakistan as provided in the Indo-Pakistan Agreement (1958).

10 <sup>th</sup> Amendment Act	1961	Incorporated Dadra and Nagar Haveli in the Indian Union
11 <sup>th</sup> Amendment Act	1961	Changed the procedures of election of the vice-president by providing for an electoral college instead of a joint meeting of the two Houses of Parliament. Provided that the election of the president or vice-president cannot be challenged on the ground of any vacancy in the appropriate electoral college.
12 <sup>th</sup> Amendment Act	1962	Incorporated Goa, Daman and Diu in the Indian Union.
13 <sup>th</sup> Amendment Act	1962	Gave the status of a state to Nagaland and made special provisions for it.
14 <sup>th</sup> Amendment Act	1962	Incorporated Puducherry in the Indian Union.
15 <sup>th</sup> Amendment Act	1963	Increased the retirement age of high court judges from 60 to 62 years.
16 <sup>th</sup> Amendment Act	1963	Included sovereignty and integrity in the forms of oaths or affirmations to be subscribed by contestants to the legislatures, members of the legislatures, ministers, judges and CAG of India.
17 <sup>th</sup> Amendment Act	1964	Prohibited the acquisition of land under personal cultivation unless the market value of the land is paid as compensation.
18 <sup>th</sup> Amendment Act	1966	The power of Parliament to form a new state also includes a power to form a new state or union territory by uniting a part of a state or a union territory to another state or union territory.
19 <sup>th</sup> Amendment Act	1966	Abolished the system of Election Tribunals and vested the power to hear election.
20 <sup>th</sup> Amendment Act	1966	Validated certain appointments of district judges in the UP which were declared void by the Supreme Court
21 <sup>st</sup> Amendment Act	1967	Included Sindhi as the 15 <sup>th</sup> language in the Eight Schedule.
22 <sup>nd</sup> Amendment Act	1969	Facilitated the creation of a new autonomous State of Meghalaya within the State of Assam.



23 <sup>rd</sup> Amendment Act	1969	Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years (i.e. up to 1980)
24 <sup>th</sup> Amendment Act	1971	Affirmed the power of Parliament to amend any part of the constitution including fundamental rights. Made it compulsory for the president to give his assent to a Constitutional Amendment Bill
25 <sup>th</sup> Amendment Act	1971	Curtailed the fundamental right to property. Provided that any law made to give effect to the Directive Principles contained in Article 39 (b) or (c) cannot be challenged on the ground of violation of the rights guaranteed by Articles 14, 19 and 31.
26 <sup>th</sup> Amendment Act	1971	Abolished the privy purses and privileges of the former rulers of princely states.
27 <sup>th</sup> Amendment Act	1971	Empowered the administrators of certain union territories to promulgate ordinances.
28 <sup>th</sup> Amendment Act	1972	Abolished the special privileges of ICS officers and empowered the Parliament to determine their service conditions.
29 <sup>th</sup> Amendment Act	1972	Included two Kerala Acts on land reforms in the Ninth Schedule.
30 <sup>th</sup> Amendment Act	1972	Did away with the provisions which allowed an appeal to the Supreme Court in civil cases involving an amount of 20,000 and provided instead that an appeal can be filed in the Supreme Court only if the case involves a substantial question of law.
31 <sup>st</sup> Amendment Act	1972	Increased the number of Lok Sabha seats from 525 to 545
32 <sup>nd</sup> Amendment Act	1973	Made special provisions to satisfy the aspirations of the people of the Telangana region in Andhra Pradesh.
33 <sup>rd</sup> Amendment Act	1974	Provided that the resignation of the members of Parliament and the state legislatures may be accepted by the Speaker/Chairman only if he is satisfied that the resignation is voluntary or genuine.
34 <sup>th</sup> Amendment Act	1974	Included twenty more land tenure and land reforms acts of various states in the Ninth Schedule.



35 <sup>th</sup> Amendment Act	1974	Terminated the protectorate status of Sikkim and conferred on it the status of an associate state of the Indian Union. The Tenth Schedule was added laying down the terms and conditions of association of Sikkim with the Indian Union.
36 <sup>th</sup> Amendment Act	1975	Made Sikkim a full-fledged State of the Indian Union and omitted the Tenth Schedule.
37 <sup>th</sup> Amendment Act	1975	Provided legislative assembly and council of ministers for the Union Territory of Arunachal Pradesh.
38 <sup>th</sup> Amendment Act	1975	Empowered the president to declare different proclamation of national emergency on different grounds simultaneously.
39 <sup>th</sup> Amendment Act	1975	Placed the disputes relating to the president, vice-president, prime minister and speaker beyond the scope of the judiciary. They are to be decided such authority as may be determined by the Parliament.
40 <sup>th</sup> Amendment Act	1976	Empowered the Parliament to specify from time to time the limits of the territorial waters, the continental shelf, the exclusive economic zone (EEZ) and the maritime zones of India.
41 <sup>st</sup> Amendment Act	1976	Raised the retirement age of members of State Public Service Commission and Joint Public Service Commission from 60 to 62.
42 <sup>nd</sup> Amendment Act	1976	It is also known as Mini-Constitution. It was enacted to give effect to the recommendations of Swaran Singh Committee. Added three new words (i.e. socialist, secular and integrity) in the Preamble. Added Fundamental Duties by the citizens (new Part IVA). Made the president bound by the advice of the cabinet. Added three new Directive Principle viz., equal justice and free legal aid, the participation of workers in the management of industries. Shifted five subjects from the state list to be concurrent list, viz., education, forests, protection of wild animals and birds, weights and measures and administration of justice, constitution and organisation of all courts except the Supreme Court and the high courts. Empowered the Centre to deploy its armed forces in any state to deal with a grave situation of law and order.



43 <sup>rd</sup> Amendment Act	1977	Restored the jurisdiction of the Supreme Court and the high courts in respect of judicial review and issue of writs
44 <sup>th</sup> Amendment Act	1978	Empowered the president to send back once the advice of cabinet of reconsideration. However, the reconsidered advice is to be binding on the president, Replaced the term 'internal disturbance' by 'armed rebellion' in respect of national emergency. Made the President declare a national emergency only on the written recommendation of the cabinet. Deleted the right to property from the list of Fundamental Rights and made it only a legal right.
45 <sup>th</sup> Amendment Act	1980	Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indian in the Lok Sabha and the state legislative assemblies for a further period of ten. Facilitated the extension of President's rule in Punjab beyond one year without meeting the two special conditions for such extension.
46 <sup>th</sup> Amendment Act	1983	Interstate sale tax
47 <sup>th</sup> Amendment Act	1984	Land reforms enacted for the state of Assam, Bihar, Harayana, Tamil Nadu, Uttar Pradesh, and West Bengal.
48 <sup>th</sup> Amendment Act	1984	Continuation of force in Punjab.
49 <sup>th</sup> Amendment Act	1984	Gave a constitutional sanctity to the Autonomous District Council in Tripura.
50 <sup>th</sup> Amendment Act	1984	Empowered the Parliament to restrict the Fundamental Rights of persons employed in intelligence organisations and telecommunication systems set up for the armed forces or intelligence organisations.
51 <sup>st</sup> Amendment Act	1984	Provided for reservation of seats in the Lok Sabha for STs in Meghalaya, Arunachal Pradesh, Nagaland and Mizoram as well as in the Legislative Assemblies of Meghalaya and Nagaland.
52 <sup>nd</sup> Amendment Act	1985	This amendment is popularly known as Anti-Defection Law, Provided for disqualification of members of Parliament and state legislatures on the ground of defection and added a new Tenth Schedule containing the details in this regard.



53 <sup>rd</sup> Amendment Act	1986	Made special provisions in respect of Mizoram and fixed the strength of its Assembly at a minimum of 40 members.
54 <sup>th</sup> Amendment Act	1986	Increased the salaries of the Supreme Court and high court judges and enabled the Parliament to change them in the future by ordinary law.
55 <sup>th</sup> Amendment Act	1986	Made special provisions in respect of Arunachal Pradesh and fixed the strength of its Assembly at a minimum of 30 members.
56 <sup>th</sup> Amendment Act	1987	Fixed the strength of the Goa Legislative Assembly at a minimum of 30 members.
57 <sup>th</sup> Amendment Act	1987	Reserved seats for the STs in the legislative assemblies of the states of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland.
58 <sup>th</sup> Amendment Act	1987	Provided for an authoritative text of the Constitution in Hindi language and gave the same legal sanctity to the Hindi version of the Constitution.
59 <sup>th</sup> Amendment Act	1988	Provided for the declaration of national emergency in Punjab on the ground of internal disturbance.
60 <sup>th</sup> Amendment Act	1988	Increased the ceiling of taxes on professions, trades, callings and employments from Rs.250 per annum to Rs.2,500 per annum.
61 <sup>st</sup> Amendment Act	1989	Reduced the voting age from 21 years to 18 years for the Lok Sabha and state legislative assembly elections.
62 <sup>nd</sup> Amendment Act	1989	Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indian in the Lok Sabha and the state legislative assemblies for the further period of ten years (i.e., up to 2000)
63 <sup>rd</sup> Amendment Act	1989	Repealed the changes introduced by the 59th Amendment Act of 1988 concerning Punjab. In other words, Punjab was brought at par with the other states in respect of emergency provisions.
64 <sup>th</sup> Amendment Act	1990	Facilitated the extension of the President's rule in Punjab up to a total period of three years and six months.

65 <sup>th</sup> Amendment Act	1990	Provided for the establishment of a multi-member National Commission for SCs and STs in the place of a Special Officer for SCs and STs.
66 <sup>th</sup> Amendment Act	1990	Included 55 more land reforms Acts of various states in the Ninth Schedule.
67 <sup>th</sup> Amendment Act	1990	Facilitated the extension of the President's rule in Punjab up to a total period of four years.
68 <sup>th</sup> Amendment Act	1991	Facilitated the extension of the President's rule in Punjab up to a total period of five years.
69 <sup>th</sup> Amendment Act	1991	Accorded a special status to the Union Territory of Delhi by designing it as the National Capital Territory of Delhi.
70 <sup>th</sup> Amendment Act	1992	Provided for the inclusion of the members of the Legislative Assemblies of National Capital Territory of Delhi and the Union Territory of Puducherry in the Electoral College for the election of the president.
71 <sup>st</sup> Amendment Act	1992	Included Konkani, Manipuri, and Nepali languages in the Eighth Schedule. With this, the total number of scheduled languages increased to 18.
72 <sup>nd</sup> Amendment Act	1992	Provided for reservation of seats for the STs in the legislative assembly of Tripura
73 <sup>rd</sup> Amendment Act	1992	Granted constitutional status and protection to the Panchayati-raj institutions. For this purpose, the Amendment has added a new Part-IX entitled as 'the panchayats' and a new Eleventh Schedule containing 29 functional items of the panchayats.
74 <sup>th</sup> Amendment Act	1992	Granted constitutional status and protection to the urban local bodies. For this purpose, the Amendment has added a new Part IX-A entitled as 'the municipalities' and a new Twelfth Schedule containing 18 functional items of the municipalities.
75 <sup>th</sup> Amendment Act	1994	Provided for the establishment of rent tribunals for the adjudication of disputes concerning rent, its regulation and control and tenancy issues including the rights, title, and interest of landlords and tenants.

76 <sup>th</sup> Amendment Act	1994	Included the Tamil Nadu Reservation Act of 1994 (which provided for 69 percent reservation of seats in educational institutions and posts in state services) in the Ninth Schedule to protect it from judicial review. In 1992, the supreme court ruled that the total reservation should not exceed 50 percent.
77 <sup>th</sup> Amendment Act	1995	Provided for reservation in promotions in government jobs for SCs and STs.
78 <sup>th</sup> Amendment Act	1995	Included 27 more land reforms Acts of various states in the Ninth Schedule. With this, the total number of Acts in the Schedule increased to 282 But, the last entry is numbered 284.
79 <sup>th</sup> Amendment Act	1999	Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years (i.e., up to 2010)
80 <sup>th</sup> Amendment Act	2000	Provided for an 'alternative scheme of devolution' of revenue between the Centre and state
81 <sup>st</sup> Amendment Act	2000	Empowered the state to consider the unfilled reserved vacancies of a year as a separate class of vacancies to be filled up in any succeeding year or years
82 <sup>nd</sup> Amendment Act	2000	Provided for making of any provision in favour of the SCs and STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to the public services of the Centre and the states.
83 <sup>rd</sup> Amendment Act	2000	Provided that no reservation in panchayats need be made for SCs in Arunachal Pradesh
84 <sup>th</sup> Amendment Act	2001	Extended the ban on readjustment of seats in the Lok Sabha and the state legislative assemblies for another 25 years (i.e., up to 2026) with the same objectives of encouraging population limiting measures.
85 <sup>th</sup> Amendment Act	2001	Provided for 'consequential seniority' in the case of promotion under the rule of reservation for the government servants belonging to the SCs and STs with retrospective effect from June 1995



86 <sup>th</sup> Amendment Act	2002	Made elementary education a fundamental right. The newly added Article 21-A declares that 'the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may determine. 'Changed the subject matter of Article 45 in Directive Principles. Added a new fundamental duty under Article 51-A which reads – 'It shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years'.
87 <sup>th</sup> Amendment Act	2003	Provided for the readjustment and rationalization of territorial constituencies in the states by the population figures of 2001 census and not 1991 census as provided earlier by the 84th Amendment Act of 2001
88 <sup>th</sup> Amendment Act	2003	(Article 268-A) – The Centre levies taxes on services. However, their proceeds are collected as well as appropriated by both the Centre and the states.
89 <sup>th</sup> Amendment Act	2003	Bifurcated the erstwhile combined National Commission for Scheduled Castes and Scheduled Tribes into two separate bodies, namely, National Commission for Scheduled Castes (Article 338) and National Commission for Schedules Tribes (Article 338-A). Both the Commission consist of a Chairperson, a Vice-Chairperson and three other members. The President appoints them.
90 <sup>th</sup> Amendment Act	2003	Provided for maintaining the representation of the Scheduled Tribes and non Scheduled Tribes in the Assam legislative assembly from the Bodoland Territorial Areas District (Article 332 (6))
91 <sup>st</sup> Amendment Act	2003	The total number of ministers, including the Prime Minister, in the Central Council of Minister, shall not exceed 15% of the total strength of the Lok Sabha (Article 75 (1A)). The total number of ministers, including the Chief Minister, in the Council of Ministers in a state shall not exceed 15% of the total strength of the Legislative Assembly of the state. However, the number of ministers, including the Chief Minister, in a state shall not be less than 12 (Article 164 (1A)).



92 <sup>nd</sup> Amendment Act	2003	Included four more languages in the Eighth Schedule. They are Bodo, Dogri (Dongri), Maithili (Maithili) and Santhali. With this, the total number of constitutionally recognised languages increased to 22.
93 <sup>rd</sup> Amendment Act	2005	Empowered the state to make special provisions for the socially and educationally backward classes or the Scheduled Castes or the Scheduled Tribes in educational institutions including private educational institutions. This Amendment was enacted to nullify the Supreme Court judgment in the Inamdar case (2005) where the apex court ruled that the state cannot impose its reservation policy on minority and non-minority unaided private colleges, including professional colleges.
94 <sup>th</sup> Amendment Act	2006	Freed Bihar from the obligation of having a tribal welfare minister and extended the same provision to Jharkhand and Chhattisgarh. This provision will now apply to the two newly formed states and Madhya Pradesh and Orissa.
95 <sup>th</sup> Amendment Act	2009	Extended the reservation of seats for the SCs and STs and exclusive representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further period of ten years, i.e., up to 2020 (Article 334).
96 <sup>th</sup> Amendment Act	2011	Substituted 'Odia' for 'Oriya' Consequently, the 'Oriya' language in the Eighth Schedule shall be pronounced as 'Odia'.
97 <sup>th</sup> Amendment Act	2011	Gave a constitutional status and protection to co-operative societies. It made the right to form co-operative societies a fundamental right (Article 19). It included a new Directive Principle of State Policy on the promotion of co-operative societies (Article 43-B). It added a new Part IX-B in the constitution which is entitled as 'The Co-operative societies' (Articles 243-ZH to 243-ZT).
98 <sup>th</sup> Amendment Act	2013	To empower the Governor of Karnataka to take steps to develop the Hyderabad-Karnataka Region.

99 <sup>th</sup> Amendment Act	2014	It provided for the establishment of National Judicial Commission.
100 <sup>th</sup> Amendment Act	2014	This amendment is the Land Boundary Agreement (LBA) between India and Bangladesh.
101 <sup>st</sup> Amendment Act	2016	Goods and Service Tax (GST).
102 <sup>nd</sup> Amendment Act	2018	Constitutional status to National Commission of Backward Classes.
103 <sup>rd</sup> Amendment Act	2019	10% Reservation for Economically Weaker Section.



## II. High Courts in India

S. No	Name of the Court	Act	Jurisdiction	Seat	Benches
1	Allahabad High Court	High Courts Act, 1861	Uttar Pradesh	Allahabad	Lucknow
2	Bombay High Court	High Courts Act, 1861	Maharashtra, Goa, Daman and Diu, Dadra and Nagar Haveli	Mumbai	Nagpur, Panaji, Aurangabad
3	Calcutta High Court	High Courts Act, 1861	West Bengal, Andaman and Nicobar Islands	Kolkata	Port Blair
4	Chhattisgarh High Court	Madhya Pradesh Reorganization Act, 2000	Chhattisgarh	Bilaspur	
5	Delhi High Court	Delhi High Court Act, 1966	National Capital Territory of Delhi	New Delhi	



6	Guwahati High Court	Government of India Act, 1935	Arunachal Pradesh, Nagaland, Assam, Mizoram	Guwahati	Aizwal, Itanagar, Kohima
7	Gujarat High Court	Bombay Reorganization Act, 1960	Gujarat	Ahmedabad	
8	Himachal Pradesh High Court	State of Himachal Pradesh Act, 1970	Himachal Pradesh	Shimla	
9	Hyderabad High Court	Andhra State Act, 1953	Andhra Pradesh, Telangana	Hyderabad	
10	Jammu and Kashmir High Court	Letters Patent issued by the Maharaja of Kashmir	Jammu and Kashmir	Srinagar and Jammu	
11	Jharkhand High Court	Bihar Reorganization Act, 2000	Jharkhand	Ranchi	
12	Karnataka High Court	Mysore High Court Act, 1884	Karnataka	Bengaluru	Dharwad, Kalburgi
13	Kerala High Court	States Reorganization Act, 1956	Kerala, Lakshadweep	Kochi	
14	Madhya Pradesh High Court	Government of India Act, 1935	Madhya Pradesh	Jabalpur	Gwalior, Indore
15	Madras High Court	High Courts Act, 1861	Tamil Nadu, Puducherry	Chennai	Madurai
16	Manipur High Court	North-Eastern Areas and Other Related Laws Act, 2012	Manipur	Imphal	
17	Meghalaya High Court	North-Eastern Areas and Other Related Laws Act, 2012	Meghalaya	Shillong	



18	Orissa High Court	Orissa High Court Order, 1948	Odisha	Cuttack	
19	Patna High Court	Government of India Act, 1915	Bihar	Patna	
20	Punjab and Haryana High Court	High Court (Punjab) Order, 1947	Punjab and Haryana	Chandigarh	
21	Rajasthan High Court	Rajasthan High Court Ordinance, 1949	Rajasthan	Jodhpur	Jaipur
22	Sikkim High Court	36 <sup>th</sup> Constitutional Amendment Act, 1975	Sikkim	Gangtok	
23	Tripura High Court	North-Eastern Areas and Other Related Laws Act, 2012	Tripura	Agartala	
24	Uttarakhand High Court	Uttar Pradesh Reorganization Act, 2000	Uttarakhand	Nainital	



## Key Terms



Acquired Territories	- வாங்கிய பிரதேசங்கள்
Administrative Reforms	- நிர்வாக சீர்திருத்தங்கள்
Administrative Reforms Commission	- நிர்வாக சீர்திருத்த ஆணையம்
All India Services	- அகில இந்தியப் பணிகள்
Asserting Identity	- அடையாளத்தை உறுதிப்படுத்துதல்
Ballot	- வாக்குச் சீட்டு
Bicameralism	- ஈரவை சட்டமன்றமுறை
Budget	- வரவு செலவுத் திட்டம்
Burdensome	- சுமையான
Bureaucracy	- அதிகாரத்துவம்/ஆட்சிபணியர்
Business Advisory Committee	- தொழில் ஆலோசனை குழு
Capitalism	- முதலாளித்துவம்
Citizen	- குடிமகன்
Colonial Regime	- காலனித்துவ ஆட்சி
Committee of Privileges	- உரிமைகள் குழு
Committee on Delegated Legislation	- ஒப்படைப்புச் சட்டமியற்றலுக்கான குழு
Committee on Estimates	- மதிப்பீட்டுக் குழு
Committee on Government Assurances	- அரசாங்க உறுதிமொழிகள் குழு
Committee on Public Accounts	- பொதுக் கணக்குக் குழு
Committee on Public Undertakings	- பொதுத்துறை நிறுவனங்களுக்கான குழு
Committee on Rules	- விதிமுறைகளுக்கான குழு
Committee Stage	- குழு நிலை
Communal Violence	- வகுப்புவாத வண்டுறை



Commutation	- தண்டனையைக் குறைத்தல்
Concurrent List	- பொதுப்பட்டியல்
Congeries of Races	- பந்தயங்களின் கூட்டாளிகள்
Consolidated Fund of India	- இந்தியாவின் நிரந்தர தொகுப்பு நிதி
Constitution	- அரசமைப்பு
Co-operative Federalism	- கூட்டுறவுக் கூட்டாட்சி
Coterminous	- சமள்ளையுடையவை
Council of States	- மாநிலங்களைவ
Covenanted Service	- உடன்படிக்கை சேவை
Criminal Law	- குற்றவியல் சட்டம்
Defacto	- நடைமுறை அதிகாரம் பெற்ற
Democratic	- மக்களாட்சியிலான
Democratic Federalism	- மக்களாட்சி கூட்டாட்சி
Democratic Socialism	- மக்களாட்சி பொதுதர்மம்
De-subsidization	- தள்ளுபடி
Distinctive Feature	- தனித்துவமான அம்சம்
Distribution of Powers	- அதிகாரப் பங்கிடு
District Magistrate	- மாவட்ட நீதவான்
Dual Citizenship	- இரட்டைக் குடியூரிமை
Dyarchy	- இரட்டையாட்சி
Economic Doctrines	- பொருளாதார கோட்பாடுகள்
Economic Viability	- பொருளாதார நம்பகத்தன்மை
Economy Disparity	- பொருளாதார ஏற்றுத்தாழ்வு
Election Commission	- தேர்தல் ஆணையம்



Electoral College	- வாக்காளர் தொகுதி முறைமை
Electors	- வாக்காளர்கள்
Embassies Abroad	- வெளிநாடுகளில் தொகுதிகள்
Embodiment	- வடிவமாகும்
Emergency	- நெருக்கடிநிலை
Envisaged	- சிந்தித்தவர்
European Colonization	- ஜரோப்பிய குடியேற்றம்
Executive	- ஆட்சித்துறை/செயலாட்சி
External Aggression	- வெளிப்புற ஆக்கிரமிப்பு
Federalism	- கூட்டாட்சி
Finance Commission	- நிதி ஆணையம்
Flexible Constitution	- நெகிழும் அரசமைப்பு
Gazette of India	- இந்திய அரசுப் பதிவிதழ்
Geographical Landscape	- புவியியல் இயற்கை
Globalization	- உலகமயமாக்கல்
Good and Services Tax (GST)	- சரக்கு மற்றும் சேவை வரி
Grants-in-Aid	- நிதி நல்கைகள்/நிதியுதவி
Gun Salute	- துப்பாக்கி வணக்கம்
Hegemonic Usurpation	- மேலாதிக்க விரோதம்
Home Rule Movement	- வீட்டில் ஆட்சி இயக்கம்
Homogeneity	- ஒரினத்தன்மை
House of the People	- மக்களவை
Impartial Civil Services	- பாரபட்சமற்ற பொது சேவை
Impeachment	- பதவி நீக்கம்



Indian Administrative Service (IAS)	- இந்திய குடிமைப் பணி
Infant Mortality	- குழந்தை இறப்பு
Institutional Memory	- நிறுவன நினைவுகம்
Integrity	- நேர்மை
Inter-Alia	- மற்றவற்றிற்கிடையில்
International Monetary Fund	- சர்வதேச நாணய நிதியம்
Inter-State Council	- மாநிலங்களுக்கு இடையேயான குழு
Judicial Positions	- நீதித்துறை நிலைகள்
Judiciary	- நீதித்துறை
Jurisdiction	- அதிகாரவரம்பு
Justifiable Concerns	- நியாயமான கவலைகள்
Lawful Intervention	- சட்டரீதியான தலையீடு
Legislature	- சட்டமன்றம்
Linguistic Vibrancy	- மொழியியல் அதிர்வு
Medieval State	- இடைக்கால அரசு
Mixed Economy	- கலப்புப் பொருளாதாரம்
Mobilising Movements	- இயக்கங்களை அணிதிரட்டுதல்
Monarchic Lineage	- முடியாட்சி மரபு
Money Bill	- நிதி முன்வரைவு
Monopolistic	- முற்றுரிமை / ஏகபோகம்
Myriad	- எண்ணற்ற
Nation	- தேசம்
National Emergency	- தேசிய நெருக்கடிநிலை
Native Elites	- சொந்த உயரருக்கு





Nepotism	- தகுதியாலன்றி (வேண்டியவருக்கு ஆதரவு)
NITI Aayog	- நிதி ஆயோக்
Non-Monetary Incentives	- பணம் அல்லாத ஊக்கங்கள்
Non-Money Bill	- நிதி சாரா முன்வரைவு
Non-tax Revenue	- வரி சாரா வருவாய்
Oath	- உறுதிமொழி
Official Parlance	- அதிகாரப்பூர்வ பேச்சு
Officialdom	- அதிகாரத்துவம்
Ordinances	- அவசரச்சட்டம்
Parliamentary Constituencies	- நாடாளுமன்றத் தொகுதிகள்
Particularistic Empathy	- தனித்துவமான பச்சாத்தாபம்
Patronage	- ஆதரவு
Permanent House	- நிரந்தர அவை
Pluralistic Nation	- பன்முக நாடு
Political Autonomy	- அரசியல் சுயாட்சி
Political Fragments	- அரசியல் துண்டுகள்
Portfolios	- துறைகள்
Poverty Alleviation	- வறுமை ஒழிப்பு
Prerogative	- தனிச்சிறப்புரிமை
President	- குடியரசுத்தலைவர்
Presidential Executive	- குடியரசுத்தலைவரின் செயலாட்சி
Princely State	- சுதேச அரசு
Private Member Bill	- தனி நபர் மசோதா
Pro-tem	- இடைக்கால



Proclamation of Emergency	- நெருக்கடிநிலைப் பிரகடனம்
Proportional Representation	- விகிதாச்சார பிரதிநிதித்துவம்
Provincial Autonomy	- மாகாண சுயாட்சி
Quasi Sovereignty	- ஓரளவிலான இறையாண்மை
Quota	- இட ஒதுக்கீடு
Ramification	- கிளைத்தல்
Republic	- குடியரசு
Reputable Profession	- மரியாதைக்குரிய தொழில்
Resentment	- சீர்றுமாக
Revenue Affairs	- வருவாய் விவகாரங்கள்
Rigid Constitution	- நெகிழா அரசமைப்பு
Royal Entitlements	- அரசு உரிமை
Salute States	- வணக்கமுறைமை சுதேச அரசுகள்
Scheduled and Tribal Areas	- அட்டவணை மற்றும் பழங்குடியினப் பகுதிகள்
Secular	- மதச்சார்பற்ற
Select Committee	- தேர்வுக் குழு
Social Transformation	- சமூக மாற்றம்
Socialist	- சமதர்மவாதி
Sovereign	- இறையாண்மையுள்ள
Sovereignty	- இறையாண்மை
Speaker	- அவைத்தலைவர் / சபாநாயகர்
Standing Committee	- நிலைக்குழு
State	- அரசு
Statutory Bodies	- சட்டப்படியான அமைப்புக்கள்



Tax Revenue	- வரி வருவாய்
The Chief Electoral Officer	- தலைமை தேர்தல் அதிகாரி
Transient Assertion	- இடைநிலை வலியுறுத்தல்
Transnational Forces	- சர்வதேச சக்திகள்
Unethical	- நெறிமுறையற்ற
Unified State	- ஒன்றுபட்ட அரசு
Unifying Principle	- ஒன்றுபட்ட கொள்கை
Union Public Service Commission	- மத்திய அரசுப் பணியாளர் தேர்வாணையம்
Union Territories	- ஒன்றியப் பிரதேசங்கள்
Unionised Organisation	- தொழிற்சங்க அமைப்பு
Unitary	- ஒற்றையாட்சி
Unlawful	- சட்டவிரோத
Vernacular Languages	- வட்டார மொழி
Veto	- ரத்து அதிகாரம்
Water Disputes Tribunal	- நதி நீர் பிரச்சனை தீர்ப்பாயம்
Zonal Councils	- மண்டலக் குழுக்கள்



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## **CORRUPTION & CENTRAL VIGILANCE COMMISSION LOK ADALAT'S - CONTROLLER AND AUDITOR GENERAL OF INDIA**

### **CORRUPTION**

**CORRUPTION** - Latinword "to break"

#### **Definition:**

It is the use of public power for private profit in a way that constitutes a breach of law or a deviation from the norms of society.

#### **Forms of Corruption:**

1. Bribery : Accepting gift /cash using power.
2. Misappropriation : Using public money for private gain.
3. Patronage : Wrong support / encouragement
4. Favouritism : undue favour to preferred person
5. Nepotism : Favour Relatives

#### **Impact of Corruption:**

1. Retarded economic development of country.
2. Violence and lawlessness.
3. Gives rise to casteism, linguism, communalism

4. black money in country.
5. Destabilized government
6. Widen imbalance between rich & poor

<b>International</b>	<b>Anti-Corruption</b>
Day has been observed annually, on 9 December, since the passage of the United Nations Convention Against Corruption on 31 October 2003	

### **THE CENTRAL BUREAU OF INVESTIGATION**

CBI – Director – Alok Kumar Verma

#### **Origin:**

- ❖ The Central Bureau of Investigation traces its origin to the Special Police Establishment (SPE) which was set up in 1941 by the Government of India.
- ❖ The functions of the SPE then were to investigate cases of bribery and corruption in transactions with the War &

**CCVCLA**

◆..... Supply Department of India during World War II.

❖ The DSPE (Delhi special police establishment) acquired its popular current name, Central Bureau of Investigation (CBI), through a Home Ministry resolution dated 1.4.1963.

- a) Chief Vigilance Commissioner – chairperson
- b) Vigilance Commissioners – members
- c) Secretary, Home Ministry – member
- d) Secretary (Coordination and Public Grievances) in the Cabinet Secretariat – member

***Organisational structure:***

The CBI is headed by a director, an IPS officer with a rank of Director General of Police or Commissioner of Police (State). The director is selected based on the CVC Act 2003, and has a two-year term. Other ranks in the CBI which may be staffed by the IPS or the IRS are Special director, Additional director, Joint director, Deputy inspector general of police, Senior superintendent of police and Superintendent of police.

When making recommendations, the committee considers the views of the outgoing director. Final selection is made by the Appointments Committee of the Cabinet from the panel recommended by the selection committee.

***Jurisdiction, powers and restrictions:***

- ❖ The legal powers of investigation of the CBI are derived from the DSPE Act 1946, which confers powers, duties, privileges and liabilities on the Delhi Special Police Establishment (CBI) and officers of the Union Territories.
- ❖ The central government may extend to any area (except Union Territories) the powers and

***Selection Committee:***

According to the CVC Act 2003, the committee recommends a panel of officers for director of the CBI. It consists of:

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jurisdiction of the CBI for investigation, subject to the consent of the government of the concerned state. Members of the CBI at or above the rank of sub-inspector may be considered officers in charge of police stations. Under the act, the CBI can investigate only with notification by the central government.

***Relationship to state police***

Maintaining law and order is a state responsibility as "police" is a State subject, and the jurisdiction to investigate crime lies with the state police exclusively. The CBI being a Union subject may investigate:

- ❖ Offenses against central-government employees, or concerning affairs of the central government and employees of central public-sector undertakings and public-sector banks
- ❖ Cases involving the financial interests of the central government

- ❖ Breaches of central laws enforceable by the Government of India
- ❖ Major fraud or embezzlement; multi-state organised crime
- ❖ Multi - agency or international cases

**COMPTROLLER & AUDITOR GENERAL (CAG)**

- ❖ The constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). He is the head of the Indian Audit and Accounts Department. He is the guardian of the public purse. Appointed by the President.
- ❖ Holds office for 6 years or till 65 years of age.
- ❖ The President can remove him only on the recommendation of the two houses of Parliament (as in case of judge of Supreme Court).
- ❖ He is not eligible for further office, either under the Government of India or of any state, after he ceases to hold his office.
- ❖ His salary is equal to that of a judge of the Supreme Court.

## CCVCLA

◆.....

**13<sup>th</sup> – CAG of India  
(Rajiv Mehrishi)  
Present – Shashikant Sharma**

**Duties and Powers:**

- ❖ His duties are to audit the accounts of the Union and the States and to ensure that nothing is spent out of the Consolidated Fund of India or of the States without the sanction of the Parliament or the respective State Legislatures.
- ❖ The Constitution (Article 149) authorises the Parliament to prescribe the duties and powers of the CAG in relation to the accounts of the Union and of the states and of any other authority or body.
- ❖ He advises the President with regard to prescription of the form in which the accounts of the centre and the states shall be kept (Article 150).
- ❖ He submits an audit report of the Union to the President who shall lay it before the Parliament and the audit reports of the States to the respective Governors who shall lay it before the respective State Legislatures (Article 151).

- ❖ The CAG submits three audit reports to the President – audit report on appropriation accounts, audit report on finance accounts, and audit report on public undertakings. The president lays these reports before both the Houses of Parliament.
- ❖ He is responsible only to the Parliament. In short the CAG acts as the custodian & trustee of public money.

**ATTORNEY-GENERAL**

- ❖ The Constitution (Article 76) has provided for the office of the Attorney General for India. He is the highest law officer in the country. Appointed by the President.
- ❖ The person should be qualified to be appointed a judge on these.

**Present – K.K. Venugopal**

No.	Comptroller and Auditor General of India	Year tenure began	Year tenure ended
1	V. Narahari Rao	1948	1954
2	A. K. Chanda	1954	1960
3	A. K. Roy	1960	1966
4	S. Ranganathan	1966	1972
5	A. Bakshi	1972	1978
6	Gian Prakash	1978	1984
7	T. N. Chaturvedi	1984	1990
8	C. G. Somiah	1990	1996
9	V. K. Shunlu	1996	2002
10	VN Kaul	2002	2008
11	Vinod Rai	2008	2013
12	Shashi Kant Sharma	2013	Incumbent (6 years tenure or 65 years of age, whichever is earlier]

***Rights and Limitations:***

- ❖ He is entitled to audience in all courts of the country & can take part in the proceedings of the Parliament and its committees. However, he is not given the right to vote.
- ❖ He is also allowed to take up private practice provided the other party is not the State. Because of this, he is not paid salary but a retainer to be determined by the President.
- ❖ The Attorney General is assisted by two Solicitors-General and four Additional Solicitors-General.
- ❖ The Attorney General gets a retainer equivalent to the salary of a judge of the Supreme Court.

## CCVCLA

### **Functions:**

- ❖ Gives advice on all such legal matters which may be referred or assigned to him by the President.
- ❖ Appears before the Supreme Court and various High Courts in cases involving the Govt. Of India. [Every state shall have an Advocate-General to advice the govt. On legal matters – Article 165].

first State to introduce the institution of Lokayukta in 1971. There are no Lokayuktas in Arunachal Pradesh, Jammu Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tamil Nadu, Tripura and West Bengal. The process to set up Lokayukta in Goa is in progress.

❖ Karnataka's Lokayukta is considered one of the strongest..

## **LOKAYUKTA**

- ❖ The Lokayukta is an anti-corruption authority ombudsman (An ombudsman is an official, appointed by the government or by parliament to represent the interests of the public). He works along with the Income Tax Department and the Anti Corruption Bureau. The Lokayukta (sometimes referred to the institution itself) investigates allegations of corruption and mal-administration against public servants and is tasked with speedy redressal of public grievances.

### **Appointment**

- ❖ The Lokayukta is usually a former High Court Chief Justice or former Supreme Court judge and has a fixed tenure.

### **Roles**

- ❖ Any citizen can make his/her complaints of corruption directly to the Lokayukta against any government official or elected representative. Lokayukta's power varies from State to State. In some States, the Lokayukta inquires into allegations against public functionaries including Chief Minister, Ministers and MLAs. While some has the power to investigate into civil servants/bureaucrats, judiciary and police.

### **States that have this authority:**

- ❖ Only 19 Indian States have Lokayukta. Maharashtra was the

## CENTRAL VIGILANCE COMMISSION

- ❖ The Central Vigilance Commission (CVC) is the main agency for preventing corruption in the Central governments. It was established in 1964 by an executive resolution of the Central government and it was recommended by the Santhanam Committee on Prevention of Corruption (1962-64).
- ❖ Thus, originally the CVC was neither a constitutional body nor a statutory body. Recently, in September 2003, the Parliament enacted a law conferring statutory status on the CVC.

### ***Composition:***

The Commission shall consist of

- ❖ A Central Vigilance Commissioner - Chairperson;
- ❖ Not more than two Vigilance Commissioners - Members;

### ***Appointment:***

By the President on the recommendation of a three-member committee consisting of

1. The prime Minister as its head

2. The Union Minister of Home affairs
3. The Leader of the Opposition in the Lok Sabha

### **Present, CVC**

- **Shri KV Chowdary**

#### **Other Vigilance Commissioners**

- **Shri Rajiv**
- **Tejendra Mohan Bhasin**

### ***Term and Tenure:***

- ❖ They hold office for a term of four years or until they attain the age of sixty five years whichever is earlier.
- ❖ After their tenure, they are not eligible for further employment under the Central or a state government.

### ***Salary:***

Similar to those of the Chairman of UPSC and that of the vigilance commissioner are similar to those of a member of UPSC.

### ***Functions:***

- ❖ To inquire or cause an inquiry or investigation to be conducted on a reference made by the Central government wherein it is alleged

## CCVCLA

..... that a public servant being an employee of the Central government or its authorities, has committed an offence under the Prevention of Corruption Act, 1988.

- ❖ To exercise superintendence over the functioning of Delhi special police establishment.
- ❖ To give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under the Delhi Special Police Establishment Act, 1946.
- ❖ To tender advise to the Central government and its authorities on such matters as are referred to it by them.
- ❖ To exercise superintendence over the vigilance administration in the ministries of the Central Government or its authorities.

..... president a report on its performance. The president places this report before each House of Parliament.



***Working:***

- ❖ The CVC conducts its proceedings at its headquarters (New Delhi).
- ❖ It has all the powers of a civil court and its proceedings have a judicial character.
- ❖ The CVC, on receipt of the report of the inquiry undertaken to the