

# POLITICAL SCIENCE

## HIGHER SECONDARY- SECOND YEAR

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Untouchability is a sin  
Untouchability is a crime  
Untouchability is inhuman



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## Preface

Society enables man to achieve talents and qualities by virtue of which he can make progress and achieve superiority over other living beings. Politics helps to resolve social conflicts in society and help man to live in harmony with other fellow beings. Political Science deals with man in relation to the state and government. Political science is a branch of study which is concerned with political aspect of man's life in society as distinct from the economic, philosophical, ethical and other aspects. The 12<sup>th</sup> syllabus has been revised in tune with changed social, political and economic situations. The content of the syllabus has more contemporary relevance of the topics it has presented and prepared to test the knowledge of the students in relation to the problems of governance and political participation. A new outlook of the syllabus includes the international dimension of politics such as globalisation and India in the year 21<sup>st</sup> century. Careful attention has been paid in linking last year syllabus to the second year. By studying political science as an optional subject at the higher secondary level the students are motivated to compete for civil services examination both at state and union level.

## Goals and Objectives

### **A. Goals**

- To promote a critical understanding of the political concepts and systems.
- To prepare students for more effective and responsible citizenship;
- To prepare students for further higher study in political science, law and journalism

### **B. Objectives**

The students will have demonstrated the ability to:

Compare cross-nationally the forms and incidence of political participation, processes of interest articulation aggregation including interest groups and political party systems, formal decision-making processes including legislative-executive relations and the roles of the judiciary and the bureaucracy, and policies including civil liberties, welfare and national security. A clear understanding of what is the appropriate role of the supreme Court in reviewing the constitutionality of legislation is also highlighted.

It identifies and explains the changes in the international system, the nature and cause of international conflict and method of conflict resolution the conditions for alliance formation and dissolution strategies for international bargaining and negotiation the role of transnational and, international organizations and multinational corporations, and the nature of the cleavages between. East and West and between North and South.

The authors of the lessons and members of textbook committee express their appreciation to the authorities of High Secondary Education of Tamilnadu Government for entrusting them with this task.

Chairperson  
and  
Committee Members

# SYLLABUS

## **1. Development of State**

- 1.1 City state
- 1.2 Feudal state
- 1.3 Nation state
- 1.4 Socialist state
- 1.5 Welfare state

## **2. Theory of the Origin of the State**

- 2.1 Divine origin theory
- 2.2 Social contract theory
- 2.3 Matriarchal theory
- 2.4 Patriarchal theory
- 2.5 Force theory
- 2.6 The historical theory

## **3. New Political Science**

- 3.1 Meaning and nature of the concept
- 3.2 Uses of political power
- 3.3 Nature and importance of authority
- 3.4 Nature and uses of influence

## **4. Challenges to State Sovereignty**

- 4.1 Erosion of national sovereignty
- 4.2 Globalisation and challenges to state sovereignty

## **5. Forms of Government**

- 5.1 Unitary
- 5.2 Federal
- 5.3 Parliamentary
- 5.4 Presidential

- 5.5 Collegiate
- 5.6 Modern dictatorships
- 5.7 Distinction between unicameral and bicameral legislature

## **6. Judiciary**

- 6.1 Need and importance of judiciary
- 6.2 Qualifications for judges.
- 6.3 Judicial review
- 6.4 Judicial activism
- 6.5 Independence of judiciary

## **7. Indian Government and Politics**

- 7.1 Salient features of Indian Constitution
- 7.2 Organisation of Central Government
  - 7.2.1 President
  - 7.2.2 Prime Minister
  - 7.2.3 Council of Ministers
  - 7.2.4 Speaker
  - 7.2.5 Parliament - Rajya Sabha
  - 7.2.6 Parliament - Lok Sabha
  - 7.2.7 Supreme Court
  - 7.2.8 Indian political parties

## **8. Organisation of State Government - Tamilnadu**

- 8.1 Governor
- 8.2 Chief Minister
- 8.3 Council of Ministers
- 8.4 Legislature
- 8.5 High Court including subordinate judiciary
- 8.6 State Secretariat
- 8.7 District Administrative Structure

## **9. Local Self Government in Tamil Nadu**

### 9.1 Structure of Local Self Government in Tamil Nadu

#### 9.2 Urban

##### 9.2.1 Municipal Corporations

##### 9.2.2 Municipalities

##### 9.2.3 Townships

##### 9.2.4 Cantonments

##### 9.2.5 Town Area Committees

##### 9.2.6 Notified Area Committees

#### 9.3 Rural

##### 9.3.1 Three Tier Panchayat System

###### 9.3.1.1 District Development Council

###### 9.3.1.2 Panchayat Union

###### 9.3.1.3 Gram Panchayat

##### 9.3.2 Functions of Panchayat bodies

### 9.4 Evaluation of working of the Panchayat Raj System

## **10. India in the 21<sup>st</sup> Century**

### 10.1 Present position

### 10.2 Plans for the future

## CONTENTS

	Page
1. Development of State	1
2. Theory of the Origin of the State	20
3. New Political Science	33
4. Challenges to State Sovereignty	42
5. Forms of Government	52
6. The Judiciary	65
7. Indian Government and Politics	75
8. Organisation of State Government - Tamilnadu	107
9. Local Self Government in Tamilnadu	134
10. India in the 21 <sup>st</sup> Century	161



## CHAPTER 1

### DEVELOPMENT OF STATE

The State occupies the most important place among all social institutions. It is “the keystone of the social arch”, as Laski says. In the words of Finer “the state is the supreme social frame work”. Without state there would be chaos and confusion in the society. It is not only a natural but also a necessary institution. It exists to control and regulate the behaviour of the human beings. It protects the weak against the strong, maintains peace and order and serves the common good life of all individuals. Man cannot live without the state.

This lesson is about the evolution of the state. The state is the result of a slow and steady growth extending over a long period and has many stages in its development.

Different factors produced different types of states in different societies. It is difficult to show the stages of evolution which the modern nation state had to undergo during its emergence.

The process of the evolution of the state has not been uniform. In the early period there were the Oriental empire, Greek city-state, the Roman Empire, the Feudal state, the Nation state, socialist state and welfare state. The following typologies of state are described below: (1) City State, (2) Feudal State, (3) Nation- State, (4) Socialist State and (5) Welfare State.

#### 1.1 CITY STATE

After the Oriental Empire there was the City-State in Greece around 1000 B.C. In fact, political theory may be said to begin with the Greek City-States. The Greek City-States were the first communities to have given conscious thought to “politics”. Although the Greek political institutions were probably not unique, yet they presented the most fully developed instance of a way of life and government for which evidence is available.

When the Greeks settled in Europe, they were divided into local communities organised on the primitive model according to clans and tribes. Each clan and tribe occupied distinct valleys and islands into which Greece was broken up by sea and hills. These valleys and islands, over the lapse of time, became centers of political life sharply different from the Oriental Empires. From the history of the Greek City-States, and especially from the history of Athens, we can trace how the tribal administration gradually gave place to the local principle in government, and how the local community was developed into the City-a new political type of governance. The Greek City was a true



State in the modern sense of the term in which the political, economic, intellectual, and moral life of the people was focussed on the central city.



With the Greek City-State two ideas were integral. Each City was a politically organised State independent of others and proud of its independence. The Greeks never thought, and perhaps it was foreign to their nature, to merge their identity in any other City and to make a large unit of political administration. Secondly, the Greek City-State was deliberately limited in size and population. According to Greek political philosophy, the concentration of political, social and intellectual life at one central city was possible only when the State was small. Aristotle put definite limitations on the population and size of the State. He held that neither ten nor a hundred thousand could make a good State, because both these numbers were extremes. He laid down the general principle that the number should be neither too large nor too small. It should be large enough to be self-sufficing and small enough to be well governed.

The Greek City-State developed to the stage of a conscious effort directed to the realisation of liberty and equal laws. It was a great experiment not only in the art of self-government, but also in quest of virtue. To be a citizen of the State did not merely imply, in the Greek view, the payment of taxes and the casting of a vote. It implied a direct and active co-operation in all the functions of civil and military life. A citizen was normally a soldier, a judge and a member of the governing assembly. He performed his public duties in person; the Gods of the city were his Gods, and he attended all festivals. The State was, thus identified with society. The Greek City was at once a State, church and school and it embraced the whole life of man. Since the object of the State was to secure a good life for all citizens all forms of State control calculated to secure that end were considered proper and justified, and no line was drawn between matters of political, moral, religious and economic. Edmund Burke's description of the State as "a partnership in all science, a partnership in all art, a partnership in every virtue and in all perfection" was the real life of the Greek City-State, Athens at the height of her fame was regarded as the embodiment of all that was most advanced in Greek political ideas.

The City-States of Greece were typical examples of direct democracy in the modern sense of term. All citizens were directly associated with the governance of the State and it really meant the power of the people. But forms of government, according to Greek philosophers, were subject to cyclic changes. Monarchy was the first and in time it gave way to aristocracy. Aristocracy was succeeded by oligarchy. Then came polity and, finally, democracy. Democracy was held to be rule by the mob.

The Greek City-States fundamentally differed from the Oriental Empires. But there were snags, too, in the Greek political life. Their love of independence verging on separatism ultimately resulted in their collapse, when a powerful state arose in the

north under Philip of Macedonia. They were also wanting in what may be called the submissive virtues—patience, self-denial, and the spirit of compromise and tolerance. Their self-will and lack of disciplined life embittered the faction fight in their Cities between the rich and the poor, nobles and commons, friends of Athens and friends of Sparta. The works of the Greek historians and political thinkers clearly show that the Greek society of their time was not in a sound state. The philosophers were constantly asking the question, what virtue was, and how it might be taught. And they looked on this question as one of immediate and even urgent importance to society. They felt that their countrymen were thinking too much of liberty : and far too little of discipline. They foresaw that a people in this state of mind must fall before that power whose people were better disciplined than the Greeks. The Macedonians, and after them the Romans, proved the truth of this forecast.

The Greeks were also wanting in humanity. They made liberty the exclusive right of superior people and denied the same to others what they valued for themselves the most. Even the wisest of the Greeks regarded slavery as a natural institution and they never dreamt that civilised life was possible without slavery. Athens, for example, had only about 20,000 citizens who obtained leisure for their public duties by turning over all the rough work to a much larger body of slaves. Slavery is incompatible with civilisation and, as such, with democracy. A democratic society is one in which all enjoy equal rights and privileges without any barrier of class distinction. The brotherhood of man is its basis and all its members are equal.

The Greek City-State was an all-inclusive partnership in every aspect of human existence. But this broad inclusiveness made the Greeks neglect one of the most essential of political problems, that of clearly defining the functions of the State and separating it from various other associations which composed, society. “The failure to distinguish the State from the community” says Mac Iver, “left Athenian liberty itself a monument broken and defaced. The all-inclusive State, whether its dimensions are those of the city or nation, cannot draw the line between law and customs, between enforcement and spontaneity, between the conditions of order and those of culture, so long as the theory is accepted that the State is omnipotent. Under such a theory no form of life is safe, no religion, no opinion, unless its adherents control the government. So the very diversity which enriches a civilisation when recognised as existing of right, creates under the principle of the ‘universal partnership’ those violent and factious oppositions which on the contrary destroy it”.

## **1.2 THE FEUDAL STATE**

The downfall of Rome meant the death of the ‘State’ in Western Europe. A long period of confusion followed. The Teutonic barbarians who invaded Rome from the north were still living in the tribal stage, not yet having conceived of strong central authority. They were lovers of local independence and individual liberty and their kings were simple successful war Chiefs. The freemen had a voice in all public affairs.

When such people came into contact with the Roman political system which was characterised by order, unity, and centralisation conflict was the inevitable result. Out of this conflict feudalism arose as a compromise between the clan type of society represented by the Teutonic barbarians and the imperial State type represented by Romans. It is easy enough to decry feudalism and belittle its importance in the



evolution of the State. It has been rightly said that it was not a system at all. But in the anarchic state into which society had fallen following the decline of Rome, it was feudalism which gave the people of Europe comparative peace and protection and preserved the machinery of the State. It was confusion roughly organised. It marked the transition from the imperialism of the Roman world to the nationalism of the modern world.

### **Rise of Feudal State**

On the decline of the Roman Empire, the vast territories of Rome fell into the hands of powerful Nobles. Each of these Nobles became an authority unto himself and each by a process of 'sub- infeudation' of land created a community of his own around him. The supreme lord parcelled out his land among the tenants-in-chief, and the tenants-in-chief among the tenants, and the tenants in turn among the Vassals and Serfs. Thus a hierarchy was built upon the basis of land-holding. A rigid system of classes was established and the 'State' was swallowed up in the community. Services of various kinds, particularly military, were rendered to the immediate overlord, and the control of the supreme lord, or king, at the top of the social and economic ladder over the Vassals and Serfs at the bottom of the ladder was indirect and remote. The loyalty of each class was in the first instance to the class immediately above it. As a result of such limited loyalty, the idea of a sovereign power reigning supreme in a given territory remained foreign to the feudal period. In the place of a system of

uniform and impartial law which the Romans had done so much to build up, there was reversion to custom as law. Real political progress was impossible as long as feudal ideas prevailed. Yet feudalism was not synonymous with anarchy. It justified its existence by providing peace and protection to the people of Europe. It was based upon personal loyalty and contract. In its later stage, particularly in England, where allegiance to the king took precedence over allegiance to the immediate lord, it helped the growth of the 'Nation State'.

Another institution which survived the confusion following the downfall of the Roman Empire was the Christian Church. Christianity began as a humble faith among the lower classes of society, but in the course of a few centuries it reached mighty proportions and about the year 337 A.D. the Roman Emperor Constantine was converted to Christianity. By the end of the fourth century it was the only recognised religion in the Roman World. It built its organisation on the Roman imperial model and when the Empire fell to pieces, it was able to step into its place and give Europe order and peace. During long periods of the Middle Ages, it was able to control the State; and itself became a powerful temporal authority, holding in its possession considerable wealth, especially landed property.

In feudalism the Church found a valuable ally, for it was in the interest of the political aspirations of the Church that Western Europe should be kept divided with no common political superior to offer resistance to the extravagant claims of the Church. The Protestant Reformation which came soon after in effect ended the secular supremacy of the Church, and the way was prepared for national monarchies.

With all its imperfections, feudalism has rendered inestimable service to the European polity. The political unity and the way of life of the State, built up laboriously by Rome in Western Europe, were threatened with complete destruction in consequence of the barbarian invasions, which caused the downfall of her Empire. At such time, by welding together the strong sentiment of personal loyalty and the stable attachments connected with the possession of land, feudalism gave some order and avoided total chaos; it provided a temporary scaffolding or framework of order on which a true national life could grow.

Secondly, it fostered among the big landlords self-reliance and love of personal independence.

Turbulent, violent, and ungovernable as was the feudal aristocracy of Europe says Myers, 'it performed the grand service of keeping alive during the later medieval period the spirit of liberty. The feudal lords would not allow themselves to be dealt with arrogantly by their king; they stood on their rights as freemen'.

As against a royal tyranny, exceeding the bounds of law, the greater lords could oppose a military power greater than the king's.



The defect, however, of the feudal system was, as may be seen from the foregoing discussion, 'the confusion of public, and private rights', which was yet essential to it. It also rendered difficult the formation of strong national Government, as a country was split into a vast number of practically independent principalities. Briefly, it was liable to the disease of anarchy; indeed where the private ownership of land by a feudal chief was the basis of social order, anarchy was, inevitable. Adam's remark that the feudal system was confusion roughly organised sums up its true place in the evolution of European polity.

### **Feudalism in India**

The Indian version of feudalism, could be studied in the form of Land Tenure System that prevailed in medieval India during the British period. It is not fair to equate the feudalism in Europe to Zamindari system in India, however the structure of the system have great resemblance with each other.

### **Zamindari System**

India had since time immemorial taken a part of the agricultural produce as land revenue. It had done so either directly through its servants or indirectly through Zamindars, who collected the land revenue from the cultivator and kept a part of it as their commission. These intermediaries, known as Zamindari were primarily collectors of land revenue although they did sometimes own some land in the area from which they collected revenue.

The Zamindari system, was later modified and introduced in Northern and North Western India during the British period, and was called as Mahalwari system. Under this system, revenue settlement was to be made village by village or estate (Mahal) by estate with land lords or heads of families, who collectively claimed to be the land lords of the village or the state.

## **1.3 THE NATION-STATE**

### **Origin of Nation State**

Feudalism was only "a temporary scaffolding or framework order". It gave to the people of Europe some order, but a true national life could not grow on such a system. Many factors contributed to its decline. The general course of events had been that powerful lords subdued less powerful ones, and small kingdoms emerged by successful conquest or lucky marriage, and by the consolidation of an authority that was generally welcomed by the masses, if not by the more important lords, whose powers were gradually limited by the new monarchs. The Renaissance and the Reformation accelerated the pace of this change. The Tudors in England took advantage of the situation and demonstrated to the European countries how the people could unite and progress under a strong and centralised authority. The ties of unity were further fostered by the sentiments of nationality. Britain's insular position helped

the British in attaining the full stature of an organised and conscious nationhood. The attempt of the English, in the early fifteenth century, to dominate France roused the national spirit in that country too. A similar awakening, due to various causes, had come in Spain and Portugal. The sixteenth century saw the Danish and Swedish peoples also similarly organised.

A new type of State, thus, emerged. The old concept of the State was replaced by the State based on bonds of nationality strengthened by natural boundaries. A national State, with a distinct and separate territory of its own, gave rise to the modern theories of sovereignty and equality of States. The nation-State also helped the growth of international law.

### **Growth of Nation State**

The Nation-States began their careers as absolute monarchies. When Papal authority was set aside, and feudal rights were giving way, it was natural for the people to cling to the central institution in which their political life was embodied. The growing national consciousness of the people had made them realise the need for consolidation. But consolidation demanded concentration of authority. Protestantism, too, while limiting the authority to a territorial State, placed the spiritual and civil authority in the hands of the king. The political thought of this period, also supported absolutism. Machiavelli freed the ruler even, from the limitations imposed by public morality. The theory of Divine Right of Kings championed the cause of absolute monarchy.

But the absolute authority of the kings could not remain unchallenged for long. The next stage in the development of nation- State was the conflict between the king and the people. The people demanded their rights and privileges. They began to realise that power was ultimately theirs, if they wished to wield it. It was the rise of democracy and the aspirations for a representative system of government. Democracy brought with it three main principles; equality, popular sovereignty and nationality. The manifestation of the first principle was found in the Declaration of the Rights of Man drawn up by the French Revolutionaries in 1789. Ever since 1789, this principle “has been at work emancipating and elevating the hitherto unfree and downtrodden orders of society, and removing civil, religious and race disabilities from disqualified classes in the State.” The Declaration of the Rights of Man also embraced the concept of popular sovereignty. It means, in simple words, that the people are the source of all authority and law is the expression of their will. Finally, the principle of nationality requires that the people, who feel they are one, are free to choose their own form of government and to manage their affairs in their own way. Here, again, it may be stated that the French Revolution was primarily responsible for the revival of the national sentiment.

The advance of democracy wrecked absolutism and brought about a great improvement in the political customs of the civil nations. The selfishness of the ruling

families was checked and methods of government became milder and fairer. Laws were made with due consideration of the interests of the people, and opinions were freely brought to the test of discussion. Another characteristic of the democratic State had been the pursuit of the policy of laissez-faire in the field of industry, trade and commerce. This policy “to let people alone” had certain obvious results. First, there had been a great expansion in enterprise and invention. Secondly, there had been a movement of diffusion owing to economic freedom. Finally, there had been a marked tendency in concentration both of capital and land.

The modern State is a nation-State and it has become the basic pattern throughout the world. It actualises the principle of self-determination, or the right of each nation to govern itself. Loyalty in the nation-State is expressed to the nation, or, in the other words, to the people. A nation-State, accordingly, places emphasis on the ethnic, if possible, and geographic unity of the people. It adopts all means at its disposal to preserve the integrity of its natural frontiers and tries to maintain a homogeneous and united people. This has been the course of the development of the State during the past five centuries.

#### **1.4 SOCIALIST STATE**

Socialist regards the State as a positive good. Therefore, instead of minimum possible State action, he wants the maximum of it. He believes that this is the only way by which social justice can be made possible for the bulk of mankind. He aims at a ‘cooperative common wealth controlling all due means of production and regulating distribution according to some method of joint control’. Under socialist state there would be a common ownership of the means of production and exchange-and wages would be according to needs. Some socialists advocate equal distribution, others equitable distribution. Accordingly the ‘Socialist State’ is formed.

The chief merits of socialist state may be briefly outlined as follows:

In the words of J.W. Garner, ‘socialist state protests against the obvious evils of our present social system and urges the need for a radical change. Money and power are concentrated in the hands of a few, and the labourer does not receive his proper due. Since the bargaining capacity of the labourer is not equal to that of the employer, the working man is often obliged to make a forced agreement. The present system leads to grave inequalities of wealth and opportunity. It is also responsible for enormous waste and the duplication of services. There is no planned economy on a nation wide scale. Unrestricted-competition leads to lower wages, over-production, cheap goods, and unemployment. The present system further tends to beget materialism, unfairness, dishonesty, and a general lowering of the standard of individual character’.



## **Main features of Socialist State**

### **1. Eliminates Capitalism**

Socialist State wants to eliminate capitalism which led to unequal distribution of wealth. It divided the society into two classes - 'rich and poor', 'haves' and 'have-nots' and the "exploiter and exploited" and created wide gulf between the two. Socialist state seeks to cure all the evils of the capitalism such as injustice, inequality, class war etc. by abolishing it.

### **2. Opposes Competition**

Socialist State tries to eliminate all forms of competition. It wants to have cooperation instead of competition between the employers and workers. It tries to substitute cooperation for competition.

### **3. Economic Equality for all**

Socialist State tries to secure economic equality for all by abolishing the wide gaps between different sections of the society. It stands for the principle of economic equality. It opposes the concentration of wealth in the hands of a few people. It aims to bridge the gap between the rich and poor so that opportunities are enjoyed by all equally. It desires to have a society in which there is no inequality in the distribution of property. According to Laveleys: "Socialist state is an equaliser and leveler".

### **4. Opposes private property**

Socialist State tries to abolish the institution of private property. It regards private property as theft and source of all evils in the society. It declares that land and capital should belong to all and not to a privileged few.

### **5. Social control of means of production**

Socialist State stands for public control of the means of production. It wants to abolish private enterprise. It wants to nationalise all the factors of production. Factors of production should be used by the people for the people. In other words, it aims at introducing state enterprise in the field of production and distribution for common good. It wants the state to be the producer and distributor in order to do justice to the people.

### **6. Emphasis on society**

Socialist State lays more emphasis on society than the individual welfare to social welfare. It gives importance to the larger interests of the society as against the narrow and selfish interests of the individual. Social welfare is the main consideration of production. It means, under socialist state only those things will be produced which are needed by the society.

## **7. Rewards the worker on the basis of needs**

Socialist State believes in rewarding the worker in proportion to the value of his labour. Its slogan is: "From each according to his ability to each according to his needs".

## **8. Methods**

Socialist State believes in democratic and evolutionary methods. It tries to bring about the necessary changes in the present economic and political structure peacefully and gradually. It believes in constitutional and peaceful methods in reconstructing society.

## **Evaluation**

Socialist State, as a political philosophy and economic movement, has its merits and demerits which are listed below:

### **(A) Merits or Advantages of Socialist State**

Socialist State has become very popular and powerful movement in modern states. It has exercised deep influence on the policies of every state. Today it is seen in different parts of the world in one form or the other. Everywhere the state is interfering in economic and industrial affairs where public welfare is involved. It is owning, controlling and managing industries and public services which are of national importance. The trend of every state today is, thus, towards socialist state. Its merits are:

1. It puts society above the individual and considers the good of all as something superior to the mere good of the individual. It regards social welfare as the basis of production.
2. It rightly depicted the evils existing in the present day society. It desires to put an end to the evils of capitalism like economic inequalities, wastage of resources lack of proper planning wasteful production etc.
3. It wants to destroy the institution of private property, reduce the present economic inequalities, put an end to all types of exploitation and create a better society.
4. Its principle of production is social benefit but not personal profit. It manages and regulates industries not with profit motive but with social needs.
5. It secures better conditions of work for the workers. It raises their status and importance in the society.
6. It favours gradual changes based on peaceful and constitutional methods. It is evolutionary in nature. So it paved the way for the success of democracy.

7. Finally, it will free the individual from want and starvation and will thereby provide him with greater opportunities for political and economic activities.

### **(B) Demerits or Disadvantages of Socialist state**

In spite of the above advantages, socialist state has been subjected to severe criticism on the following grounds:

1. It leads to authoritarianism as it puts too many powers in the hands of government. It results in the restriction of individual liberty as the state interferes in every sphere of individual activity. State becomes the master and the individual becomes its servant.
2. It kills individual initiative and enterprise because it does not allow private property. In the absence of private property, men may not like to do maximum - work.
3. It advocates socialisation of means of production. It is difficult for the state to manage all industries, control the means of production and distribution. Complete management of all industries by the state will result in inefficiency, redtapism, corruption and nepotism. Industries may not be run on sound and economical lines.
4. It ignores and neglects completely the interests of the consumers. It does not provide to the consumer any choice in respect of consumption. The consumer has to adjust his needs to production which is controlled by the state.
5. It is argued by the critics that practical instances show that countries with a socialist system like China has made less progress compared to those having *laissez faire* system as United States.

Finally, the theory of Socialist state is like a storehouse of confusion. One fails to understand as to what it really aims at. Despite these weaknesses, the theory of Socialist state has now become a matter of universal appreciation. All thinkers ranging from the advocates of Liberalism to that of Communism express their unflinching faith in the doctrine of Socialist state. The days of a hundred percent Individualism are gone for ever. Today all states are moving towards Socialist state. People everywhere expect that the state will actively promote their welfare and that it should play a positive role in their life. J.C.Johari says: "None can deny the fact that the movement of socialist state has brought about numerous reforms. The rise of wages, reduction in the hours of work improvement of working conditions, curbs on the prevalence of destructive competition, decrease in the degree of exploitation and the like are some of the leading achievements of socialist state.

## 1.5 THE WELFARE STATE

The term 'the welfare state' is so much in vogue in present-day India. The idea of a welfare state is deeply embedded in the Indian Constitution in the part dealing with the Directive Principles of State Policy.

*Article 98* says: "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic, and political, "shall inform, all the institutions of the national life". *Article 39* speaks of (a) adequate means of livelihood; (b) distribution of natural resources so as best to subserve the common good; (c) opposition to the concentration of wealth; (d) equal pay for equal work for both men and women; (e) conservation of health and strength of workers-especially of women and children; and (f) the non-exploitation of children. *Article 41* speaks of the State securing the right to work to education and to public assistance in cases of unemployment, old age, sickness and disablement.

The articles following feelingly refer to provision for just and humane conditions of work and for maternity relief; a living wage for workers; provision for free and compulsory education until the children are fourteen years old; promotion of the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker section; and the duty of State to raise the level of nutrition and the standard of living and the duty to improve public health. These are to be implemented by the government in the interest of welfare of the population. Courts cannot entertain cases for their non-implementations as per *Article 37* of the Constitution.

### The origin and development of the Welfare State Ideal

While every State today would like to call itself a welfare state almost up to the end of the nineteenth century most states contented themselves with being "police" State. Their primary business was merely to provide law and order. The promotion of welfare was left to individuals and groups of individuals. Among political thinkers in our day, Laski more than anyone else was the first to turn the attention of the world from the police state idea to the welfare state idea.

The welfare state ideal took strong root in England. Its development, however, was different from the development in Germany. In England Trade Unions, ably supported by Fabian and other types of socialists, played an important part in developing the ideal.

The National Health Service whose foundations were laid by earlier governments received its final shape during the Prime Ministership of Attlee. Besides a series of measures were passed resulting in the nationalisation of railways, coalmines and steel; nationalisation of the Bank of England, and nationalisation of transport. When the Conservatives came in power the only measure on which they have gone back is the nationalisation of steel. The rest of the programme has come to stay.

A vast social insurance scheme is in operation today in Britain. According to it, all persons of working age contribute to it except housewives. Provision is made for old age retirement benefits, widow's benefits, unemployment benefits, family allowances for families with two or more children, milk for school children, milk and special food for expectant and nursing mothers, free medical service free secondary education and liberal scholarships for higher education.

This vast programme has been made possible by steep graduated taxes, by the high degree of self-discipline practised by the people, and by their conscientiousness in the payment of taxes. Surprisingly enough, national production has increased in spite of high taxes. There is a high level of economic satisfaction in the country.

In U.S.A. we find that on account of the strong individualistic tendencies of that country the term 'welfare state' is anathema to a great many. However there are several welfare schemes in operation in the broad sense of the term. They are the Tennessee Valley Authority, elaborate social security schemes, public works and excellent roads, price support for agricultural products, free education up to the college stage and state and federal aid to education. The Social Security Scheme is so very comprehensive as to include even white-collar workers University teachers, and self-employed persons.

Among the continental countries, Sweden, Norway, and Denmark has extensive welfare schemes supported by high taxation. In some of the welfare states of Europe the inequality between the highest and lowest incomes is less than ten times.

The socialist states also are welfare states; but here welfare is planned and executed from above. More attention is paid to material welfare than to moral and spiritual welfare. Russia has been the first modern country to have a planned economy. Her successive Five Year Plans have been a remarkable success and paid her a good dividend during World War II. There is in general a pooling of wealth.

The aspiration of the Indian State has been to provide full employment to all its citizens, free and compulsory education up to 14 years of age, public assistance in cases of unemployment, old age, sickness, disablement, and even of undeserved want, a decent standard of life, full enjoyment of leisure and social and cultural opportunities adequate housing, and health facilities. In spite of the best efforts of the Government, full employment still remains a dream. Free and compulsory education has made some advance, but is nowhere near the goal. Half-hearted attempts have been made at the limitation of population.

The five giant evils of India which need to be tackled are want, disease, ignorance, squalor and idleness. Time is of the essence in tackling these evils since time waits for no man.

The three Five Year Plans and yearly plans of Plan holiday periods have helped to improve the agricultural and individual conditions of India, but much leeway

has yet to be made. In the Fourth Plan still greater stress is laid on all out development. Many spectacular schemes have been started, and some completed, in the harnessing of turbulent rivers for purposes of power and irrigation, in the production of steel and cement, in the manufacture of railway engines, coaches, telegraph and telephone equipment, etc. The emphasis on the public sector has been so great that the private sector complains of a stepmotherly treatment. Nehru at one time said: “the public sector must grow and dominate”.

### **Definition and Nature of the Welfare State**

From the above description of the welfare state in many sense, we may now proceed to a definition of it. Adopting a rather narrow and restricted view of it, Abraham defines it, as “a community where state power is deliberately used to modify the normal play of economic forces so as to obtain a more equal distribution of income for every citizen, a basic minimum irrespective of the market value of his work and his property”. It is purely on economic point of view. T. W. Kent attempts a more inclusive definition when he says that a welfare state is “a state that provides for its citizens a wide range of social services”. Kent goes on to say that the primary purpose of the state is to give the citizen security, but the welfare state undertakes to help him if he lose his ordinary source of income.

Hobman describes the welfare state as a compromise between communism on the one side and unbridled individualism on the other. As such, Hobman believes that in spite of all its imperfections, the welfare state sets a pattern for any humane and progressive society. To sum up his views some what extensively, the welfare state guarantees a minimum standard of subsistence without removing incentives to private enterprise. It brings about a limited redistribution of income by means of graduated high taxation. Yet it does not pretend to establish economic equality among its citizens. All are assured of adequate help in case of need, whether the need is due to illness, old age, unemployment or any other cause.

The emergence of the concept of the welfare state has added a new dimension to the discussion on the end and functions of the state. The idea of Welfare State is not new to political theory. It is as old as political thought. Ancient western political thinkers like Plato and Aristotle maintained that the purpose of the state was the welfare of the people. Ancient Indian thinkers also stated in their writings that all people must live happily and it was the duty of the king to promote the welfare of the people. But it did not receive much attention in the past. It received greater attention only in the later part of the 19th century. It emerged from Industrial Revolution which created a number of problems such as concentration of wealth in the hands of few individuals, bad working conditions for the workers, growth of towns and slums, spread of epidemics, growing unemployment, rising prices etc. Added to these, the scientific and technological developments increased the problems of the human beings. To solve these problems the state had to take up the responsibility of implementing a



number of socio-economic programmes to make human life happy. It had to interfere in all spheres of human life to promote the maximum happiness of the maximum number of people. The result was that it began to pass a number of laws in the later half of the 19th century. "It was with the passing of Factory Laws that the modern Welfare State was born"

### **Definition of Welfare State**

The concept of "Welfare State" is defined differently by different writers which are listed below.

1. "The Welfare State is one which provides a wide range of social services and security". (T.W.Kent)
2. "Welfare State regards want, disease, ignorance, squalor and idleness as five great enemies of the people and wants to give them a fight and destroy them". (Nehru)
3. "The Welfare State is a society in which an assured minimum standard of living and opportunity becomes the possession of every citizen". (G.D.H. Cole)
4. "The Welfare State is a system wherein government agrees to underwrite certain levels of employment, income, education, medical aid, social security and housing for all its citizens". (Amartya Sen)

The concept of Welfare State is a compromise between extreme Individualism and Socialism. Individualism gives maximum importance to the individual and degrades the state. Socialism, on the other hand, gives maximum importance to the state and degrades the individual. But Welfare State gives importance to both state and individual. It promotes the general happiness and welfare of the people. It regards itself more as an agency of social service than as an instrument of power. It aims at the attainment of moral progress, development of individual personality and maintenance of certain good conditions of social life.

### **Features of Welfare State**

The following are the basic features of the Welfare State

#### **1. Emphasises the worth of man**

Welfare State emphasises the worth and dignity of the individual and helps and assist him to lead a respectable life in the society. It regards all individuals on an equal footing irrespective of their social and economic status.

#### **2. Undertakes progressive measures**

Welfare State tries to implement progressive measures like land reforms, agricultural development, price control, public distribution system of essential commodities, provision of health, education, sanitation, communications etc.

### **3. Undertakes wide-range of Social Services**

Welfare State undertakes wide-range of social services for the betterment of its citizens. They include measures like eradication of untouchability, dowry, child marriage, sati, etc. It takes steps to abolish illiteracy, poverty and unemployment. It established schools, hospitals and other institutions to meet the needs of the people. It provides unemployment relief, maternity benefit, old-age and other social benefits.

#### **Functions of Welfare State**

Welfare State undertakes numerous functions which are divided into

- A. Regulative
- B. Protective and
- C. Welfare functions

#### **A. Regulative Functions**

These include: (i) maintaining law and order (ii) promoting peace (iii) curbing anti-social elements and their activities (iv) putting down communal, caste and class clashes, (v) checking exploitation of labourers by passing necessary legislation etc.

#### **B. Protective Functions**

These include: (i) maintenance of internal order, (ii) protecting territorial integrity, (iii) maintenance of basic institutions, (iv) maintenance of sound net-work of postal system, transport and communication systems (v) regulation of trade, markets, weights and measures, (vi) prevention of theft, decoity and other criminal activities, (vii) conducting foreign relations with other countries, (viii) administering justice and punishing criminals, and (ix) safeguarding the country's territories sovereignty and independence against external attacks and invasions etc.

#### **C. Welfare Functions**

These include: (i) eradicating the spread of contagious diseases like malaria, cholera etc. (ii) eradicating illiteracy by establishing educational institutions (iii) reducing the economic inequalities by taking steps for distribution of national income, (iv) providing employment opportunities to all qualified persons (v) improving the working conditions of the workers by fixing hours of work, compensation etc. (vi) creating healthy atmosphere in and outside industries. (vii) providing adequate social services such as unemployment benefits, disability benefits, maternity benefits etc. (viii) introducing jail reforms for speedy disposal of cases and reducing the cost of judicial litigation, (ix) introducing land reforms, (x) encouraging cottage and small-scale industries, (xi) undertaking Community Development Programmes and (xii) checking social evils etc. In brief Welfare State provides full employment, social security, housing, health and education for all people.



## **Criticism of Welfare State**

There are a few writers who criticised the idea of Welfare State on the following grounds:

### **1. Very expensive**

Welfare State, is an expensive state and is beyond the reach of poorer nations. Providing a wide range of social services involves a lot of expenditure.

### **2. Kills individual initiative and freedom**

It is said that Welfare State curbs the individual freedom, initiative and self-help. It retards moral development because it makes a man inferior and dependent on charity. It develops in him proper mentality.

### **3. Undue importance to Bureaucracy**

It is also argued that Welfare State gives undue importance to bureaucracy because it is bureaucracy which makes policies and implements them.

### **4. Leads to inefficiency**

It is pointed out that Welfare State undertakes too many functions which in turn results in administrative inefficiency and mismanagement of human and natural resources.

### **5. Retards the work of Association**

Finally, it is said that Welfare State regulates the work of voluntary organisations in the society. They are pushed back and the willingness to undertake social service activities on the part of the associations are undermined.

## **Importance**

Most of the criticisms given above, are not correct. In order to make the Welfare State an ideal system, some steps have to be taken. They are: (1) Defining the objectives and laying down the means to achieve them (2) Avoiding red-tapism (3) Periodic evolution of Welfare Schemes (4) Checking totalitarianism and (5) Encouraging voluntary associations etc.,

If the above measures are adopted the Welfare State may certainly become heaven of peace because it reconciles individual freedom with the authority of the state, brings about a fair degree of equality of income among all people and recognises the dignity and worth of the human beings.

## **PROBLEMS IN ESTABLISHING WELFARE STATE**

The ideal of Welfare State, though seen to be good on paper, is very difficult to realise in practice because of many social, political, economic and administrative problems. They are acting as hindrances or obstacles in the way of establishing welfare state. They may be stated as under:

### **1. Growth of population**

The tremendous increase in population is becoming a major problem in the establishment of Welfare State. The little progress that has been achieved has become inept due to over population.

### **2. Indifferent attitude of the officials**

The officials in charge of implementing welfare schemes should have sincerity and dedication to the cause of the welfare of the people. Any different attitude exhibited by the officials will defeat the purpose of the programmes and leads to their failure.

### **3. Lack of adequate economic resources**

The process of carrying out many programmes to promote the welfare of the people involves a lot of expenditure. In a country like India where the population is very large and finances are limited, it is very difficult to achieve the goal of establishing welfare state.

### **4. Narrow outlook**

The selfish and narrow mentality of the people are also the hindrances on the way to welfare state. People should conduct themselves above the considerations of caste, religion and language. They should give top priority to the interests of the nation.

### **5. Social Evils**

Social evils like untouchability, bonded labour, feudal set up etc. affect the welfare programmes of the government.

### **6. Discipline and Devotion**

These two qualities are highly essential for achieving the ideal of welfare state. People should work with discipline and determination in implementing the programmes, extend their cooperation to the government and pay the taxes promptly. Then alone the objective of welfare state will be realised.

## **Exercise**

### **PART A**

#### **Fill in the blanks**

1. The modern State is a \_\_\_\_\_ State.
2. The welfare State ideal took strong root in \_\_\_\_\_.
3. Sweden, Norway, Denmark are \_\_\_\_\_ countries.

### **PART B**

4. Define City State.
5. Define Socialist State.
6. What are the merits of Welfare State.

### **PART C**

7. Explain the growth by Nation State.
8. Explain the rise of Feudal State.

### **PART D**

9. Write an essay on Welfare State.
10. Discuss the evolution of State.

## CHAPTER 2

### THE ORIGIN OF THE STATE

Political thinkers have attempted to explain the origin of the state in various ways. When, where and how the state came into existence have not been recorded anywhere in history. Therefore, the political thinkers were compelled to adopt various hypotheses, many of which are now discredited in the light of modern knowledge. Among the many theories which are concerned with the origin of the state the following are explained in this chapter.

1. The Theory of Divine origin
2. Social Contract Theory.
3. Matriarchal and Patriarchal Theory.
4. Force Theory.
5. Evolutionary Theory

#### 2.1 THEORY OF DIVINE ORIGIN

The theory of divine origin is the oldest among all theories. According to this theory state is established and governed by God himself. God may rule the state directly or indirectly through some ruler who is regarded as an agent of God.

The trace of divine origin is seen in the epic Mahabarat. According to the Mahabarat there was anarchy in the beginning in the society and the people prayed to God to come to their rescue.

They offered the following prayer. "Without a chief, O Lord we are perishing Give us a chief, whom we shall worship and who will protect us". It was under these circumstances that God appointed the king to rule the people.

To quote King James I of England,

"Kings are justly called gods for they exercise a manner of resemblance of divine power on earth". Kings are accountable to God above and only. The people cannot question him for the right or wrong done by him.

The rise of Christianity and the growth of the power of the church in the medieval period led to a conflict between church and state and an active discussion of the divine origin of political power. All were agreed that the ultimate source of authority was divine but the supporters of the church say that Pope alone received his power directly from God.

Kings are breathing images of God upon earth. Even if the king be wicked, the subject has no right to rebel against him. To rebel against the king is to rebel against God himself for the God's chosen Vassal.

The main points in the doctrine of the divine right of kings may thus be summed up.

1. Monarchy is divinely ordained and the king draws his authority from God.
2. Monarchy is hereditary and it is the divine right of a king that it should pass from father to son.
3. The king is answerable to God alone; and
4. Resistance to the lawful authority of a king is a sin.

The theory of divine origin was popular for a long time but later on it began to decline on account of many factors.

### **Criticism**

The theory of divine origin has been criticised on many grounds.

To say that God selects this or that man as ruler is contrary to experience and common sense. God cannot be expected to do such worldly things for human beings. The theory is dangerous because it pinpoints the unlimited and arbitrary power of the kings.

The theory of divine origin of the state advocates only monarchical form of government. The monarchical form of government is practically disappearing from the world. No wonder the theory of divine origin also does not find its supporters in modern times.

We all believe in the theory of evolution. Everything in the world has grown up by slow degrees and consequently the same must have been the case with the state. It is too much to believe that one day God thought of creating the state and created one.

The theory put emphasis on revelation and not reason. In modern times we attribute everything to reason and hence it is not accepted today.

Although the theory has many defects and is no longer accepted today, it cannot be denied that it had its utility.

The theory of social contract with its emphasis on consent, was a great deadlock to the theory of divine origin. It was maintained that state was created by individuals by means of a contract and not by God. The separation of the church from the state was also partly responsible for the decline of the theory.

## 2.2 SOCIAL CONTRACT THEORY

The social contract theory is not only the most ancient but also the most famous of the theories regarding the origin of the state. The substance of this theory is that state is the result of an agreement entered into by men who originally had no governmental organisation. In the first period there was no government and no law. The people lived in a state of nature. After some time they decided to set up a state. That they did by means of a contract.

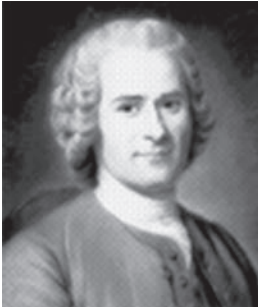
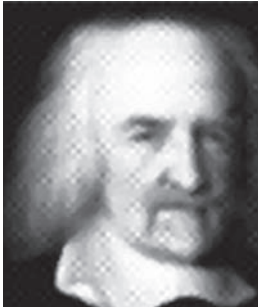

The social contract theory described the original condition of men as the “state of nature”. To escape from the condition of the state of nature man made a social contract. To some writers the contract was pre-social and to others it was pre-political.

Writers on this theory are agreed on the point that the state of nature preceded the establishment of government there was no organised life in the state of nature. Each lived according to his own wish and fancies. No man made laws were there to control man. The law known to men living in the state of nature was the law of nature or natural law. There was none to interpret the law or adjudicate. Hence men lived under uncertain conditions.

When men felt the need to escape from this type of life he did so by common agreement or contract. As a result of this, a civil society was created. Thus creation of civil society preceded the emergence of the state.

In the sixteenth and seventeenth centuries the supporters of the social contract theory multiplied and there was more or less universal acceptance of the doctrine. Hooker was the first scientific writer who gave a logical exposition of the theory of social contract. The theory found real support in the writings of Thomas Hobbes, John Locke, Jean Jacques Rousseau who are known as contractualists.

### CONTRACTUALISTS

Hobbes	Locke	Rousseau
		
1588 - 1679	1632 - 1704	1712 - 1778

## Comparison of Social Contract Theories of Hobbes, Locke and Rousseau

Principal works Leviathan (1651)	Civil government (1690)	Social contract (1762)
<b>2. The State of Nature</b>  Man egoistic moved by fear, power glory political equality of all no question of right or wrong. Just or unjust war of all against all, life, nasty, brutish and short.	A state of good will, mutual existence and preservation state of peace not war governed by law of nature but state became necessary to have one standardized interpretation of law of nature.	Men in state of nature equal self sufficient and contended, lived life of idyllic, happiness man actuated by impulse and not reason, origin of property creates inequality necessity of state.
<b>3. Law of nature</b>  In state of nature there was no civil law, law of nature was regulative of human action, law of nature conceived differently by Hobbes to mean different things on different occasions i.e.  (a) it was dictate of right reason for preservation of life.  (b) It was based on prudence which dictated that everybody should try to secure peace by sacrificing natural right by covenants and it must be respected	Law of nature does not represent natural impulse but a moral law based upon reason to regulate human conduct.	Law of nature based on instinct sociability resulting from feeling and not from reason.
<b>4. Natural Right</b>  Natural right depends upon one's might.	Right inherent in man by nature; natural rights of man are to life, liberty and property.	Man is free in the state of nature and enjoys all rights incidental to his person.

<p><b>5. Social Contract</b></p> <p>The individual gives up all his rights except on ie right of defence and self preservation to a common sovereign, social contract creates a common wealth and a sovereign (one, few, or many) contract unilateral and not binding on sovereign.</p>	<p>Men enter into social contract that is create a state to have a common agency for interpretation and execution of the law of nature. Individuals surrender some but not all the rights. Not clear whether Locke an contract creates civil society or only government. Government limited in authority and not absolute.</p>	<p>State results from a contract between individuals in their personal capacity and individuals in their corporate capacity. A, B, C and D etc. in their individual capacity surrender all rights to A+B+C+D etc as a corporate whole.</p>
<p><b>6. Sovereignty</b></p> <p>Hobbesian sovereignty is unlimited, indivisible, inalienable, absolute above law, source of law, justice, property above state and church has no right of revolution against sovereign.</p>	<p>Locke does not conceive of a sovereign state. His government is limited to performance of its duties. The inherent right of man to life, liberty and property, represents a limitation on government. Locke conceives of popular and not legal sovereignty.</p>	<p>The corporate whole that is people as a whole are sovereign. Thus Rousseau believes in popular sovereignty. People are the legal sovereign. Sovereignty resides in the '<b>general will</b>' of the people. The characteristics of this sovereignty are its unity, individuality, permanencies, in alienability and its absolute and unrepresentable character. The government is dependent on the sovereign of the people. Rousseau distinguish between the sovereign state and subordinate government.</p>
<p><b>7. Liberty</b></p> <p>In the state of nature liberty depends upon the state and is guaranteed by the state. It is a gift of the state and can be abrogated by the state. It cannot be quoted against the authority of the state.</p>	<p>A man has certain rights inherent in him ie rights to life, liberty and property which the state cannot deprive him of</p>	<p>In the civil state individual liberty is a gift of the sovereign state. It must be reconciled with the absolute authority of the state and cannot be quoted against the same.</p>



<p><b>8. Individual and the state</b></p> <p>The Hobbesian individual owes everything i.e. rights peace and law to the state and is therefore best in the state. He must obey the sovereign and pay taxes. Individual has some kind of liberty even in the civil state i.e.</p> <p>(a) Liberty not to kill himself if asked to do so by the sovereign.</p> <p>(b) Liberty to life which enables him to resist the sovereign if the latter attacks his life.</p> <p>(c) Liberty to refuse allegiance to a sovereign who cannot save his life or to a deposed sovereign.</p>		
<p><b>9. State and Government</b></p> <p>Hobbes does not distinguish between state and Government or between <i>dejure</i> and <i>defacto</i> sovereign.</p>	<p>Locke distinguishes between state and government and state and society. His theory leads to limited constitutional government</p>	<p>Rousseau distinguish between state which is sovereign and government which is subordinate creature of the state.</p>

### Rousseau compared with Hobbes and Locke

Rousseau had drawn something from Hobbes and something from Locke. In fact he began with the method of Locke and ended with those of Hobbes. Both Rousseau and Locke agreed that man in the state of nature was free and happy. Formation of civil society by means of a contract was deemed the only way out. Both Locke and Rousseau made the distinction between the state and government though Rousseau maintained that the institution of government was not the results of contract. Both believed that the contract did not remove the supreme power from the people. Rousseau's voice is the voice of Locke but the hands are those of Hobbes.

### Evaluation of Social Contract Theory

The social contract theory as expounded by Hobbes, Locke and Rousseau does not explain the origin of the state. There is no evidence to support this theory. The contention of these philosophers is not borne out by facts. What was contributed by

Hobbes to political philosophy was absolutism. Locke gave recognition to the concept of limited government. Rousseau popularised the idea of popular sovereignty.

## **Theory of Social Contract**

### **Criticism**

The doctrine that the state originated in a contract was a favourite home of political speculation during the seventeenth and eighteenth centuries.

Historically the theory is a mere fiction. There is nothing in the whole range of history to show that the state has ever been deliberately created as a result of voluntary agreement. Primitive man did not possess that maturity of outlook which the making of social contract presupposes.

The social contract theory is unhistorical. It is merely a fiction.

The social contract theory is also attacked on legal grounds. It is contended that a legally sound contract implies the prior existence of some authority and its sanction before the contract implies the contract is entered into. In the case of social contract theory there was neither the authority nor the sanction before the contract was concluded. The social contract theory is also criticised on philosophical grounds. The social contract theory is criticised as bad history, bad law and bad philosophy. It is bad philosophy, because it looks upon the state as an artificial contrivance and not a natural process of growth.

## **2.3 MATRIARCHAL THEORY**

McLennan, Morgan and Jenks are the notable exponents of matriarchal theory. The matriarchal system was prior to the patriarchal system and tribe. There was no permanent institution of marriage. A woman had more than one husband and because of the uncertainty of male parentage kinship was reckoned through woman that is from mother to daughters.

In the place of a family consisting of a man his wife and children there was a large and loosely connected group called a horde or pack organised for matrimonial purposes.

The matriarchal family developed as indicated below.

1. First there was a tribe and it was the oldest and primary social group.
2. In course of time a tribe breaks into clans.
3. Clans in their turn give place to households.
4. At last comes the modern family.

## Criticism

The matriarchal theory is more sociological than political. It seeks to explain the origin of family and not that of the state.

There is no adequate proof in support of the matriarchal system as the universal and necessary beginning of society.

## 2.4 PATRIARCHAL THEORY

The Patriarchal theory explains that the state originated from the patriarchal family or the family in which the pater or father was the head.

State is an enlargement of the family. Originally the family consisted of a man, his wife and children. The father was the head of the family and his control and authority was complete in all respects over all its members. When his children married there was expansion in the original family and it led to the establishment of new families. But the authority of the father and head of the original family remained as before, and it was duly acknowledged by all his descendants. This constituted the patriarchal family. The chief exponent of the patriarchal theory is **Sir Henry Maine**.

The following important points may be noted in Maine's Patriarchal theory.

1. In the Patriarchal family the element of paternity was the chief fact.
2. Descent was traced not only through males and from the same ancestor. None of the descendants of a female was included in the primitive notion of family relationship. Kinship was accordingly, purely negative.
3. Permanent marriage was the rule whether monogamy or polygamy
4. The Head of the family was the basis of all authority, and his power was unqualified over his children and their houses and other relations of all descendants, howsoever numerous.
5. He controlled not only the business affairs of the group which he headed but its religion and its conduct.

The family was the primal unit of political society, "the seed led of all larger growths of governments, "as **Woodrow Wilson** calls it. The single family had developed into several families; yet all of them were fully conscious of their ultimate kinship. Bound together by ties of common ancestors, they associated in a wider common fellowship group, the gens, owing allegiance to some elected elder - perhaps the oldest living ascendent or the most capable. Similarly, the gens broadened into the tribe. The pastoral pursuits gave way to agriculture and settled life on a definite land became a matter of necessity; land tribes united to form the state.

In support of his statement, **Sir Henry Maine** cited the patriarchs of the old testament “families” and “brotherhood” of Athens, the patriapotestos in Rome and the Hindu Joint family system in India.

### **Criticism**

Modern theories show that the patriarchal family was not universal, the patriarchal theory was subjected to severe attacks.

Patriarchal and matriarchal theories are in essence sociological rather than political theories.

**Stephen Leacock** says nonetheless, both the theories sufficiently establish that family is the original link in the evolution of the state.

Both these theories do not satisfactorily explain the origin of the state. Matriarchal and patriarchal could have been prevalent in certain early societies. But it is wrong to assume that the creation of state was occasioned by these systems. There was not substantial proof to support the universal validity of these theories.

## **2.5 FORCE THEORY**

According to this theory, the state originated due to force exerted by the strong over the weak. The idea contained in the statement is that “war begat the king”. The same view is expressed by Hume, Oppenheim, Jenks-Bernhardy and Trietschke are the exponents of force theory. A number of rulers also believed in this theory. The powerful conquered the weak state is the outcome of the process of aggressive exploitation of the weaker by the stronger. Might without right is antagonist to individual liberty.

There were other factors besides force which helped the expansion of the state. Similarly force alone is not the basis of state and it cannot be maintained by force.

### **Criticism**

Force indeed has played an important part in the origin and development of the state. Some of the greatest empires of today have been established through blood and iron.

The theory of force unduly emphasis the principle of the survival of the fittest. It means that might is right and those who are physically weak should go to the wall. It is dangerous to employ such a principle in the internal existence of the state. Every state will be at perpetual war with the rest. This is a condition of chaos, pure and simple endangering the peace and security of the world. The attention and efforts of every state will be directed towards war preparedness and to win the war if it comes. War which is an alias for murder, glorifies brute process, suppressing the moral forces. This is the mean self of man and not his real self.

This theory justifies despotism. It is opposed to the idea of freedom. It is too much to believe that the state is created and maintained by sheer force and the spiritual and moral values have absolutely no place in life.

### **The Historical or Evolutionary theory**

We have so far discussed five theories in explanation of the origin of the state, but no single theory offers an adequate explanation. The theory which explains and is now accepted as a convincing origin of the state, is the Historical or Evolutionary theory. It explains the state is the product of growth, a slow and steady evolution extending over a long period of time and ultimately shaping itself into the complex structure of a modern state. This theory is more scientific.

The state is neither the handiwork of God, nor the result of superior physical force, nor the creation of evolution or convention, nor a mere expansion of the family. The state is not a mere artificial mechanical creation but an institution of natural growth or historical evolution says professor Garner.

There were a number of factors which helped the evolution of the state. They were kinship, religion, war, migration, economic activities and political consciousness. The important factors which contributed to the growth of the state are

1. Kinship
2. Religion
3. Property and defence
4. Force
5. Political consciousness

### **Kinship**

Kinship is the most important and was based upon blood relationship and kinship was the first strongest bond of unity. Family constituted the first link in the process of the evolution of the state with the expansion of the family arose new families and the multiplication of families led to the formation of clans and tribes. Kinship was the only factor which bound the people together.

According to Professor Mac Iver, the magic of names “reinforced the sense of kinship, as the course of generations enlarged the group. The blood bond of sonship changed imperceptibly into the social bond of the wider brotherhood. The authority of the father passes into the power of the chief once more under the aegis of kinship new forms arise which transcend it. Kinship creates society and society at length creates the state”.

## **Religion**

Religion provided the bond of unity in early society. It also affected all walks of life. The worship of a common ancestor and common gods created a sense of social solidarity. There was fear in the hearts of men as far as religion was concerned. Even today we see religious practices, affairs and faith in uniting people. In the early days a number of races are united by religion and unity was essential for the creation of state.

## **Force**

Force also played an important part in the evolution of the state. It was the use of physical force that was responsible for the growth of kingdoms and empires.

## **Property and Defence**

Property and defence played a vital role in the evolution of state in ancient times particularly among the people who were nomads and wagabonds and tribals. Prof. Laski has referred to the necessity of acquiring property by the members of society and protecting the property acquired with reference to the population mentioned above.

This led to making adjustments in the social system and relationship between the members of different groups. The need to protect property ultimately compelled the ancient people to establish the state.

## **Political consciousness**

The last is political consciousness arising from the fundamental needs of life for protection and order.

When the people settle down on a definite territory in pursuit of their, subsistence and a desire to secure it from encroachment by others. The need for regulating things and persons is felt imminently and this is the essence of political consciousness.

## **Conclusion**

It follows that many factors helped the growth of the state. No single factor alone was responsible for its origin. Sometimes all and sometimes many of them help the process by which uncivilized society was transformed into a state.

Of all the theories which seek to explain the origin of the states, the evolutionary theory is the most satisfactory. It should be noted that no theory pin-points the time at which the state originated as a consequence of many factors working in union at different times.

## Exercise

### PART A

#### I. Choose the correct answer

1. Social contract theory found the support of
 

(a) Jenks	(b) Morgan
(c) Rousseau	(d) Sir Henry Maine
2. The theory which pictured the state of nature
 

(a) Divine theory	(b) Force theory
(c) Matriarchal	(d) Social contact theory

#### II. Fill in the blanks

3. Kings are \_\_\_\_\_ images of God upon Earth.
4. State is the \_\_\_\_\_ of the family.
5. War \_\_\_\_\_ the King.
6. Survival of the \_\_\_\_\_ is not justifiable today.
7. Kinship was the first \_\_\_\_\_ bond of unity.

#### III. True or False

8. The theory of Divine origin is a modern theory.
9. Permanent marriage was the rule whether monogamy or polygamy in matriarchal theory.
10. Evolutionary theory is merely scientific.

#### IV. Match

- |                     |   |           |
|---------------------|---|-----------|
| 11. Matriarchal     | – | Agreement |
| 12. Patriarchal     | – | King      |
| 13. Divine          | – | Mother    |
| 14. Social contract | – | Father    |

### **PART B**

15. Define Divine right theory.
16. What is meant by force theory?
17. What are the theories which explain the origin of the state?
18. Define Matriarchal theory.
19. Define Patriarchal theory.

### **PART C**

20. What are the doctrines of Divine right of King's?
21. Evaluate the social contract theory.
22. Explain Sir Maine theory.

### **PART D**

23. Explain the views of Hobbes, Locke, Rousseau regarding social contract theory.
24. What are the factors which influenced the social contract theory?
25. What are the factors which helped in the evolution of the state?



## CHAPTER 3

### NEW POLITICAL SCIENCE

#### 3.1 MEANING AND NATURE OF THE CONCEPT

Political science is the study of State craft. It involves the study of structure and process in government. Accordingly, political scientists may study social institutions such as:

1. Corporations
2. Unions
3. Churches
4. Organisation

Jean Bodin (1530-1596) a French political philosopher coined the term “political science”. Political scientists study the allocation and transfer of power in decision-making. Political science seeks both to advance positive theses, by analysing the politics, and to advance normative theses, by making specific policy recommendations. In traditional political science, knowledge is based on mental construction and thus it is value-oriented. Traditional political theories are based on assumptions and enquires and the personal experiences of the authors. However, the new political science is based on scientific enquires and supported by reliable data. The scientific outlook of political science came as a result of Behavioural Movement which started in 1950's.

The science of politics was found in the behavioural revolution of the 1950's. Only then did many members of the discipline accept and become comfortable with the scientific identity of the discipline. Behaviouralism established an agreed upon methodology which was value-free and emphasised quantification to aid in prediction of political behaviour. Though this has changed in some respects since the behavioral revolution, the positivist model of science still maintains the scientific identity of the discipline. The scientific identity to the discipline has resulted in marginalisation of normative political theory. In fact, behaviouralism called for an end to normative political theory since it did not aid the empirical science of politics.

The study of politics started to become a professional pursuit, sanctioned by professional associations.

Examples:

1. International Political Science Association
2. Indian Political Science Association.
3. Indian Institute of Public Administration
4. American Political Science Association.

This trend toward professionalism in the field of political research became clearer during the behavioural revolution's move to "pure" science. With behaviouralism, the discipline settled on scientific identity, an identity that has changed little since its inception.

Political scientists believed that a scientific, disciplinary and professional identity of the discipline would seek true knowledge about politics. Scientific method would allow political scientists to arrive at objective, value-free truth about certain aspects of politics in order to aid a modernising polity in a purely technical way. There could be no normative goals in a value-free science.

The professional identity of the political scientist became the starting point for new political science. Political knowledge was to be implemented in the governmental system. Political scientists such as Charles Merriam and Harold Lasswell are social engineers whose purpose was the "rational" supervision of political actors to order and control a logical, new political society.

The "new" political scientists saw citizens as "objects" of study and observation. The ultimate question for the new political scientists became how to motivate public opinion to support the liberal democratic State. They operated on the presupposition that humankind was perfectible and thus that a reliance on "scientific" political knowledge would help to cure societal and political ills permanently. The political scientist constructed political knowledge that could be applied in a technical way to governmental functions.

In his scholarly work Merriam demanded that political science become more rigorously scientific approach. He saw the development of a scientific technique and methodology for political science as a necessity to avoid "speculation and guesswork". Merriam viewed the physical sciences as attempt to benefit, preserve and perfect civilisation, and he reserved a place for political science in this process. He consciously sought to control the "evolution of intelligence" and human behaviour, through civic education, to instill democratic values in citizens in the move towards the perfection of society and humankind.

Behavioralists like Heinz Eulau and David Easton championed behavioural research and paved the way the emergence of 'New Political Science'. The following are the characteristic features of 'New Political Science'.

1. Political science should search for regularities in political behaviour in order to facilitate prediction and explanation.
2. Political science should concern itself with empirical political phenomena, that is, with the behaviour of individuals and political groups;
3. Data should be quantifiable in order to aid predictive capabilities;

4. Research should be theory driven, in other words, research should begin with a theory that yields empirically testable hypotheses;
5. Political scientists should research in favor of pure scientific research;
6. Values such as democracy, equality and freedom cannot be scientifically established and should thus be avoided unless they can somehow be made empirically testable;
7. Political science should become more interdisciplinary;
8. Political science should place more emphasis on methodology and make better use of multivariate analysis, sample surveys, mathematical models and simulation.

From Eulau's view, macro level analysis aimed at institutions, while micro analysis focused on individuals. Eulau located the science of politics in the study of political behaviour micro and macro level distinctions. Such a science would ideally be empirical and focused on finding uniformities and regularities in political behaviour. The careful documentation of regular and uniform behaviour would help to explain and eventually predict institutional influences on behaviour, and vice-versa.

According to Eulau, political scientists should seek to quantify their data and their results. Quantification, using the most advanced research technology, empirical methods and testable hypotheses, introduces exactitude and reliability to political knowledge. Eulau argued that quantification allows political scientists to be more certain about the legitimacy of political knowledge. "Political knowledge," realised through behavioural methods, emphasises reason.

### **3.2 USES OF POLITICAL POWER**

What is political power?

Political power according to Max Weber is a prize that is held by the dominant class in historical society, and in modern society it is held by the forces of wealth. Though there is conflict in modern society, sometimes status groups and most often political associations and parties hold political power.

Politics and political institutions are the most important institutions in society. As a concept, politics tells us so many things because we are experiencing power relations in our daily lives. For instance, even between parents there are power relations. So in society, there are micro politics and macro politics. Micro politics is seen in our daily lives. Macro politics refers to power relations that emerge at the institutional level.

Political sociology is a discipline that studies the relationship between the state and the society. In order to understand power we must understand the relationship between person A and B. If A makes B to do something even if B does not want, A

would have a certain power on B. In that sense, power is a very important concept. In other words, authority means legitimate power. For example, every political leader would like to have an authority over his people because these political leaders would like his people to believe in him so in that sense if political leaders can make people to believe in him, they would have a legitimate power.

Power, legitimacy and authority go together. Power takes many forms and it is the ability to make others do things even if they don't want to do it. Authority is like power; the only difference is that it is power that is supported by institutions. Where there is only power with no authority, then you need to have legitimacy to create trust and establish authority.

Power and authority are two basic concepts that guide the thinking of political sociologists.

Power refers to the capacity of a person, group, and institution to be able to manipulate and shape the views and actions of people (ex: parents and children - governments and taxes)

Authority is like power except that it always refers to a set of institutions in which it operates (set of institution that backs up the power for example the bully and muscle power)

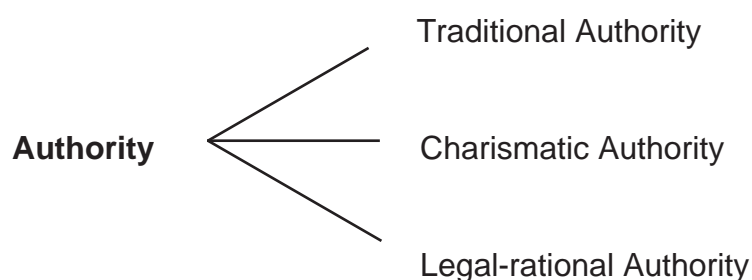
Social institutions operate to establish the set of rules that provide guidance to our lives, these rules represent authority. (Ex: University and Professors)

When large scale institutions fail, power takes over (USSR). And for the construction of durable authority, legitimacy is required.

In short, the important characteristics of state are power, authority, and legitimacy. And though power takes different forms (coercion, influence, and control), power is exercised with authority and it is basically the ability to impose one's will.

### 3.3 NATURE AND IMPORTANCE OF AUTHORITY

According to Max Weber, there are three types of authority:



Traditional authority is seen in traditional societies such as kingdoms and empires. It receives its power from the tradition.

Charismatic authority receives its power from the person's charisma. A charismatic would communicate his people easily. It means having a certain types of properties that he can have some abilities. In the modern world, we are talking about legal-rational authority from the constitution. These concepts of authority, power, force are interrelated.



**Max Weber**  
**1864-1920**

### **What is Elitist theory?**

The word elite means a superior group in a society. Elitist theory explains a certain group with a high qualification, ability, and privilege position.

Pareto defines the concept of Elite as:

1. There is always inequality in every society
2. In every society there are the elites in minority that rule the majority. Elite group is divided into two: the "ruling elites" and the "non-ruling elites". This creates a social balance called the condition of equilibrium.

Elitist theory is a concept used to explain a certain group with a high qualification, ability, and hence within a privileged position.

According to Pareto the concept of Elite is defined in two ways:

1. There are always privileged people in every society. This means that inequality is inevitable in social life (social stratification).
2. In every society there are elites in minority and masses that are ruled in majority.

The Elitist theory argues that the important decisions in liberal democracies are taken by a single ruling elite rather than being the outcome of competition between groups within society. The main tenets of 'Elitism', as adapted from Robert Michaels work include the following principles;

- Within all societies there exist one, or a few sets of powerful controlling elites. Regardless of the nature of the government or the economy, there is always oligarchy. The masses cannot and do not govern themselves.
- Although the elites are always a minority of the population, they control a large proportion of the available resources, are usually well organised, and co-heisve. Power is centralised in the hands of the elite members.

- Elites commonly employ all available means to protect and preserve their power and to enhance it wherever possible. They share power with others only when it is in their self interest, and they never voluntarily surrender power.
- To rule their society, elites employ a variety of techniques. These include dominating the economy, using police and military force, manipulating the educational system and the mass media, sanctioning or eliminating those who oppose them, and creating ideologies that legitimise their power and rule.
- Elites use their available means and their position of power to advance their own interests or the interests of their agency.

Two basic points which the elitist theorist refuses Marxism theory:

Theory of social classes claims:

1. Marxist “Dominant class” is wrong because in modern industrialised societies there is a continuous elite circulation
2. Classes in society is important because social stratification exist in every society.

Basic contradiction between democratic and elitist theory:

1. Elitist theory says there is inequality in every society (social stratification) but democratic approach says there is equality
2. Elitist theory says that elite minority (chosen few) dominates but democratic approach says that “majority rules”

Robert Michaels “bureaucratic authoritarian regime”.

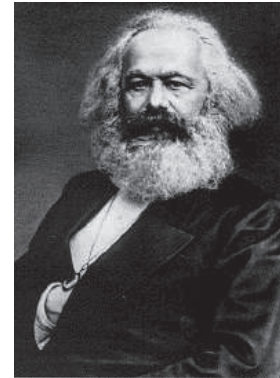
Robert Michaels explained about the growing nature of bureaucratic regimes in modern welfare states.

1. The exercise of political rule by a small group of leaders, often backed by the military.
2. The reliance of the political rulers also on a large group of technical personnel (technocrats), who exercise much of the daily control over the operations of the society.
3. Boosting the economic growth of society when there is stagnation.
4. The repression of different classes, especially the increasing middle class.



## Non Elitist Theory of Karl Marx

Marxist theory represents one of the earliest attempts to explain distribution of political power in a society. According to Karl Marx political power in every civilised society is unevenly distributed. The ruling class monopolises the political power by the ownership of the means of production. Thus the political leader represents the dominant class. Socio-economic factors are the determinants of the distribution of political power. The social order however, is marked by a perpetual conflict between the ruler and ruled classes. This conflict is conditioned by the development of productive forces. This conflict is the basic reason behind the polarisation of classes between the capitalist and the working class. The nature of conflict determines changes in the distribution of power. Thus the Marxist theory is economic determinism. It seeks to intensify class conflict. It preaches violent revolution. Therefore, it was natural for the thinkers of the other world to challenge Marxist theory.



**Karl Marx**  
**1818-1883**

### 3.4 NATURE AND USES OF INFLUENCE

Political sociology deals with political power, its influence and distribution. A person in modern society is resourceful to the extent he influences the behaviour of other persons. Thus power is judged by the exercise of influence. Influence is a person's capacity to effect the behaviour of others. This is not only in keeping with their choice but mostly, even against it. Defining the nature of influence Harold De Lasswell and Abraham Kaplan point out, "The weight of influence is the degree to which policies are affected; the domain of influence, the persons whose policies are affected; the scope of influence; the values implicated in the policies". Thus the weight of the influence is judged by the amount of change in the position of the actor influenced. Sometimes the compliance on the part of the influence is very high. In such situations, the power holder requires little effort to exercise influence.

#### Coercive

On the other hand in other instances the compliance may be very low requiring force to impose power. This is known as coercive influence. Generally, political power has been termed as coercive influence. It is the use of threats or sanctions to influence others. These threats may be accompanied by possibilities of injuries and rewards. While penalties or punishments are negative sanctions to power, rewards are positive sanctions.

#### Capacity to influence

Thus power may be defined as the capacity to affect other's behaviour by the user or the threat of the use of negative or positive sanctions.

## **Relational**

Power, is basically relational, it is not a personal property. Power is exercised only in relation to others. It has been defined as the capacity to affect other's behaviour. Political power is essentially relational. It presupposes social relation between the power holder and the power addressee. The type of social order is that in which power holder and the power addressee. The type of social order is it in which power relation exists, besides the power holder, the power sanctions the reaction of the power addressee etc. For example, these may be found to differ essentially in rural and urban societies. Political power is the power which operates within the periphery of the state and its institutions. It is based on the power of the state. However, the essential nature of the power of the state is not different from power found at any level of society. Therefore, power is judged in the perspective of social variables. Political power is conditioned by the social process. It changes according to the variations in the nature and working of the social.



## **Exercise**

### **PART A**

#### **I. Choose the correct answer**

1. Paying Income Tax signifies
  - (a) Traditional authority
  - (b) Rational - legal authority
  - (c) Charismatic authority
  - (d) None of these
2. Who first coined the term Political Science?
  - (a) Aristotle
  - (b) Plato
  - (c) Jean Bodin
  - (d) Adam Smith

#### **II. Fill in the blanks**

3. Political analysis of individual behaviour is \_\_\_\_\_
4. Types of authority is explained by \_\_\_\_\_

#### **III. True or False**

5. Normative political science is value - free.
6. New Political Science is behavioural analysis.

### **PART B**

7. Define Behaviouralism.
8. What is "New Political Science".

### **PART C**

9. Explain the meaning of Power.
10. What is authority?

### **PART D**

11. Evaluate the non - elitist theory of Karl Marx.
12. Differentiate between power and authority. What are the types of authority?

## CHAPTER 4

### CHALLENGES TO STATE SOVEREIGNTY

Sovereignty has been considered as an important element of the State. Every independent nation in this world possesses sovereignty. Generally speaking sovereignty is broadly divided into:

1. Internal sovereignty and
2. External sovereignty.

Internal sovereignty of a nation signifies that it is internally supreme to any type of associations or groups. External sovereignty denotes that a particular nation is not legally bound to any other nations except international bodies such as UNO and International Court of Justice. As regards the internal sovereignty within the State itself, it is absolute. The sovereign can make any law it pleases.

According to A.V. Dicey there are two limitations on sovereignty. The external sovereignty is limited by citizens' disobedience or resistance to the laws. The internal sovereignty is limited by the very nature of the sovereign power. Today, the very essence of both internal and external sovereignty of nations are challenged. There has been a constant threat to the sovereignty of the nation. Such a threat came as a result of neo-colonisation or globalisation of the world economy. Many political scientists felt that there are visible and invisible factors contributing to the erosion of national sovereignty.

#### 4.1 EROSION OF NATIONAL SOVEREIGNTY

The world today is aptly described as a "Global village" in which a web of information networks interconnects individuals as well as organisations and governments. The global village is a world that is increasingly interconnected by communication technologies and that is tending toward a global culture. Driven by technological and economic forces, globalisation gathered momentum since the 1990's. The process of globalisation has been initiated originally to protect the economic interests of G-8 nations as well as to expand the market areas for the Multinational Corporations (MNC's). Since 1990, there has been a tremendous increase in the number of MNC's. During 1990, there were only 3000 MNC's and this has increased to 63,000 today. After the collapse of the Soviet Union and the formation of the European Community, there has been a phenomenal growth in MNC's doing business across national borders.

Besides economic integration of nations, there has been an increase in the number of Transnational Non-governmental Organisations (TNGO's).

Examples : Amnesty International

International Committee of the Red Cross

Doctors without Borders

Green Peace

The availability of inexpensive and very fast communications technology has made it easier for such groups to organise and to make impact on public policy of a nation. It is felt that such influences of NGO's as a threat and erosion of internal sovereignty of weak nations. Another powerful source for the erosion of national sovereignty originate from the International Monetary Fund (IMF) and other multilateral financial institutions. These institutions imposes conditionality agreements that involve not only specific economic target but also domestic institutional changes.

The European Union (EU) is inconsistent with conventional sovereignty rules. The members of European Union have created supranational institutions.

Examples : European Court of Justice

European Commission

EU Council of Ministers

These supranational bodies can make decisions opposed by some member states. The European Monetary Union (EMU) created a central bank that controls monetary affairs of member states. The Single European Act and Maastricht Treaty are fundamentally contradict traditional understanding of sovereignty because they have undermined the juridical autonomy of its individual members.

Globalisation in relation to national sovereignty reflects a multi- dimensional concept. It implies an interdependence of a growing number of aspects of economic and cultural life. In addition to economic interdependence (Trade, Finance and Direct Investment) there are educational, technological, ideological, cultural, as well as ecological, environmental, legal, military, strategic and political impulses that are influenced in the context of globalisation. There has been free movement of goods and services across national borders. Immigration rules are relaxed for free movement of skilled persons across nation. Many software professionals migrated to USA and opted both for permanent residency status and citizenship. Many Non-Resident Indians (NRI) claim for dual citizenship. In such changed world scenarios, the operation of states is more complex. The integration of world economy and the migration of people across national borders has impinges increasingly on national sovereignty. National sovereignty is divided among a number of agencies such as national, regional, and international. The development of international trade laws and the emergence of supranational organisations have paved the way for erosion of national sovereignty. The sum total of the various elements of globalisation has left the individual sovereign

state less and less focus on policy and control. Supranational organisations such as WTO, EU, NAFTA, WB and IMF become more significant players in influencing the policy of nations and thus attacking the national sovereignty. Globalisation, thus, placing State sovereignty under strain, as international rules and institutions appear to become more instructive, transnational NGO's more active and state control is less pronounced. State sovereignty as a normative concept is increasingly challenged by the process of globalisation. The sanctioned use of legitimate violence by the national sovereign power is now challenged and influenced by International NGO's.

Privatization and liberalisation are the two watchword for globalisation. The support for privatization of services hitherto rendered by government has been gaining momentum in all the developing nations. The success of privatisation of services in South Korea has led other Asian nations to move towards limited government and liberalised economy. Liberalised economy was introduced in India since 1991 and many of the public sectors were privatised. The Indian government monopoly over certain productions and services were relaxed. The spirit of free competition has led many MNC's to enter India and do business.

The MNC's inturn influences the national and regional policies for their easy and successful operation. The erosion of national sovereignty has been more pronounced due to the privatisation and the shedding of State obligatory functions worldwide in service provisions, distribution and production. Corporate managers and non-citizens are the new policy makers in the context of globalisation. The shrinking responsibilities of states and the expansion of private sectors has led to de- bureaucratisation. Only regulatory functions are allocated to State. For instance in India, since 1991 the 'license raj' has been controlled.

The primary goal for globalisation is economic integration of the world and it therefore failed in political and cultural integration. This resulted in cultural awakening of groups which are against universal culture (American-Western culture). As opined by Samuel. P. Huntington, the process of globalisation has initiated the clash of civilisations. He adds that civilisation "fault lines" may lead to civilisation conflicts. There is no meaning for national sovereignty in conflict resolutions based on civilisational conflicts. In such situation national boundaries will be redrawn and national sovereignty may be redefined.

Many social scientists believe that globalisation erodes national sovereignty in terms of :

- (a) Forces of fundamentalism
- (b) Neo-colonialism
- (c) Civilizational conflicts and
- (d) New politics.

## 4.2 GLOBALISATION AND CHALLENGES TO STATE SOVEREIGNTY

There is link between globalisation and State sovereignty. Globalisation refers to 'a process of removing government imposed restrictions on movements between countries in order to create "open", "borderless", world economy'. Globalisation, thus, has powerful economic, political and social dimension. National sovereignty and national borders has its limitations in the globalised economy. The management guru Peter Drucker observed that in a globalised economy, national boundaries have largely become irrelevant. Sovereignty of a nation in a globalised economy can be protected by the following ground realities.



1. Predominant industrial society.
2. Near equal society
3. Democratic political institutions.
4. International economic bargaining powers.
5. Presence of civil societies. (NGO's)
6. Knowledge based society.
7. Advanced information technology.
8. Appropriate distributive mechanism for the distribution of the benefits gained through globalised economy.
9. Adequate Social Security measures for workers.
10. Limited role for bureaucracy and to extend welfare functions of the State.

In the absence of the above said features, the introduction of globalisation in a nation has been considered by many critics as surrendering the national sovereignty to MNC's. In India, the globalised economy has been build on socialistic foundation. In the context poverty, illiteracy and inequality, the introduction of liberalised economy will lead to mass protest and labour unrest. The sovereignty of the nation has given way to the concepts of supranational and extra-territorial regimes like IMF and WB. Further, these changes are being legitimised through international treaties and national policies.

The role of the State as protector and guarantor of human rights has also undergone significant change. State's authority in this regard has been partially transferred to the universal codes regarding human rights. Several supranational institutions have appeared which have assumed responsibility for the protection of human rights and thus greatly undermined national sovereignty and citizenship.

Immigration by the highly developed countries has resulted in creation of contradictory legal regimes. It has been observed that often the corporate sector, backed by national governments of developed countries, has supported the removal of restrictions on cross- border flows of people, to protect and promote its financial and staffing interests. Despite this the domestic regimes have tried to uphold state's long established sovereign right to regulate the entry of all aliens to its territory.

The State sovereignty has been greatly undermined with the domestic courts increasingly invoking human rights covenants in defence of individual rights. As a result, the foundations of state sovereignty and nationality are being redefined. In the course of time, the meaning of citizenship may be diluted and the distinction between citizen and alien may be blurred. One scholar has observed, "the sovereignty of nations becomes invalidated, and their development determined more by the compulsions of the market place and less by their own national needs and priorities. National social contracts are abrogated with impunity; and international contracts are negotiated and enforced through a variety of instruments for covert and overt action".

From our analysis of the impact of globalisation on national sovereignty, it is understood that the benefits of globalised economy has positive sign of development for developed nations than the developing and under developed nations. When the developing and under developed nations introduce economic liberalisation and privatisation it may seriously undermine the national sovereignty. The general impact of globalisation on national sovereignty of developing nations are listed as follows:

1. Multinationals can impact upon communities in very diverse places. First, they look to establish or contract operations (production, service and sales) in countries and regions where they can exploit cheaper labour and resources.
2. It can also mean large scale unemployment in those communities where those industries were previously located.
3. Multinationals seek out new or under-exploited markets.
4. Multinational companies can also have significant influence with regard to policy formation in many national governments and in transnational bodies such as the European Union and the World Bank (key actors within the globalisation process). They have also profited from privatisation and the opening up of services.
5. Another outcome of globalisation has been a huge increase in salaries of senior managers, accountants, lawyers and public-relations personnel working for MNCs or the local competitors.
6. A major causality of this process has been a decline in the power of national governments to direct and influence their economies (especially with regard to macroeconomic management).

7. Developments in the life sciences, and in digital technology and the like, have opened up vast, new possibilities for production and exchange. Innovations like the internet have made it possible to access information and resources across the world -and to coordinate activities in real time.
8. Knowledge has become perhaps the most important factor determining the standard of living -more than land, than tools, than labour. Today's most technologically advanced economies are truly knowledge-based.
9. Large multinational corporations still have considerable economic and cultural powers. Examples: Coca-Cola, NIKE, Mac Donald and LEVIS
10. Indian industrialists who have so far failed to invest in research and development and are losing the battle for market share are also becoming amenable to globalisation in the fond hope of partnering with an MNC that will enable them to stabilise or expand their sinking business ventures.

Advocates of globalisation have often made the claim that globalisation rather than destroy Indian industry would instead accelerate the growth of new industry and cause India's economy to grow faster. But a detailed analysis of Foreign Direct Investment (FDI) in the last few years indicates that a sizeable portion of this investment has not gone into the creation of new productive capacities.

### **Globalisation and Indian Culture**

Western cultural influence in India is especially notable because Indians generally value the maintenance of uniquely Indian identities. Indian culture is what Samuel Huntington describes as a "strong" culture, meaning, in part, that Indian culture is able to withstand an influx of outside cultural ideas and products without losing its own internal identities. Indian resistance to globalisation, for example, has been strongest in regard to foreign goods and services that most strongly symbolize and reinforce cultural values and personal identities. Whereas Western management techniques and business practices were quickly integrated into traditional lifestyles in the growing Indian software industry, most Indians continue to eat indigenous foods, watch local movies and TV, and to wear traditional clothing. Western companies in the vast Indian consumer market, therefore, have faced difficulty successfully marketing their products.

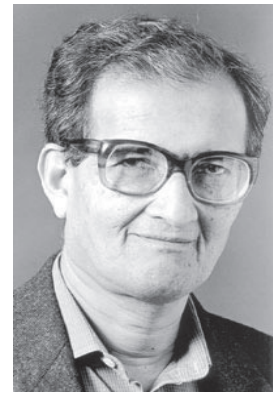
### **Views of Amartya Sen**

Amartya Sen has argued that 'the market economy does not work by itself in global relations—indeed, it cannot operate alone even within a given country'. Significant was the growth in influence of neo-liberal ideologies and their promotion by powerful politicians like Reagan in the USA and Thatcher in the UK. Development with human touch is the need for developing nation like India. Under globalisation, the economic and political sovereignty of a nation should not be surrendered. A balanced



approach is needed for both market economy and welfare economics.

Multinational Corporations (MNCs), with the collaboration of Bretton Woods Institutions (World Bank, International Monetary Fund) and the World Trade Organisation (WTO) have imposed their strategic plan through the General Agreement on Tariffs and Trade (GATT). The strategy is to allow MNCs free access to all countries, removing all trade restrictions.:



**Amartya Sen**  
(b 1933)

#### **IMF and World Bank strategic plans:**

- Reduction of budgetary subsidies
- Removal of subsidies for agricultural inputs
- Removal of food subsidies
- Pursuance of liberal economic policies
- Promotion of foreign investment
- Import liberalisation
- Privatisation of the banking sector

#### **WTO**

- Reduction of subsidies
- Reduction of support for domestic agriculture
- Removal of PDS (food subsidies)
- Pursuance of free trade by developing countries
- Removal of restrictions on MNCs in utilities industries
- Removal of barriers on imports
- Lifting restrictions on entry of foreign investors

The Bretton Woods institutions for their part continue to be made the centre of gravity for the principle economic decisions that affect the developing countries.

An audit of the performance of the Indian economy after reforms were initiated in July 1991 fails to reveal any spectacular achievements. The opening of the economy to foreign capital has not succeeded in attracting a significant flow of capital or technology into the country, especially into the productive.



## **The World of Information**

‘The information revolution is destroying the nation state and promoting regional confederations of city-states. Whereas the industrial Revolution was a centralizing force, the Information Revolution is a decentralising force’.

### **Evaluation**

The old map of states is being shaken by the roots-some states have fallen to pieces, some have formed massive trading alliances, most in the west seem to be yielding sovereignty to the world of globalisation and market forces, and all are yielding large areas of social and economic responsibility to the private and not-for-profit sectors. At the same time across recently collapsed or vanished empires in Africa, the former USSR and Yugoslavia, we may observe the very worst aspects of nineteenth-century nationalistic chauvinism and intolerance, the resurgence of ethnic animosities among, for instance the Kurds, the non-Moslems of the Southern Sudan or the Chinese in Tibet.

## **Exercise**

### **PART A**

#### **I. Choose the correct answer**

1. 'Coca-Cola' is a
  - (a) Public Sector
  - (b) Private Sector
  - (c) Multinational Corporation
  - (d) Limited Company
2. National Sovereignty has been challenged by
  - (a) G-8 nations
  - (b) European Union
  - (c) International financial institutions
  - (d) G-77 nations
3. Globalisation mainly signifies
  - (a) Economic integration
  - (b) Political integration
  - (c) Social integration
  - (d) All the above

#### **II. Fill in the blanks**

4. India is a \_\_\_\_\_ nation.
5. Samuel P. Huntington discussed about \_\_\_\_\_ conflicts.

#### **III. True or False**

6. India is grouped under G-8 nations.
7. India is a member of European Union.

### **PART B**

8. What is Knowledge Society?
9. Define Information Technology?

**PART C**

10. What is 'Global Village'?
11. Explain 'Open Economy'.

**PART D**

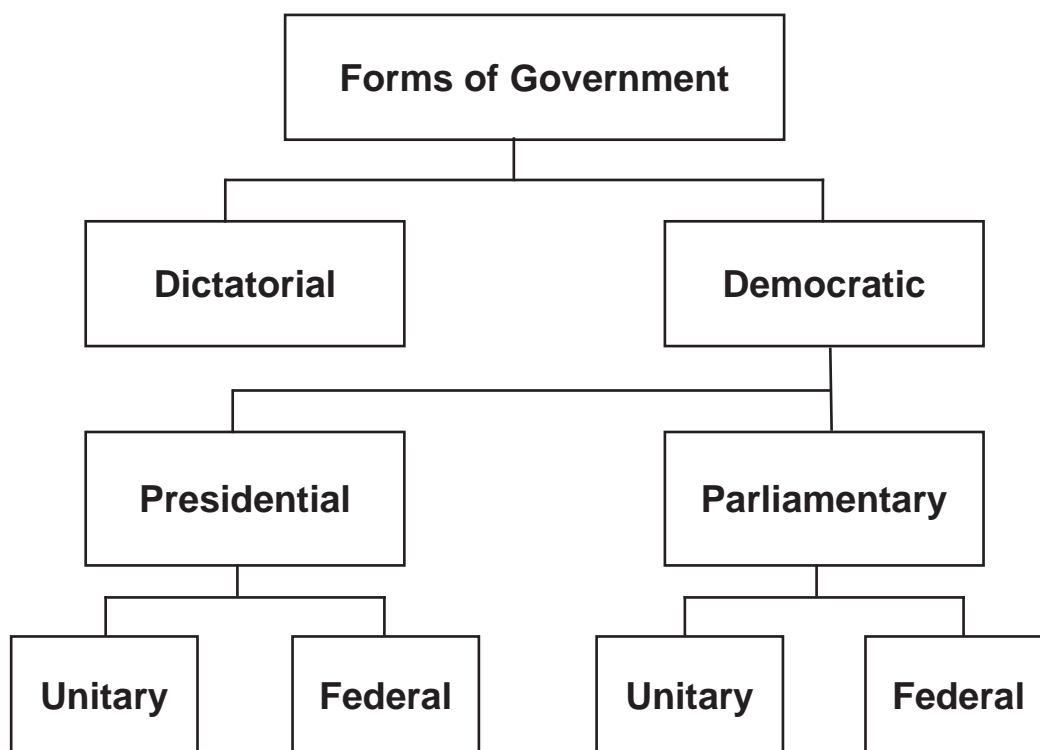
12. Bring out the major impact of globalisation on India.
13. What are the major challenges faced by developing nations in this globalised world.

## CHAPTER 5

### FORMS OF GOVERNMENT

#### Introduction

Government is one of the essential elements of the State. It is the working agency of the State. The importance of the Government in modern times is highly felt. Attempts have been made from time to time to classify the various forms of Government.



The classification of Governments as explained by C.F.Strong may be represented through the following table:-

Sl. No	Source of Classification	A	B
I	Jurisdiction of governmental powers	Democracy	Dictatorship
II	(a) Nature of the State	Unitary State	Federal State
	(b) Nature of the Constitution	Flexible	Rigid

Sl. No	Source of Classification	A	B
	(c) Nature of Constituency	(i) State having universal franchise system	(i) States having limited voting system
		(ii) States having single-member constituencies	(ii) States having multi-member constituencies
III	(a) Nature of Legislature	States having Bicameralism	States having Unicameralism.
	(b) Structure of the Legislature	States having Elected Members in Upper Chambers	States having no elected Members in Upper Chambers
IV	Nature of Executive	Parliamentary and Responsible form of Government	Presidential form of Government
V	Nature of Judiciary	States having Rule of Law.	States having Administrative Law.

The above classification of C.F.Strong on forms of government is wholly concerned with the formal structure of the state.

## 5.1 UNITARY

A unitary form of government is one in which all the powers are concentrated in the hands of the central government. The central government creates local units for administrative convenience and delegates to them such power as it deems necessary. These local units are called local governments.

England, France, Japan, SriLanka are examples of Unitary governments.

### Definition

Some leading writers defined unitary government as follows:

GARNER: "Where the whole power of government is conferred by the constitution upon a single central organ"

A.V.DICEY: "Habitual exercise of supreme legislative authority is by one central power"

C.F.STRONG mentions 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 state authorities in a federal state.

### **MERITS**

1. There is unity, uniformity of law, policy and administration.
2. There is no conflict of authority and responsibility.
3. A unitary government will make prompt decisions and take speedy action.
4. A unitary government is less expensive.
5. Amendments to the constitution are easy.
6. Suitable for small countries.

### **DE-MERITS**

1. The concentration of powers may pave way for the despotism of the central government.
2. The central government will have to tackle so many complex problems that they have no adequate time to devote to local affairs.
3. The central government will not be acquainted with local problems, local interest and initiative.
4. It is not suitable for big countries.

## **5.2 FEDERAL**

The term “Federation” is derived from the Latin word “foedus” meaning treaty or agreement – that is agreement between central government (federal government) and the state governments.

Prof. Dicey defines federalism as a political contrivance intended to reconcile national unity with the maintenance of state rights.

Federalism is the theory or advocacy of federal political order, where final authority is divided between sub-units and a centre. Unlike a unitary state, sovereignty is constitutionally split between at least two territorial levels so that units at each level have formal authority and can act independently of the others in some area. Citizens thus have political obligations to two authorities. The allocation of authority between the sub-units and centre may vary, typically the centre has powers regarding defence and foreign policy, but sub-units may also have international roles. The sub-units may also participate in central decision-making bodies. Much recent philosophical attention is spurred by renewed political interest in federalism, coupled with empirical findings concerning the requisite and legitimate basis for stability and trust among citizens in federations.

## FEATURES OF THE FEDERAL GOVERNMENT

1. The supremacy of the constitution.
2. The division of powers between the central government and state governments.
3. The rigidity of the constitution.
4. The independent judiciary.

**1. The supremacy of the constitution:-** There must be a written constitution. A written constitution is one in which provisions are written down in a document for both the federal government and state governments. The constitution is the supreme authority.

**2. The division of powers:-** In a federal form of government the powers of the government are divided between a government for whole country and government for parts of the country in such a way that each government is legally independent within its own sphere.

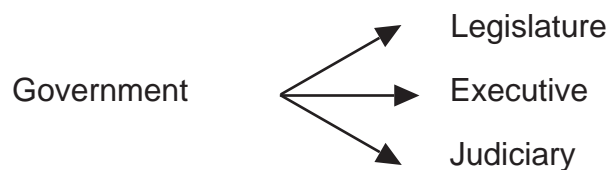
**3. The rigidity of the constitution:-** According to Prof. Dicey, a rigid constitution is one under which certain laws generally known as constitutional or fundamental laws cannot be changed in the same manner as the ordinary laws are changed.

Constitutional laws refer to those provisions of the constitution. Ordinary laws are those laws enacted by the parliament. The constitutional law is placed above the ordinary law.

**4. The independent judiciary:-** In a federal government, conflicts may arise between the federal government and a state government or between state governments. The power to settle the conflicts or to interpret the constitution is given to the judiciary. The judgement given by the court must be obeyed by the centre as well as states.

## 5.3 PARLIAMENTARY

A parliamentary form of government is that in which the executive is responsible to the legislature. It is also called the cabinet government or responsible government.



Example : India, United Kingdom (U.K)

### **Essential features:-**

1. The executive has two types of functions. One is the nominal and the other is the real. The nominal head represents the state. The real head represents the government. In Britain, head of the state is the king or queen. The head of government is the prime minister.

Legally all the powers are vested with the nominal head - Example President of India.

In practice, all the powers are exercised by the real head Example, cabinet under the leadership of the prime minister of India.

2. The ruling party should have a clear and stable majority in the legislature. In the event of a “hung parliament” a coalition government can also be formed. For example in India during the prime ministership of Mr. Deva Gowda (1996) Mr. I.K. Gujral (1998) we had hung parliament.

3. Head of a cabinet is the leader of the majority party in the legislature. He is the prime minister.

4. The prime minister and the cabinet ministers are selected from among members of parliament.

5. Each minister is responsible to the legislature for the acts of omission and commission of his own department. Likewise, all ministers are collectively responsible to the legislature for the collective policy of the ministry in power.

### **MERITS**

1. The most important merit in a parliamentary form of government is the harmony and co-operation between the legislature and the executive.
2. It is flexible and elastic. Whenever there is a crisis, smooth change of government is possible without revolution.
3. Opposition political party offers a constructive criticism of governmental policies.
4. It is responsive to public opinion.

### **DEMERITS**

1. It is against the theory of separation of powers. When the executive and legislature functions are combined together, there is every likelihood of prime minister becoming more powerful.
2. In the absence of majority, coalition is the only alternative. Coalition government is a weak form of government and may result in political instability.



3. If ruling party resigns from the government or defeated in the elections, the opposition party assumes office of governance. It will reverse all the decisions of the previous government. It means that there is no continuity in policy matters.

## **5.4 PRESIDENTIAL**

The presidential form of government is that in which the executive is not responsible to the legislature.

### **Example: United States of America (U.S.A)**

#### **Essential features**

1. The president is the real executive. There is no nominal or ceremonial executive. All the powers are vested in the hands of the president.
2. The powers of the three organs namely, legislature, executive and judiciary are separated and vested in different persons.
3. Though the three organs of the government are kept apart, they are also connected by the system of checks and balances. Each organ of government exercises checks on the other two organs so that a sort of balance is established.
4. The tenure of the president is fixed. The tenure of office cannot be lessened or increased under any circumstances. President can be removed by the legislature only by a process of impeachment.

#### **MERITS**

1. Stable government is possible.
2. Under a presidential form of government, experts are appointed as heads of the departments without consideration of their party affiliations. The president may appoint persons who belong to the opposition parties.
3. There is continuous and consistent policy.
4. Highly suitable during the period of national crisis.
5. There is no chance for concentration of powers.

#### **DEMERITS**

1. The executive is not responsible to the legislature and can do whatever it pleases.
2. There is always the possibility of deadlocks between the legislature and the executive.

3. It is not flexible form of government.
4. The Presidential executive finds it difficult to follow a vigorous foreign policy, as there is no harmonious relationship between the executive and the legislature. The executive may follow a policy which may not be acceptable to the legislature.

### **5.5. COLLEGIATE**

The collegiate or plural executive is one in which the authority is exercised by two or more individuals having co-equal authority. It is a system of government which adopts the merits and discards the defects of both the parliamentary and presidential systems of government.

Example: Switzerland

The collegiate executive of Switzerland is called the Federal Council. It consists of seven members called councillors. These councillors are elected for a fixed term of four years by the two Houses of the Legislature (Federal Assembly) at a joint sitting. Swiss Government has seven departments and each department is under the control of a councillor. After being elected as the councillor they have to resign their membership in the Federal Assembly. They can be re-elected as many times as possible. The office of the President and the Vice-President of the Federal Council are shared among the councillors on a rotation basis for a one year term. No president can hold office for more than one year.

### **MERITS**

1. The collegiate executive of Switzerland is characterized by stability and responsibility.
2. There is no possibility of concentration of powers in a single individual.
3. This type of executive avoids tyranny and dictatorship.
4. The collegiate executive of Switzerland is representative of all opinions and all areas of the country.
5. This type of executive paves the way for continuity and permits traditions to be formed.

### **DE-MERITS**

1. Since the collegiate executive consists of seven members belonging to different political parties, there is unnecessary delay in taking decisions.
2. The members of the federal council belong to various parties. Hence it is difficult to ensure secrecy which is essential for proper functioning of the executive.

3. In this system of government speedy action is possible during emergencies.
4. The executive is organized on plural principle. Hence it is not compatible with unity and independence.

## **5.6 MODERN DICTATORSHIP**

The term dictator has been borrowed from ancient Rome. Dictatorship is a form of government. Dictatorship is against democracy. While democracy upholds liberty, dictatorship suppresses liberty.

F. NEUMANN says “By dictatorship, we understand the rule of a person, a group of persons who arrogate to themselves and monopolize power in the state, exercising it without restraint.”

Modern dictatorship rose as a reaction against democracy.

Modern dictatorship arose owing to the following causes:-

1. Victorious powers of World War I (1914-1918) like Britain and France were arrogant and treated defeated powers like Germany with disrespect.
2. During the inter-war period (1919-39) failure of democracy led to the spread of dictatorship.
3. The League of Nations could do nothing to save democracy, when Hitler 's Germany went on committing a series of aggressive acts, when Mussolini's Italy annexed Ethiopia, when Soviet Russia attacked East European countries and when Japan seized Manchuria from China.

### **Features of modern dictatorship**

1. Modern dictatorship is one man rule and authoritarian.
2. One party rule – Example: Communist Party – China
3. No individual freedom for people.
4. Wide gulf between dictator and people based on fear and force.

### **MERITS**

1. Dictators show a singleness of purpose resulting in efficiency and quick decisions.
2. Cost of administration is low.
3. Dictatorship implies one party, one leader and one programme. National unity and solidarity is the contribution of dictatorship.

## **DE-MERTIS**

1. Dictatorship is based on force and fear.
2. People have no rights.
3. Dictators use their energy to realize their selfish aims. The interest of the people will not be taken into consideration.
4. Dictators are for bringing about revolutionary changes.

### **Dictators of 20th Century**



**Fidel Castro**



**Adolf Hitler**

(1889-1945)



**Mao Tse Tung (also Zedong)**

(1893-1976)



**Benito Mussolini**

(1883-1945)

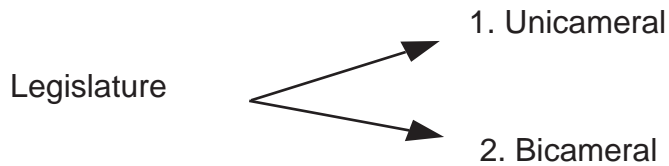
Cuba under Castro, Italy under Mussolini, Germany under Hitler, China under Mao Tse-tung were examples of dictatorship.

In the dictatorship style of functioning the individual's personality was suppressed and all aspects of life were regimented. Strict supervision and control over human thought and action was the order. Public and private life of individuals were submitted to dictators.

## **5.7 DISTINCTION BETWEEN UNICAMERAL AND BICAMERAL**

Legislature is the first branch of the government. It is the law making body of the government. It expresses the will of the people. Unless laws are made, the question of enforcing them or interpreting them does not arise.

There are two kinds of legislature:-



**Unicameral:-** Where the legislature has only one house, it is called unicameral.

Example: China (National Peoples Conference)

India: Legislative Assembly (Tamil Nadu)

**Bicameral:-** In Latin camera means house or chamber. Where the legislature has two houses, it is called bicameral.

#### **The following countries have bicameral legislature**

INDIA	Lower House	-	Lok Sabha
	Upper House	-	Rajya Sabha
U.S.A	Lower House	-	House of Representatives
	Upper House	-	Senate
U.K	Lower House	-	House of Commons
	Upper House	-	House of Lords.

Bicameral system of legislature is prevalent in a majority of the countries of the world. At the same time, unicameralism is also in existence in certain countries. Political scientists expressed different opinions in support of and against the two systems of legislature. For example, writer like Bryce, Garner, and Lord Acton argued in favour of Bicameralism. On the other hand, political writers like Laski, Benjamin Franklin and Bentham supported unicameralism.

Sir. J.A.R Marriott says that the “past history is in favour of the bicameral system. Experience has seen in favour of two chambers and it is not wise to disregard the lessons of history”.

Dr. Leacock says, “The unicameral system has been tried and found wanting.”

**Distinction between**

	<b>Unicameral</b>	<b>Bicameral</b>
1.	Responsibility is located	Responsibility is divided
2.	Hasty legislation	Checks on hasty legislation
3.	Leads to despotism	Checks the despotism.
4.	There is no delay in legislation	Delay in legislation
5.	No occasion for legislative dead-locks	Occasion for legislative dead-locks
6.	No duplication of work	Duplication of work
7.	Few countries are following Unicameral.	Many countries are following Bicameral.
8.	Work load is heavy.	Reduces the work load.
9.	Economy of national expenditure	Higher expenditure
10.	No scope for representation to minorities and other interests.	Scope for representation to minorities and other interests.

## Exercise

### Part A

#### I. Choose and write the correct answer

1. The term federation is derived from which word?  
(a) Latin                      (b) French                      (c) Hindi                      (d) Sanskrit
2. The Latin word camera means.  
(a) House                      (b) Building                      (c) Structure                      (d) Camera

#### II. Fill in the blanks

3. Lok Sabha is known as \_\_\_\_\_ House.
4. Rajya Sabha is known as \_\_\_\_\_ House.

#### III. True or False

5. There are two kinds of legislature.
6. Senate is the upper house of the Congress of U.S.A

#### IV. Match the following

- |                  |   |             |
|------------------|---|-------------|
| 7. Parliamentary | - | Switzerland |
| 8. Presidential  | - | U.K         |
| 9. Collegiate    | - | U.S.A       |

### PART B

10. Define unitary government.
11. Define federal government.

### PART C

12. Explain modern dictatorship.
13. Explain collegiate executive.
14. Explain the distinction between unicameral and bicameral legislatures.

### PART D

15. Describe parliamentary form of government.
16. Discuss presidential form of government.



## CHAPTER 6

# THE JUDICIARY

### Introduction

The administration of justice is an important aspect of government from ancient times to the modern times. But how and in what manner this function of judiciary was performed is a long story in the growth of not only the government but also of judiciary. Government consisted mainly of three branches namely

- a. the legislature
- b. the executive
- c. the judiciary

However this distinction was not clear as there were different forms or patterns of government. This is clear from the various stages through which the modern government emerged. Originally there was a monarchy followed by aristocracy, oligarchy and tyranny. These forms of government varied from time to time and every such form of government existed in different countries at different points of time. So these three functions of the government in 20<sup>th</sup> century were not performed by the respective bodies. Infact one and the same person or agency performed. But as changes took place in the form and nature of governance, duties of government these functions had also been distinguished and they happened to be entrusted to the respective bodies. In this way, the judiciary as one of the important organs of the government came to be reorganised as the same was called for to discharge its duties by itself.

The 20<sup>th</sup> century witnessed several developments in the political system and the nature of government. One important feature of this is the emergence of democracy as a system of government. In this system much importance is attached to the judiciary. Infact political thinkers of modern times, insisted that the executive functions, legislative functions and judicial functions be entrusted to the respective persons or bodies. They should not interfere with the duties and responsibilities of the rest. This theory is known in political science as the separation of powers.

It was advocated by Montesquieu a French writer in his book called “The Spirit of Laws” published in the year 1748. Since then it has become popular with modern government. It was given due recognition by the Americans when they drafted the constitution. In course of time, many other countries European and Asian incorporated this principle in their constitutions. This ultimately led to the recognition of the need for and importance of the judiciary.

## 6.1 NEED AND IMPORTANCE OF JUDICIARY

The judiciary performs very important functions and the most important is that of the administration of justice. Wherever a case comes before a judge, it is his duty to interpret the law of the country on that point in an impartial manner and give his decision accordingly. But it is his duty to see that justice is dispensed according to the law. The judiciary is the custodian of a written constitution.

The welfare of the citizens greatly depends upon speedy and impartial justice. The judiciary is the guardian of the rights of man and it protects these rights from all possibilities of individual and public encroachment. The feeling in an average citizen that he can rely on the certain and prompt administration of justice maximises his liberty. If there is no adequate provision for the administration of justice liberty of the people is jeopardized, for there is no definite means which should ascertain and decide rights, punish crimes and protect the innocent from injury and usurpation.

According to Bentham, the administration of justice by the state must be regarded as a permanent and essential element of civilization and as a device that admits of no substitute.

The judiciary will see that the rights of the people are protected. Once the law has been made, it cannot be given any arbitrary interpretation by the executive. It is upto the courts to decide the meaning of law.

## 6.2 THE QUALIFICATION OF THE JUDGES

The judiciary is an important element of the state has been explained more than adequately in the text book elsewhere. What the judiciary does and does not do is a matter of concern which affects every individual and every section of the society. Therefore judiciary should have as judges, persons of high calibre and with sound knowledge of jurisprudence and the laws of the country. The qualifications prescribed for appointment as judges vary from state to state and from place to place.

### **The following points relating to USA deserve consideration**

The USA constitution is silent on judicial qualifications. It does not give any advice for judicial appointments other than stating that justices should exhibit “good behaviour”. As a result, selections are governed primarily by tradition. Normally for appointment the President of USA takes into account the following factors:

(a) Experience in the judiciary or government either at federal or state level. Generally law degrees or some other form of higher education are also considered.

(b) Political ideology - this depends upon the political ideology to which the President subscribes. A liberal may appoint a person with liberal views. Similarly, a conservative may appoint an individual with conservative outlook.

(c) Party and personal loyalties - a large number of appointees belong to the Presidents party and

(d) Ethnicity and gender - until recently federal judges were white men. Women were not considered for appointment as judges. But things have changed and since the time of the President, Ronald Reagan, women were also appointed. More recently, both men and women belonging to different races like African Americans and Latinos are also appointed.

So far as the modern states are concerned the following may be given as general qualifications for persons to be appointed as judges to the courts:

- (a) Nationality and citizenship
- (b) Age
- (c) Basic degree in any subject
- (d) A degree in law
- (e) Experience in the judiciary or practice as a lawyer for a specific period
- (f) Standing as an eminent jurist

### **6.3 JUDICIAL REVIEW**

Judicial Review is an important contribution of the U.S.A. to political science. The power of the Judiciary to declare law unconstitutional is called judicial review. In England the judiciary has no power to sit in judgement on the law passed by parliament. But in countries like U.S.A., Canada, India, Australia, if the legislature passes a law which is against the constitution, the judiciary can declare such law as ultra vires.

The Supreme Court enjoys the power of judicial review. The Supreme Court of India has judicial review power with regard to:

- (a) disputes between the centre and the states.
- (b) to interpret and clarify a provision of the constitution above which there are some doubts and differences of opinion.
- (c) protecting the fundamental rights.
- (d) those laws passed by the legislature which are not in accordance with the constitution.

In India, the Supreme Court and High Courts enjoy this power. The following are the merits and demerits of Judicial Review:

**Merits**

1. Judges are competent to make judicial review by virtue of their knowledge and experience.
2. It enables the federal judiciary to act as the guardian of the constitution.
3. The courts are independent and less biased than legislatures.
4. It protects the fundamental rights of the people in particular the rights of the minorities.
5. It is necessary to preserve a free and limited government.
6. It enables the judiciary to guard against legislative haste and rashness.

**De-merits**

1. It may violate the spirit of separation of powers.
2. By giving the power of judicial review to the courts the smooth functioning of the representative system of government is affected as the courts infringe upon the legislative and executive functions.
3. Judicial review delays the operation and implementation of important and pressing social policies so necessary for the needs of a dynamic society.
4. Almost all problems coming before the judges involves issues of political, economic and social importance and legislation on them. Thus it makes the judiciary a super legislature.
5. Issues brought before the courts are decided by a majority of single judge (in the U.S.A. five to four majority). It shows how the judges are sharply divided amongst themselves and their judgement vitally affects the nation as a whole.
6. Judges may over look the challenges of the changing times and may refuse to move forward. They may become conservative.
7. Judges may follow blindly only the letter of the law totally ignoring its spirit. They may develop hard attitude.

Judicial review has been accepted as an important doctrine in the working of the judiciary.

**6.4 JUDICIAL ACTIVISM**

The judiciary is one of the important pillars of democracy. It has more onerous responsibilities than two other important estates, the executive and the legislature. It is the judiciary and the institution of justice that helps the orderly functioning of parliamentary democracy and the exercise of powers by the various wings of administrative machinery.

“Judicial activism” is inspired by the public, who knock the doors of justice and thus judicial activism is basically citizens activism. By exercising the right to freedom of expression and assuring the representation of the common citizen, the press has raised same particular issues, conducted risky investigation and exposed serious omissions, sometimes going to court with public interest litigation. The lions share of citizens activism is that of the press, the fourth estate. When the administration fails to respond the citizen looks to the press for communication and turn to the judiciary for a remedy.

Since the judiciary is part and parcel of the society as a whole and the persons who man the administration of justice are none other than the same persons from the community, it is difficult to imagine better standards and higher moral values only in the judiciary. The people as a whole should therefore have overall control, in accordance with democratic principles. Hence an enlightened and conscious citizen should ponder over the need to reform every system, including the judiciary, to be more useful to the public in general and the democratic institutions in particular.

The delayed dispensation of justice is one of the main maladies confronting the fabric of our republic. If by delay justice is denied, it is conversely hurried if hurried. With its defective structure and unquestionable power devoid of any accountability, the judiciary as for that matter, any system can play havoc with the setup. Our constitutional frame work provides for a fairly good amount of independence to the judiciary to act as watchdog, over the other two estates. To retain such independence the judiciary is rightly enjoying an enormous amount of power too.

The Supreme Court in India unlike in the U.S.A has vast powers in controlling administrative discretion. Judicial activism, particularly on public interest litigation, has revolutionised constitutional jurisprudence. Persons belonging to the executive and legislative have criticised the judiciary for weakening those wings and making them feel insecure. They described the situation as judicial tyranny and judicial grabbing or judiciacracy.

Various phenomena reflect the denigration of justice system. Charges of corruption, links between some advocates and some judges, the brokerage system, chasing litigation, bias, political appointments of public prosecutors and government pleaders are some of them.

As the purview of the judicial review is expanding by leaps and bounds, every action of the two estates is coming in for judicial scrutiny. In a way, this situation is helping to increase the powers of the judiciary. Citizens should be enlightened about the defects of the judiciary and the media should play the role of catalyst in reforming the administration of justice, to make it more useful to society and for judicial activism to help the development of law.

## 6.5 INDEPENDENCE OF JUDICIARY

Justice is considered to be one of the divine attributes and a judge is described as a blindfolded person who holds the scales of justice which he administers even handed. It means judges should be impartial.

The need for independence of the judiciary has acquired an added dimension under modern conditions of the welfare state. The more modern government interferes, administers and regulates the more urgent is the need to preserve a check on the way. These activities affect individuals and groups. The factors which ensure independence of judiciary and enable judges to fearlessly discharge their duties are the following. Dr.Garner says, "If the judges lack wisdom, probity and freedom of decision, the high purpose for which the judiciary is established cannot be realised". If the judiciary is independent only when the system of the appointment of the judges is good, if they have the security of service and interference and control.

Conditions or factors which make the judiciary independent, are the following:

### 1. Mode of appointment of judges

In advanced countries of the world generally three modes are adopted for the appointment of the judges. They are

- (a) Election by the people. Eg., Many states of America.
- (b) Election by legislature. Eg., Switzerland
- (c) Appointment by the executive. Eg., India, U.K, U.S.A.

#### Election by the people

The system of popular election of judges was first introduced in France in conformity to the theories of popular sovereignty and the separation of powers. It now prevails in some of the cantons of Switzerland, and in a few states of the United States of America. According to Laski "that of election by people at large is without exception the worst. Popularly elected judges can never be impartial, honest, independent and dignified".

Prof. Garner also says, "Election of the judges lowers the character of the judiciary, tends to make a politician, of the judge and subjects the judicial mind to a strain which it is not always able to resist".

#### Election by the legislature

The election of the judges by the legislature is seen in Switzerland. Election by the legislature is not a common and accredited method of appointing judges, because this system is a violation of the principle of the separation of powers. But more important is it makes the judiciary subservient to the legislature. Moreover election by the legislature means elections of party candidates when party affinities

intervene in the selection of judges merit is discounted and independence of the judiciary disappears.

### **Appointment by the Executive**

The third mode of appointment of judges is appointment by the head of the state (the King or the President). This system of appointment of judges is adopted in India, England, the United States, Canada, Australia, Japan and South Africa.

The appointment of judges by the executive is the most common and the best available method of choice and it is in practice in nearly all countries of the world. Judges chosen by the executive are likely to be independent of popular influence and political or sectional considerations. In India too, recruitment to the subordinate courts is through a competitive examination, whereas in the case of courts above, it is according to the method as presented in the constitution, but the appointing authority is the executive.

In order to remove the defects of this system. Laski does not consider simple nomination by the executive as an adequate system. He suggests that judicial appointments should be made on the recommendations of the Ministry of justice with the consent of a standing committee of the judges which would represent all sides of their work. In England and other common wealth countries, the judges are selected from among the advocates and pleaders working in the courts. In certain countries of Europe, the judges are selected by the ministry of justice through competitive examinations. Thus this is the best system of the appointment of the judges and it is prevalent in many countries of the world.

### **2. Long Tenure**

For the independence of judiciary, a long tenure of the judges is essential. If the tenure of the judges is short, its consequences will be bad. In case of a short tenure the judge will remain busy in planning for his re-election, sometimes he indulges in corrupt practices when he loses the hope to win the election. If the tenure is short, the judge is unable to comprehend fully the various implications of the laws.

Today in many countries of the world the judges remain in office till they attain the age of 65 or 70 provided their conduct is above board.

Hamilton says, The standard of good behaviour for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in the practice of government.

### **3. Security of Service**

For the independence of judiciary it is essential that there should be security of service for the judges and the executive should not remove them at will.



In Great Britain, the judges have been guaranteed the security of service and they can be removed only when both the houses pass a resolution jointly, levelling allegations against the judges and send it to the monarch for his/her assent.

In the United States, the judges of the supreme court are removed by a process of impeachment.

If the judges are under constant fear of being removed from office, they give decision against the executive (government) they will not give decisions against the government. Thus there will be no protection of the constitution and fundamental rights of the people. Therefore in most advanced countries of the world the parliament removes corrupt and incapable judges by a majority vote, but the honest and able judges are granted the security of service, even if they give decisions against the executive.

#### **4. Adequate salary to the judges**

In order to make the judges independent, it is necessary that they should be paid adequately so that they are able to maintain a good standard of living and they do not amass wealth by adopting corrupt practices. If the judges are adequately paid able persons will be attracted towards this profession and they will enjoy an honourable place in the society. If they are not paid adequately, able persons shall not be attracted towards this profession and they will have no place of prestige in society. A low paid judge may be attracted by opportunities for accepting illegal gratification. Whereas it is necessary that a judge should be paid adequately, it is also necessary that during his tenure of office, his allowances and emoluments are not reduced by the executive. Besides this after retirement a judge should receive pension so that during his tenure he should not indulge in corrupt practices and he should lead a peaceful retired life. The salaries for the judges are paid from the voted funds of the national government. This ensures financial independence of judiciary.

#### **5. High Qualification**

For the independence of judiciary it is also important that the judges should be able persons since only an able judge can give correct decisions and express his views freely.

#### **6. Separation of judiciary from the control of the executive**

For the independence of judiciary Montesqueiu emphasised that it should be free of the control of the executive. In ancient and middle ages the judiciary was under the control of the executive. Hence, there was violation of justice and the king decided the cases arbitrarily. It destroyed the freedom of the people. Therefore, today efforts are made to free the judiciary from the control of the executive, so that the judges may give decision fearlessly.



## **7. No practice after retirement**

The judge should not be allowed to do legal practice after retirement, because his previous colleagues would favour him in the cases in which he appears as a lawyer.

### **Conclusion**

On the basis of the views expressed above, in order to make the judiciary independent, the mode of the appointment of the judges should be good, their dismissal should be very difficult, their tenure should be long and they should be paid adequately.

## **Exercise**

### **Part A**

#### **I. Fill in the blanks**

1. Montesquieu a French writer in his book called \_\_\_\_\_ published in the year 1948.
2. The \_\_\_\_\_ enjoys the power of judicial review.
3. The election of the judges by the legislature is seen in the country of \_\_\_\_\_
4. In ancient and middle ages, the \_\_\_\_\_ was under the control of the executive.

#### **II. True or False**

5. Judicial review is an important contribution of U.K.
6. There are three branches of government
7. Judiciary is one of pillars of democracy.

### **Part B**

8. Define judiciary.
9. What are the qualifications to become a judge?
10. Define judicial review.

### **Part C**

11. What is the need for a judiciary?
12. List out the merits and demerits of the judicial review.

### **Part D**

13. Write about judicial activism?
14. Write in detail about the independence of the judiciary

## CHAPTER 7

# INDIAN GOVERNMENT AND POLITICS

### 7.1 SALIENT FEATURES OF INDIAN CONSTITUTION

The task of framing a constitution of a sovereign democratic nation is performed by a representative body of its people. Such a body elected by the people for the purpose of considering and adopting a constitution may be known as the Constituent Assembly.

The constitution of India was framed by the Constituent Assembly (1946-49). Dr. Rajendra Prasad was its President and Dr. B.R. Ambedkar was the Chairman of the Drafting Committee. The constitution of India is the product of efforts of the members of the Constituent Assembly.

**The following are the salient features of the constitution of India:**

1. Preamble
2. Written constitution
3. Rigid constitution
4. Federal system
5. Secular state
6. Parliamentary democracy
7. Fundamental rights
8. Directive principles of state policy
9. Fundamental duties
10. Judicial review
11. Universal adult franchise.

### PREAMBLE

The constitution of India starts with a Preamble. The objective of the constitution is precisely given in the Preamble. It serves as a guide to interpret the provisions of the constitution. It is not a part of the constitution and hence not subject to judicial review.

According to the text of the preamble as it stands today after the forty second amendment Act of 1976:

The Preamble of the Indian constitution reads as follows:

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

JUSTICE, social, economic and political;

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

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

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

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

## **WRITTEN CONSTITUTION**

A written constitution is one in which most of the basic rules and regulations are written down in a document. Indian constitution is a written one. It is lengthy also. The constitution of India came into force on 26, January, 1950. From that day onwards the Indians are celebrating 26 January of every year as Republic Day. The constitutions of Great Britain, Ireland, Canada and Australia were major sources for the Indian constitution. The framers of the Indian constitution borrowed from the constitutions of other countries keeping in mind the needs and conditions of India.

## **RIGID CONSTITUTION**

According to Prof. Dicey, a rigid constitution is one under which certain laws generally known as constitutional or fundamental laws cannot be changed in the same manner as the ordinary laws are changed.

Constitutional laws refer to those provisions of the constitution. Ordinary laws are those laws enacted by the Parliament with reference to the provisions of the constitution. The constitutional laws are placed above the ordinary law. A special procedure is prescribed in the Indian constitution to amend the provisions. Some of the provisions of the Indian constitution can be amended easily and the procedure is difficult for some others. Hence, our constitution consists of features of both flexible and rigid constitutions.

## **FEDERAL SYSTEM**

Federalism is a system of government in which powers are divided and distributed between the Central Government and State Governments. Our constitution has the following federal features:-

1. Supremacy of the constitution
2. Rigid constitution
3. Division of powers
4. Independent judiciary

## SECULAR STATE

The Indian constitution establishes a secular state. It means there will be complete freedom to follow any religion. It guarantees to all citizens freedom of faith, worship and conscience. It also means equal respect for all religions. The basis of secularism is ethics and to bring about a society of equality and justice.

## PARLIAMENTARY DEMOCRACY

The constitution of India provides for a parliamentary system of government. It is also known as responsible government or cabinet government.

A parliamentary form of government is that in which the executive is responsible to the legislature. The executive of India has two divisions. One is the nominal and the other is real. In India, the nominal executive is the President of India. He is elected by an electoral college for a period of five years. The real executive is the Prime Minister and Council of Ministers. In a parliamentary form of government there is individual responsibility as well as collective responsibility of the members of the Council of Ministers. The constitution of India provides a bicameral legislature consisting of the Lok Sabha and the Rajya Sabha. While Lok Sabha contains representatives directly elected by the people on the basis of universal adult franchise, the Rajya Sabha mainly consists of representatives of the States.

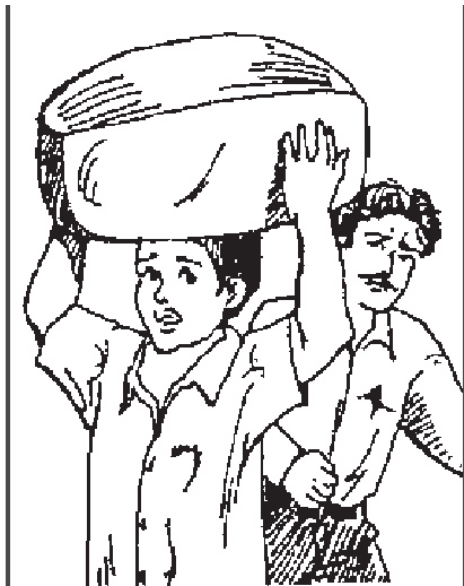
## FUNDAMENTAL RIGHTS



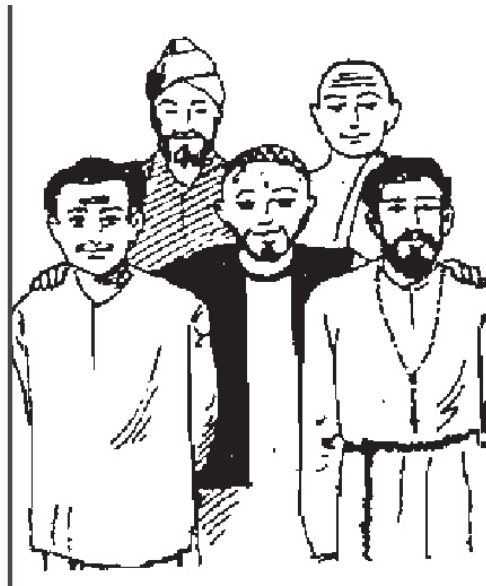
**Right to Equality**



**Right to Freedom**



**Right against Exploitation**



**Right to Freedom of Religion**

Part III of the Indian constitution consists of Fundamental Rights (Articles 12 to 35). These are indispensable for the growth of human personality. They not only create proper conditions for the fullest development of an individual, but also help in realising true democracy.



**Cultural and Educational Rights**



**Right to Constitutional Remedies**

These rights ensure equality of all citizens in the eyes of law. Fundamental Rights maintain proper balance between the individual interests and the public good.



**The constitution of India classified the Fundamental Rights under six groups as follows: -**

- (a) Right to Equality
- (b) Right to Freedom
- (c) Right against Exploitation
- (d) Right to Freedom of Religion
- (e) Cultural and Educational Rights
- (f) Right to constitutional Remedies

Right to property - has been abolished by the 44th Amendment Act, 1978.

### **DIRECTIVE PRINCIPLES OF STATE POLICY**

Part IV of the Indian constitution consists of Directive Principles of State Policy (Articles 36 to 51). They are fundamental in the governance of the country. Directive

#### **1. Free and compulsory education**



#### **2. Equal pay for equal work**



#### **3. Adequate power to village panchayats**



#### **4. Proper health facilities**



Principles of State Policy act as a guide to the State and it is the duty of the State to apply these Principles in making laws. They aim at the establishment of a welfare state in our country.

## **Principles**

Directive Principles of State Policy may be grouped into following categories:

- I Socialist Principles
- II. Gandhian Principles
- III. International Principles
- IV. Miscellaneous Principles

### **I. Socialist Principles**

1. adequate means of livelihood for citizens, men and women equally
2. equal pay for equal work.

### **II. Gandhian Ideologies:**



**Gandhiji**

1. organisation of village panchayats to enable them to function as units of self-government.
2. promote cottage industries on an individual or co-operative basis in rural areas.
3. promotion of educational and economic interest of Scheduled Castes, Scheduled Tribes and other weaker sections.
4. raise the level of nutrition and the standard of living and to improve public health.
5. organisation of agriculture and animal husbandry
6. preserving and improving the breeds and prohibiting the slaughter of cows and calves and other milch and draught cattle.



### III. International Principles

1. promote international peace and security
2. maintain just and honourable relations between nations

### IV. Miscellaneous Principles

1. equal justice and free legal aid
2. uniform civil code for the citizens

### Fundamental Duties

The Forty-Second Amendment Act of 1976 added Part IV A (Article 51 A) in the Indian constitution containing ten duties for citizens of India. According to former Prime Minister of India Mrs. Gandhi, moral value of the fundamental duties would be “not to smother rights but to establish a democratic balance” by making the people conscious of their duties equally as they are conscious of their rights.

- (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 our 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 amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to 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 wild life, 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

### JUDICIAL REVIEW

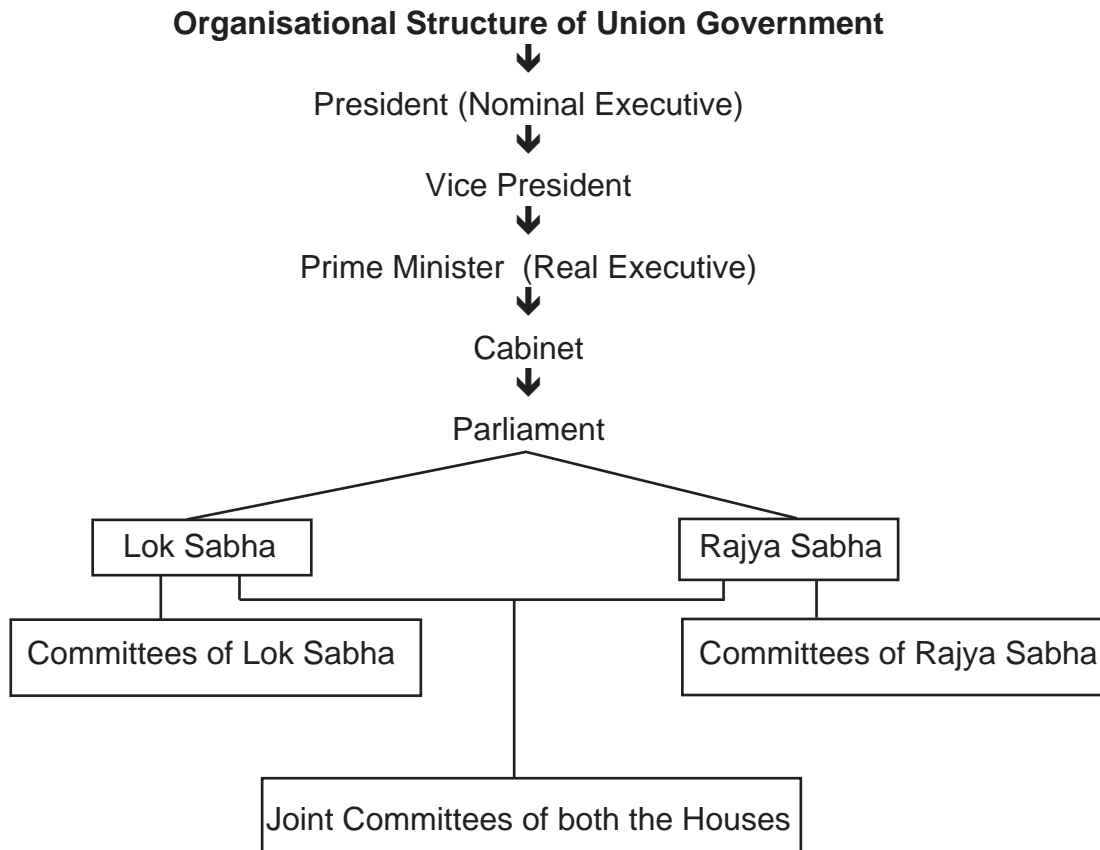
Our constitution provides independence to judiciary. The Supreme Court and the High Courts in India enjoy the power of Judicial Review. The power of judiciary to declare law as unconstitutional and to interpret provisions of ordinary laws enacted by

legislatures is called Judicial Review. Judiciary acts as a guardian of the constitution. Judiciary protects the rights and freedoms of the Indian citizens.

## UNIVERSAL ADULT FRANCHISE

The constitution of India has introduced universal adult franchise. All the adults above the age of 18 years, irrespective of their castes, colour and / sex are entitled to participate in the election.

## 7.2 ORGANISATION OF CENTRAL GOVERNMENT



### 7.2.1 PRESIDENT

The President is the first citizen of India. He is the Head of the State. Shri. Pranab Mukherjee is the present President of India.

#### Qualifications for election as President

1. He should be a citizen of India.
2. He must have completed the age of 35 years.
3. He should be qualified to become the member of the Lok Sabha.
4. He should not hold any office of profit under the government.

## Election of President

The President is elected by members of an electoral college consisting of:-

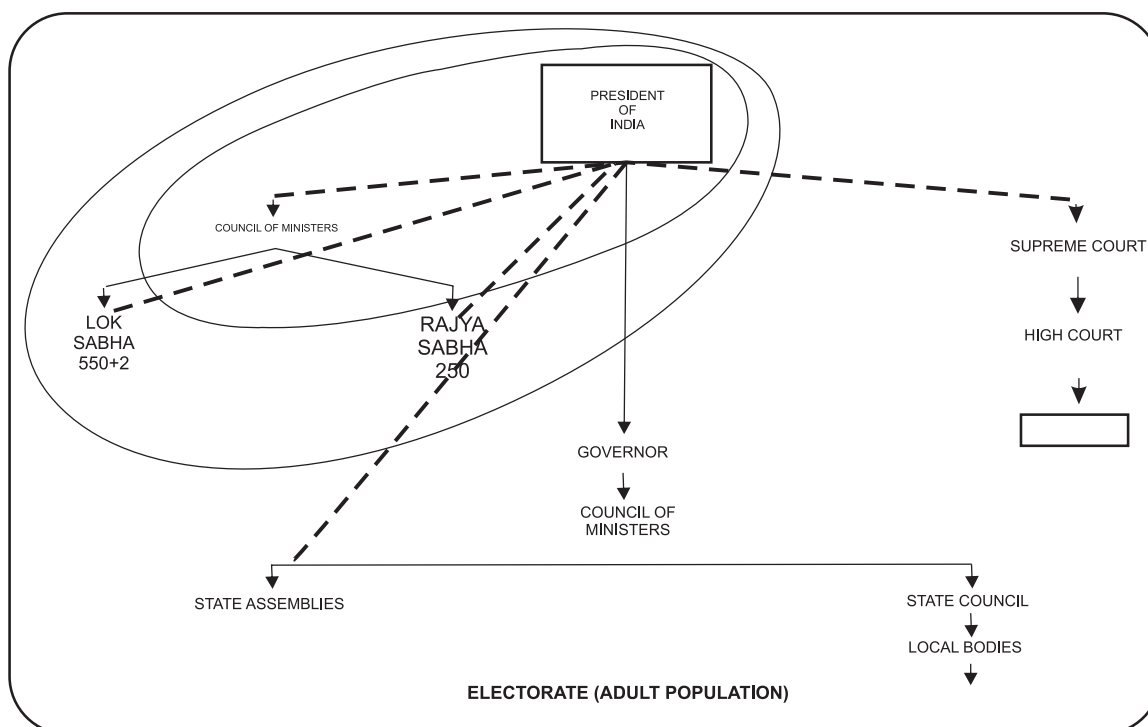
1. The elected members of both Houses of Parliament
2. The elected members of the Legislative Assemblies of the States.

The election of the President of India is in accordance with the system of proportional representation by means of single transferable vote. The system of secret ballot is adopted for the election of the President.

The President of India is elected for a period of five years. He is eligible for re-election for a second term.

## Procedure for Impeachment of the President

The President of India can be removed from office by impeachment for violation of the constitution. Impeachment has to be approved by both the House of Parliament. One fourth of the total members of a House can give notice at least fourteen days in advance of their intention to impeach the President. The charges if approved by two-thirds majority will be referred to the other House for investigation. If the investigating House also approves the charges with two-thirds majority, the President shall stand impeached and will vacate his office, on the date on which such a resolution is passed.



## **Powers of the President of India**

### **1. Executive Powers**

The executive power of the Union is vested in the President and is exercised by him either directly or through officers subordinate to him in accordance with the constitution. There is a Council of Ministers to aid and advise the President in the exercise of his functions. All executive powers of the Union government are exercised in the name of President.

The Prime Minister is appointed by the President and on the advice of the Prime Minister other Ministers of the Union are appointed by the President. The President appoints the Attorney -General of India, Comptroller and Auditor - General of India, Ambassadors, High Commissioners and other diplomatic representatives to foreign countries, the Chief Justice and other Judges of the Supreme Court and the High Courts, Governors of States, Lt. Governors, Chairman and members of the Union Public Service Commission, Election Commission. The President is the Supreme Commander of the Armed forces. He appoints the Chief of Staff of Army, Navy and the Air Force.

The President has the power to remove the Ministers on the advice of the Prime Minister. He can remove the Chairman or a member of the Union Public Service Commission only on the basis of the report of the Supreme Court. He can remove a Judge of the Supreme Court or the Election Commissioner only on the basis of decisions taken by the Parliament by a special majority in both the Houses.

It may be observed that though formally all the executive powers are vested in the President, he exercises them on the advice of the Prime Minister and his Council of Ministers. Earlier it was not obligatory for the President to accept this advice but the Forty-Second Amendment Act, 1976 made it obligatory for the President to exercise his functions in accordance with the advice of the Council of Ministers. However, under the Forty-Fourth Amendment Act, 1978 the President has been authorised to refer back the matter to the Council of Ministers for reconsideration. But if the Council of Ministers after such reconsideration tenders any advice to the President, the President has to abide by the same.

### **2. Legislative Powers**

The President of India summons the Parliament atleast twice a year. President prorogues or terminates the sessions of both or any of the Houses of Parliament. He is empowered to dissolve the Lok Sabha.

The President nominates twelve members to the Rajya Sabha, from among the distinguished persons in the field of art, science, literature and social service. He can also nominate not more than two members to the Lok Sabha from among the Anglo-Indian Community if in his opinion that community is not adequately represented therein.

President addresses the Parliament. He may address the joint-sitting of both the Houses or any of its Houses separately. He can convene a joint sitting of the Lok Sabha and Rajya Sabha to resolve the dispute if any.

No bill passed by the Parliament can become a law, without the assent or approval of the President. The President is empowered to issue an ordinance when the Parliament is not in session.

### **3. Financial Powers**

No money bill can be introduced in the Parliament without the recommendation of the President. The constitution of India places the Contingency Fund of India at the disposal of the President who is authorized to make advances out of it to meet the unforeseen expenditure pending its final authorization by the Parliament. Every five year, the President appoints a Finance Commission.

### **4. Judicial Powers**

The President has the power to grant pardon, reprieve or remission of punishment. He has the right to seek advice of the Supreme Court on a matter involving constitution and law.

### **5. Emergency Powers**

The President of India is vested with emergency powers. They are as follows:-

- (a) emergency due to war or external aggression or armed rebellion (Article : 352)
- (b) emergency due to failure of constitutional machinery in States (Article : 356)
- (c) financial emergency. (Article : 360)

### **Vice - President of India**

The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. In the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President acts as the President until the date on which a new President takes charge. When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President shall discharge his functions until the date on which the President resumes his duties.

### **Qualifications**

1. He should be a citizen of India
2. He must have completed the age of 35 years

3. He should possess the qualifications to become the member of the Rajya Sabha.
4. He should not hold any office of profit under the government.

### **Election of the Vice - President**

The Vice - President of India is elected by the members of an electoral college consisting of the members of both Houses of Parliament.

### **Term of Office of Vice-President**

The Vice - President of India is elected for a period of five years. He is eligible for re-election. The Vice-President may resign before the expiry of his term. Parliament can remove him from office. At least fourteen days notice is necessary for this purpose. If Rajya Sabha passes a resolution for removal of Vice-President by a majority of its total membership and if Lok Sabha also agrees to it, the Vice-President shall be removed from office.

As the Chairman of the Rajya Sabha, the Vice-President presides over the meetings of the House. As the Presiding Officer, the Chairman of the Rajya Sabha is the unchallenged guardian of the prestige and dignity of the House. He is also the principle spokesman of the House and represents the collective voice to the outside world. He ensures that the proceedings of the House are conducted in accordance with the relevant constitutional provisions, roles, practices and conventions and that decorum is maintained in the House.

The Office of the Vice-President is one of the unique features of the constitution of India. It has no exact parallel in the countries of other democratic constitutions of the world.

### **7.2.2 PRIME MINISTER**

The Prime Minister is the Head of the Government. He is the real executive. The Prime Minister is appointed by the President. The President invites the leader of the majority party in the Lok Sabha to become the Prime Minister. The Prime Minister of India is

1. Leader of the majority party
2. Leader of the Cabinet
3. Leader of the Parliament
4. Link between the President and Council of Ministers
5. Link between the President and Parliament
6. The Chief Spokesman of the Nation

7. Responsible for running the administration of the country
8. Responsible for conduct of international relations.

The Prime Minister is described as the 'Keystone of the Cabinet Arch' and 'First among equals'. Professor Harold J. Laski called him 'The pivot of the whole system of Government'. Sir Ivor Jennings described him as 'The Sun around which the planets revolve'.

### **Features of Cabinet**

In the parliamentary government, the cabinet is described as the committee of parliament. The cabinet brings together the executive and legislative branches. Bagehot defines cabinet as a hyphen that joins, the buckle that binds the executive and legislative departments together. The features of cabinet are as follows:-

1. Cabinet real executive
2. Real executive drawn from parliament
3. Link between the real executive and the legislature
4. Leadership of the Prime Minister
5. Political homogeneity
6. Cabinet responsible to the legislature
7. Executive subordinate to the legislature
8. Party government
9. Ministerial individual and collective responsibility
10. Opposition party
11. Cabinet secrecy.

### **Functions of Cabinet:**

#### **1. Policy Determining Function**

The Cabinet is a deliberative and policy formulating body. It discusses and decides all sorts of national and international problems confronting the country.

#### **2. Supreme Control of the National Executive:**

The Cabinet is the supreme national executive. It superintends, supervises and directs the work of the civil servants of all over the Union.

#### **3. The Cabinet as a Co-ordinator**

The function of the Cabinet is to co-ordinate and guide the functions of the several ministers or Departments of Government.

#### 4. Control Over Finance

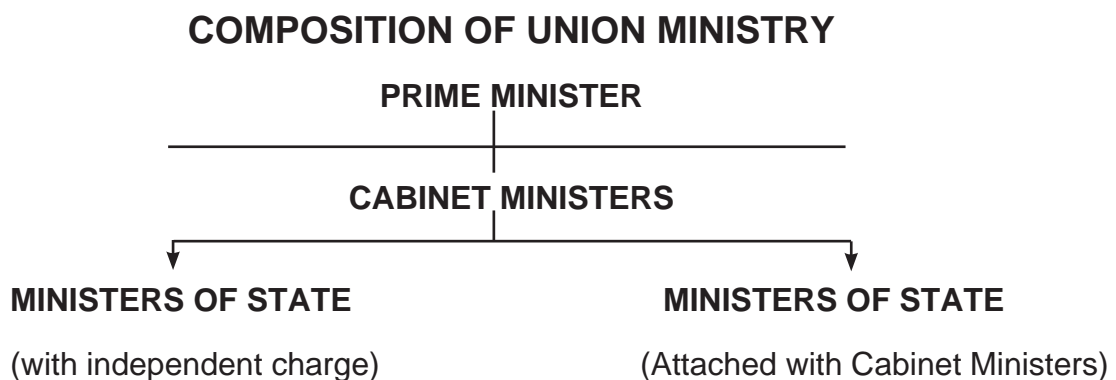
The Cabinet is responsible for the whole expenditure of the State and for raising necessary revenues to meet it.

#### 5. Control Over Appointments

Appointments do not normally come before the Cabinet for discussion. But all major appointments as those of Governors, Ambassadors and other appointments to key positions must be mentioned in the Cabinet before they are made public.

#### 7.2.3 COUNCIL OF MINISTERS

There are two categories of members in the Council of Ministers. They are Cabinet Ministers and Ministers of State. The Cabinet is comparatively a smaller body and the most powerful organ of the government. The Cabinet Ministers are incharge of important portfolios and form the inner circle of the Council of Ministers. They attend the meetings of the Cabinet and take the major policy decisions. Ministers of State come next to the Cabinet Ministers. There are some ministers of State who hold independent charge of the department and others assist the Cabinet Ministers. Ministers of State cannot attend the Cabinet meetings except when invited are items of business pertaining to their departments are discussed in the meetings.



#### The Prime Minister's Office (PMO)

The PMO provides secretarial assistance to the Prime Minister. It is headed by the Principal Secretary to Prime Minister. The PMO includes the anti-corruption unit and the public wing dealing with grievances.

The subject-matter of files required to be submitted to the Prime Minister depends on whether he is holding direct charge of the Ministry or whether there is a Cabinet Minister or Minister of State (Independent Charge) in charge of the Ministry.

In the case of the latter, most matters are dealt with by the Cabinet Minister / Minister of State-in-charge. Only important policy issues, which the Minister concerned feels should be submitted to the Prime Minister for orders or information, are received in the PMO.



In cases where the Prime Minister is the Minister-in-charge, ~ matters requiring Ministerial approval not delegated to the Minister of State / Deputy Minister, if any, are submitted for orders. The Prime Minister has traditionally been the Minister-in-charge of the Departments of Space, Atomic Energy, and Ministry of Personnel, Public Grievances and Pension.

Since the Prime Minister is Chairman of the planning Commission, relevant files are forwarded to the PMO for his comments and clearance.

Some of the important matters that require the Prime Minister's personal attention include the following:

- (a) Important defence-related issues;
- (b) All important policy issues;
- (c) All important decisions relating to the Cabinet Secretariat;
- (d) Appointments to State Administrative Tribunals and the Central Administrative Tribunal, UPSC, Election Commission, Appointment of members of statutory/ constitutional Committees, commissions attached to various Ministries;
- (e) All policy matters relating to the administration of the Civil Services and administrative reforms;

#### **7.2.4 SPEAKER**

The constitution provides for a Speaker and a Deputy Speaker for the Lok Sabha and a Chairman and a Deputy Chairman for the Rajya Sabha. The Speaker and the Deputy Speaker are chosen by the Lok Sabha from among its members. In the absence of the Speaker in the House, the Deputy Speaker discharges the functions of the Speaker.

Generally speaking, the position of the Speaker in India more or less corresponds to that of the Speaker of the House of Commons. His office is one of prestige and authority. He is the head of Lok Sabha. The smooth and orderly conduct of the business of the House is primarily his responsibility. Within the House and in all matters connected with the House, his word is final. He does not vote in the House except when there is an equality of votes.

Whenever, in the event of final disagreement between the Houses on a legislative measure a joint sitting is called, he presides over such a joint sitting and all the rules of procedure in such a sitting operate under his directions and orders.

The Speaker or Deputy Speaker of Lok Sabha vacates his office if he ceases to be a member of the House, he can resign by writing to the Deputy Speaker/Speaker and he can be removed by a resolution of the House, with 14 days' notice, passed by a majority of all the then members of the House. Irrespective of the dissolution of

the House, the Speaker, however, continues in office until immediately before the first sitting of the new House.

### **7.2.5 Parliament - Rajya Sabha**

It consists of not more than 250 members. Out of these, 12 are nominated by the President for their special knowledge or practical experience in the fields of literature, science, art and social service. The remaining 238 seats are allocated to various States and Union Territories. The number of seats allocated varies from State to State in proportion to their population. Elections to the Rajya Sabha are indirect. Members representing states are elected by elected members of legislative assemblies of the states in accordance with the system of proportional representation by means of single transferable vote and those representing Union Territories are chosen in such a manner as Parliament may by law prescribe. The Rajya Sabha is not subject to dissolution. Its members are elected for a period of 6 years and one-third of its members retire on expiry of every second year.

The Vice-President of India is the ex-officio Chairman of the Rajya Sabha. In addition, the House elects a Deputy Chairman from among its members. The Deputy Chairman presides over the meeting of the House in the absence of the Vice-President.

### **7.2.6 Parliament-Lok Sabha**

According to the constitution, the strength of Lok Sabha should not be more than 552 members - 530 members to represent States, 20 to represent Union Territories and not more than 2 members of Anglo-Indian Community to be nominated by the President, if in his opinion, that community is not adequately represented in the House. The number of members of each State to be elected is determined on the basis of the population. At present, the Lok Sabha consists of 545 members.

Term of the Lok Sabha, unless dissolved is five years. However while a Proclamation of Emergency is in operation, this period may be extended by Parliament by law for a period not exceeding one year at a time and not exceeding, in any case, beyond a period of six months after the Proclamation has ceased to operate.

The Presiding Officer of the Lok Sabha is the Speaker. He is elected by the House at its first meeting from among its own members. In addition, the House also elects a Deputy Speaker who discharges the duties of the Speaker during his absence or leave.

In order to be chosen as a member of Parliament, a person must be a citizen of India and not less than 30 years of age in case of the Rajya Sabha and not less than 25 years of age in case of the Lok Sabha. Additional qualifications may be prescribed by Parliament by law. A person can become a member of the Lok Sabha from any of the constituencies in the country. For the membership of the Rajya Sabha. he should be a registered voter in the State he represents.

## Sessions of Parliament

According to the constitution, the Parliament has at least two sessions every year. The President summons the Parliament in a manner that the time gap between two sessions is not more than six months. In practice, the Parliament normally meets three times a year. These sessions are called:

- (a) budget Session which is normally summoned in February
- (b) Monsoon Session which ordinarily meets in July and
- (c) Winter Session, which commences in November.

In the First session of the year i.e. Budget Session, the President addresses both the Houses of Parliament assembled together. In this session besides other work, the Railway Budget and the General Budget are also discussed and adopted.

## Functions of Parliament

1. Parliament of India has the functions of legislation
2. Overseeing of administration
3. Passing of budget
4. Ventilation of public grievances
5. Discussion of various subjects like development plans. international relations and national policies.

Distribution of powers between the Union and States, followed in the constitution, emphasizes in many ways general predominance of Parliament in legislative field Apart from wide-range of subjects even in normal times Parliament can, under certain circumstances, assume legislative power, a subject falling within the sphere exclusively reserved for the States. Parliament is also vested with powers to impeach President and to remove judges of Supreme Court and High Court. Chief Election Commissioner and Comptroller and Auditor-General in accordance with the procedure laid down in the constitution.

All legislations require consent of both Houses of Parliament In case of money bills, however the will of the Lok Sabha prevails. Money Bills can be delayed by the Rajya Sabha only for 14 days. Delegated legislation is also subject to review and control by Parliament. Besides power to legislate, the constitution vests in Parliament power to initiate amendment of the constitution. Article 368 deals with the power Of the Parliament amend the constitution and the procedure there of.

The Parliament exercises control over the executive through asking questions and supplementary questions, moving motions of adjournment, discussing and passing resolutions, discussing and passing censure motion or vote of no-confidence.

Functions of Parliament are not only varied in nature, but considerable in volume. Time at its disposal is limited. It can therefore, give close consideration to all legislative and other matters that come up before it. A good deal of business is, therefore, transacted in Committees.

### **Difference between Lok Sabha and Rajya Sabha**

1. Members of Lok Sabha are directly elected by the people (eligible voters). Members of Rajya Sabha are elected by the elected members of State Legislative Assemblies in accordance with the system of proportional representation by means of single transferable vote.
2. The normal life of every Lok Sabha is 5 years only while Rajya Sabha is a permanent body
3. Lok Sabha is the House to which the Council of Ministers is responsible under the constitution. Money Bills can only be introduced in Lok Sabha. Also it is Lok Sabha which grants the money for running the administration of the country.
4. Rajya Sabha has special powers to declare that it is necessary and expedient in the national interest that Parliament may make laws with respect to a matter in the State List or to create by law one or more all India services common to the Union and the States.

### **7.2.7 Supreme Court**

For the entire republic of India, there is one unified judicial system - one hierarchy of courts — with the Supreme Court as the highest or the Apex Court and as the only arbiter in nature of relations between the union and the states.

The Supreme Court of India consists of a Chief Justice and 25 Other Judges. The Chief Justice and the Judges are appointed by the President in consultation with such of the Judges of the Supreme Court and the High Courts in the States.

According to the constitution a person is eligible for appointment as Judge of the Supreme Court only if:

1. He is a citizen of India
2. He has been for at least five years a Judge of a High Court or of two or more such Courts in succession, or
3. He has been for at least ten years an advocate of a High Court or of two or more such Courts in succession or
4. He is, in the opinion of the President, a distinguished jurist.

The judges of the Supreme Court hold office until they attain the age of 65 years.

The Supreme Court has its permanent seat in Delhi. However, the court can sit at such other place or places which may be decided by the Chief Justice of India with the approval of the President of India.

## **Jurisdiction of the Supreme Court**

### **1. Original Jurisdiction**

The constitution of India vests the Supreme Court with original and exclusive jurisdiction in any dispute:

- (a) between the Government of India and one or more states, or
- (b) between the Government of India and any State or States on one side and one or more other States on the other, or
- (c) between two or more States.

### **2. Appellate jurisdiction**

The Supreme Court is the final appellate Court in the country. The Supreme Court hears appeals against the judgements of the High Courts of States in both civil and criminal cases. Such a case can be brought before the Supreme Court only if the High Court certifies that the case involves a substantial question of law as to the interpretation of the constitution.

Even if the certificate is not granted by the High Court, the Supreme Court has the right to grant special leave to appeal from any judgement, decree, determination, sentence or order in any case or matter passed or made by any Court or tribunals in the territory of India

In the civil cases an appeal can be made to the Supreme Court against the judgement of the High Court.

In the criminal cases an appeal against the judgement of final order or sentence in a criminal proceeding of a High Court in the territory of India can be taken to the Supreme Court.

### **3. 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.

### **4. Writ Jurisdiction**

Article 32 is the soul and heart of the constitution, because, it safeguards the rights, liberty and privileges of every citizen of India in terms of writs. As such, the Supreme Court has the writ Jurisdiction. There are five writs, namely Habeas corpus, Mandamus, prohibition, certiorari and Quo-warranto with the following explanations.

**1. Habeas corpus:** The words Habeas corpus literally mean to have body'. A writ of habeas corpus is in the nature of an order calling upon the person who has been detained another to produce the latter before the court, in order to let court know on what ground he has been confined and set him free if there is no legal justification from the imprisonment. This is a very powerful safeguard to the subject against arbitrary acts not only of private individuals but also of the executive.

**2. Mandamus:** Mandamus literally means a command. It demands some activity on the part of the body or person to whom it is addressed. In short, it commands the person to whom it is addressed. In short, it commands the person to whom it is addressed to perform some public or quasi-public legal duty which he has refused to perform and the performance of which cannot be enforced by any other adequate legal remedy. The writ is also available against the subordinate courts or other judicial bodies when they have refused to exercise their jurisdiction and thus to perform their duty.

**3. Prohibition:** This writ is issued by the Supreme Court or High Court to an subordinate court forbidding the latter to continue proceedings therein in excess of its jurisdiction or to usurp a jurisdiction with which it is not legally vested. In other words, the object of the writ is to compel subordinate courts to keep themselves within the limits of their jurisdiction. The writ of prohibition differs from the writ of mandamus in the following ways.

- (a) Mandamus commands activity while prohibition commands inactivity, and
- (b) Mandamus is available not only against judicial authorities but also against administrative authorities while prohibition as well as certiorari are issued against judicial or quasi-judicial authorities.

**4. Certiorari:-** Strictly speaking, while prohibition is available at an earlier stage, certiorari is available at a later stage, on similar grounds. The object of both is to secure that the jurisdiction of an subordinate court or tribunal is properly exercised and that it does not usurp the jurisdiction which it does not possess.

**5. Quo-warranto:-** Quo-warranto is a writ proceeding whereby the court enquires into the legality of the claim which a party asserts to a public office, and to oust him from its enjoyment if the claim be not well founded. The necessary conditions for the issue of a writ of quo-warranto are following.

- (a) The office must be public and it must be created by a statute or by the constitution itself.
- (b) The office must be a substantive one and not merely the function or employment of a servant at the will and during the pleasure of another, and
- (c) There has been a contravention of the constitution or a statute or statutory instrument, in appointing such person to that office.

Thus, quo-warranto is not only an important writ but also a very powerful instrument for safeguarding against the usurpation of public offices.

## **5. Miscellaneous Jurisdiction**

- (a) The Supreme Court is a court of record and enjoys all the powers of such a court including the power to punish for contempt of itself.
- (b) The law declared by Supreme Court is binding on all courts within the territory of India.
- (c) The Supreme Court is authorised to make rules for regulating generally the practice and procedure of the Court with the approval of the President.
- (d) The Supreme Court has complete control over its own establishment.

## **Law Officers and the Central Law Agency Attorney General**

Article 76 of the constitution makes provision for the appointment of a law officer the attorney general, by President of India. It is his duty to give advice to the Government of India upon legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President and to discharge the functions conferred on him by or under this constitution or any other law for the time being in force.

The Attorney General is the highest law officer in the country and, in the performance of his duties, he has a right of audience in all courts in the territory of India.

The Attorney General holds office during the pleasure of the President and receives such remuneration as the President determines from time to time. Apart from the Attorney General, the other law officers are the Solicitor General of India.

## **7.2.8 Indian Political Parties**

In the text book for the eleventh standard the origin, importance, need for and the kinds of political parties have been narrated. There is also information relating to the machinery for conducting elections, specially with reference to the conduct of general elections in India. In this book details of national parties and some important regional parties with reference to their organisation, ideologies and objectives are described.

In general every political party national or regional is organised vertically either from the top to the down or the vice versa. In other words there is a hierarchical structure. Each party has a chairman, a committee consisting of leading members to advice the party, secretaries and treasurers. The political parties organise periodical conferences at different levels in the country. These conferences are attended by the rank and file of the party. They are utilised to mobilise in the first instance funds for the



party and secondly support from the general public. In India all political parties follow more or less the same pattern.

The reason for the existence of several political parties in any country generally is attributed to the differences to which the political parties subscribe and also due to the differences in the methods adopted for achieving their ideologies and goals. Ideologies are indispensable for the existence of a political party. The same is true of the goals. These two enable a political party to function as a party.

The term ideology was coined by the French scholar Tracy (1754-1836). Ideology refers to a set of beliefs, convictions and ideals of the people. Ideology enables to formulate a theory of government and the programme of political action. Ideology is action oriented unlike political theory and political philosophy. Political ideology is a programme for action. In these lines there are some political ideologies. Among them, nationalism, democracy, socialism, secularism, liberalism, communism and capitalism are important. The political parties exist to achieve their objectives and programmes.

India is a vast country with a huge population. There are differences among the people with reference to the culture, religion, language, economic attainments and social distinctions. In other words the population is diverse in nature and therefore there cannot be uniformity about anything. This applies to the party system also. There are national and regional parties in this country. In the next few pages an account of the different political parties of India is given.

## **National Parties**

### **The Indian National Congress**

The Indian National Congress is the oldest and a dominant political party. It was founded on December 28, 1885 by A.O. Hume. The history of the Congress Party is the history of the freedom struggle. It began more as a national movement than as a political party. People from all quarters rallied under the Congress Party to realise the common goal of political independence. It was a truly representative body of the people. Hence, the British handed over the country and power to the Congress on August 15, 1947. Since then the Congress has been in power for-about-50 years, except for two short spells, at the centre. Until 1967 it was in power in almost all the States in India. The memorable leaders of the Congress Party are Mahatma Gandhi, Jawaharlal Nehru, Indira Gandhi, Rajiv Gandhi, C. Rajagopalachari, K. Kamaraj, P.V. Narasimha Rao and many others. The Indian National Congress met with many splits. Today it is known as Congress(I). Its election symbol is hand.

### **The Organisation of the Congress**

The present constitution of the congress party was designed at its Nagpur Session of 1920. According to it,



1. the highest body in the Congress hierarchy is the All India Congress Committee. Its total membership is about 400. It holds annual and special sessions of the Congress. It has wide powers.
2. The next body is the congress Working Committee. Its members are elected in the All India Congress Committee itself. This body is like a cabinet. The senior most congressmen are normally elected to this body.
3. There is a special body known as the Parliamentary Board. It consists of six members, including the Congress President.
4. Below the Congress Working committee is the Pradesh Congress committee one each for a state. This body has its own president and other office bearers.
5. Below the Pradesh Congress Committee are the District Congress Committees, one each for a district. Then there are committees subordinate to it and
6. The Mandal Congress Committees. Any person of 18 years or more can become a primary member of the Congress.

### **Ideology of the Congress Party**

Before independence, the chief aim of the Congress was to attain national freedom. After independence, however, a change occurred in the policy and programme of the Congress. The objective of establishing a classless and democratic society was declared in 1955. For this purpose, a resolution on the “socialistic pattern of society” was adopted at the Avadi Session of the Congress Party. The Congress party adopted many other policies and programmes, suitable to the changing needs of the country.

However in the 1990's radical changes took place in the ideology of the congress party. The government under the leadership of Prime Minister Shri P.V. Narashima Rao initiated some economic reforms. These and other developments did not attach much importance to the socialistic pattern of society and rigorous policies with regard to the issue of licence, permit and imposition of taxes. In short the country was slowly but steadily moving towards what is popularly known as privatisation, liberalisation and globalisation. Whichever party after the exit of the congress party in 1996 came to power had to follow the same. The government headed by Dr.Manmohan Singh since May 2004 had to continue the liberal economic policies. The government headed by Dr. Manmohan Singh came to power again in May 2009 Lok Sabha general elections. In spite of these changes, development through five year plans remains the method of the congress party and other political party governments.

The congress party right from the time of independence and Prime minister Shri Jawaharlal Nehru has been following a policy of friendship with India's neighbours. In regard to the super powers such as the United States and the Soviet Union the

Congress party government followed a policy which stressed neutrality and non-alignment.

### **The Communist Party of India (CPI)**

The Communist Party is the second oldest party in India. It was founded in the year 1924. But soon after its formation, it was banned by the British Indian Government. Consequently, most of the Communist workers carried on their work through the Congress. It remained an unlawful organisation till 1943 when the ban on it was removed because the Communist Party supported the Second World War and opposed the Quit India Movement of the Congress in 1942. After independence, the Communist Party of India consolidated its position. Ears of corn and sickle is the symbol of the CPI.

### **Organisation and Ideology**

The Communist Party of India is a party of the World Communist movement. It has been recognised as a national party. However its influence is confined to the States of Kerala, West Bengal and Tripura.

The Communist Party of India was formed in 1958 at its Amritsar conference. The constitution of the party was changed to give up the militant revolutionary ideology. Parliamentary democracy was accepted as the method to attain the party goals. The party structure, in theory, is based on democratic centralism. Democratic centralism rests on the principles of central leadership based on intra-party democracy. Intra-party democracy means freedom of debate within the party to check its action. As soon as the leadership decides on a programme after debate, the members preserve discipline and function according to the guidelines.

The primary unit of the party is called the Branch. It is organised on the basis of village panchayat, municipal ward, industry etc. Its functions are to sell the party literature, collect membership etc. Above the Branch are the Local Council, District Council, State Council and National Council. The National Council performs every important function such as the election of the Central Executive Committee, convening of the party congress, and enforcing the party constitution, the Central Executive Committee can set up the necessary bodies to handle its work. At the top are the Chairman and the General Secretary. This type of party organisation prevents the rise of personality cult. It promotes decentralisation of power and strengthens the democratic functioning of the party. This organisation enables the party to retain its mass character.

The communist party of India follows the Marxist-Leninist thought completely. At the same time, it believes in parliamentary communism. Its aim is to defeat the reactionary forces opposed to people's interest. It wants to transform the parliament from an organ of bourgeois democracy into a real instrument of people's will.

The Communist Party of India believes in the following policies and programmes.

1. Nationalisation of Banks
2. Abolition of private foreign companies and Indian monopolies
3. Expansion of the scope of public sector
4. State trading
5. Stoppage of foreign capital
6. Drastic agrarian reforms
7. A non-aligned foreign policy
8. Opposition to colonialism, imperialism, and apartheid

### **The Communist Party of India (Marxist)**

The Communist Party of India was split in the year 1964. The split was due to the schism in the Sino-Russian relations. The communist leaders had held differences of opinion in their evaluations of the economic and political situations prevailing in the country. Further, one group of leaders desired to extend their support to Nehru's Government. But the other group of leaders demanded tough opposition to the reactionary congress. Their-ideological differences reached a stage of no compromise. Finally, the dissidents held a separate convention of Ten ally in July 1964. They got separated from the Dange group. Leaders like Jyoti Basu, E.M.S. Namboodripad and others formed a separate party, known as the Communist Party of India (Marxist).

The organisation, major aims and policies of the CPI (Marxist) resemble mostly to those of the CPI. The principles of democracy socialism and inner party democracy are the bases to the party's structure form the Branch upwards the top. The branch is the living link with masses. The CPI (Marxist) is convinced that India's revolutionary movement must follow its own line of action. It believes that neither Chinese nor the Russian model would suit India. The symbol of the (Marxist) include a hammer, sickle and star.

### **Differences in the ideologies of the CPI and CPI (Marxist)**

Besides certain common ideals and programmes, the CPI and the CPI (Marxist) have the following ideological differences.

1. The CPI (Marxist) considers that revolution could be brought about in India only by the leaders of the working class. But the CPI holds that social transformation can be achieved through close alliance with other democratic forces.
2. CPI (Marxist) believes in dislodging the existing state and replacing it with a State of People's Democracy led by the working class. The CPI supports the

idea of forming a national democratic front. It does not favour the dislodging to the existing governmental system. It holds that in course of time the reactionary forces will be eliminated and power may pass into the hands of the party.

3. The CPI (Marxist) believes that the ruling classes would never give up power voluntarily. Hence it wants to employ force out of necessity. But the CPI holds faith in peaceful means. Its aim is to transform the Parliament into a genuine instrument of people's will.

### **Bharatiya Janatha Party (BJP)**

The old Bharatiya Jan Sangh is the precursor of the Bharatiya Janatha Party. The origin of the Jan Sangh is linked with the origin of Hindu nationalism in the 19th Century. In 1875 Swami Dayanand Saraswati founded the 'Arya Samaj'. It created a new spirit among the North Indian Hindus. It also provided impetus to the movement of Hindu revivalism. The new ideas later formed the fundamental tenets of the Hindu Mahasabha and the Jan Sangh. In 1925, Keshav Hedgewar formed Rashtriya Swayam Sevak Sangh (RSS) as a cultural organisation. Its aim was to regenerate the Hindu Society. Shyama Prasad Mukherjee formed the Jan Sangh in the year 1951. However, the Jan Sangh secured support of the members of the Hindu Maha Sabha and the RSS. From 1952 to 1971 the party made steady progress.

In March 1977, the Lok Sabha Elections were held. The Jan Sangh, the Congress (O), the Congress for Democracy, Bharatiya Lok Dal and the Socialist Party came under one banner of the Janata Party. The Janata Party won 270 seats and formed the Government with Morarji Desai as Prime Minister. The Jan Sangh leaders like A. B. Vajpayee became the cabinet ministers. With the dismantling of Janata Party in 1980, the Jan Sangh leaders recognised the party and renamed it as Bharatiya Janata Party. The words "Jan Sangh" were dropped. Since then the BJP is maintaining this individual identity. Under the leadership of Thiru A.B Vajpayee and Thiru L.K. Advani it became a national party. It formed government at the Centre with other parties in 1998. Again, after this party having success in the General Elections to the parliament held in April 2014, the Government being headed by Shri Narendra Modi in the centre has assumed office and functions. Its organisation is democratic as in the case of the Congress, Lotus is the symbol of the BJP.

### **Ideological Principles of the BJP**

1. The BJP stands for democracy as a form of government and way of life. It wishes to uphold "political, economic and social democracy".
2. It guarantees equality of opportunity and liberty to all citizens so as to build up a powerful nation.
3. It emphasises the importance of national solidarity and integration. It favours political and economic decentralisation.

4. The BJP stands for swadeshi economics. However it is by sheer circumstances of the time forced to adopt liberal economic policies since 1991. It upholds the principle of nationalisation of basic and defence industries. It does not favour the state trading.
5. In foreign policy, the BJP is opposed to the Congress. It feels that “the Congress has sacrificed the interests of the nation in the name of non-alignment”. It emphasises the need to develop enlightened self-interest. Foreign policy must be based on reciprocity and mutual interest.
6. Recently the BJP has announced that corruption free public life, security and economic nationalism as its major aims.

### **Janata Dal**

The Janata Dal was formed in October 1988. Its notable leaders are V.P. Singh. Ramakrishna Hegde. S.R. Bommai and Laloo Prasad Yadav.

The Janata Dal is democratic in Character. Party organisation is similar to the Old Janata Party. Anybody who believes in the programmes and policies of the Janata Dal can become a member of the party. But active members in the Janata Dal must sign an oath of loyalty to the party. The executive body of the Janata Dal is the Working Committee. There are basic units from which the higher Committees are elected. For any office of the party only an active member can contest the election. There are Committees at Block, District, Provincial and National levels.

### **Ideological principles of the Janata Dal**

The following are some of the important ideological contents of the Janata Dal.

The Janata Dal is dedicated to the values and ideals of Gandhiji. It desires to build up a democratic and socialist state in India. The party is wedded to the ideals of freedom and secular democracy. The Janata Dal wants to free the people from the bondage of fear. It stands for value-based politics and eradication of corruption. Its democratic values include (1) Electoral reforms, (2) Re-establishment of rule of law, (3) Protection of the fundamental rights, (4) Independence of judiciary, (5) Protection of freedom of the people, (6) Grassroot democracy, (7) A strong federal country with more powers to the states, (8) social political and economic justice.

The economic principles of the Janata Dal are based on the Gandhian ideology. It lays emphasis on primacy of agriculture, cottage and small-scale industries. It has accepted the ideals of right to work, abolition of unemployment, workers' participation in the industry, a national income, wages and prices policy and reduction in economic inequalities. It believes in the industrial self-reliance. ;

With respect to foreign policy, the Janata Dal does not differ much from the Congress. It welcomes foreign investments but not at the cost of our own industry.

## **Regional Parties**

### **Dravida Munnetra Kazhagam**

Regionalism in Tamilnadu began to be felt since 1916. It was due to the dominance of the brahmin community in the erstwhile Madras presidency. They enjoyed several privileges which were not available to the majority of the population. It all started with the establishment of a Dravidian Association by Thiru Natesa Mudaliar and others in 1912. Subsequently it was known as the Justice Party. It was dravidian in its outlook and its objectives. From this party the Dravida Kazhagam under the leadership of Periyar Ramaswamy was founded in 1944. It attracted the eminent leader Thiru C.N. Annadurai to its fold. Dravida Kazhagam was a social reform movement and not a political party. As time passed on and immediately after independence differences brokeout between Thiru C.N. Annadurai and Periyar Thiru E. V. Ramaswamy and the Dravida Munnetra Kazhagam (DMK) was formed by Annadurai on 17th September 1949. From 1949 to 1957 the DMK served the people only as a social organisation. The DMK had the aim of establishing a separate Dravidanadu, comprising the four southern states. But Anna abandoned this ideology on 23rd October 1963 as then the constitution was amended to bar separation. This was the turning point in the history of the DMK. Rising sun is its symbol.

The party was turned into a political party when it contested in the election for the first time in 1957. It secured only a few seats in the elections. However under the able guidance of Thiru C.N. Annadurai and popular support this party emerged victorious in the fourth general election in 1967 to the Tamilnadu State Assembly and formed government under the Chief-Ministership of Thiru C.N. Annadurai. Since then until now the dravidian parties only win in the elections and form government. The congress could not come to power. Since then it has been contesting in all general elections to the State Assembly as well as to the national parliament. After the death of Thiru C.N. Annadurai on 3<sup>rd</sup> February 1969, Thiru M. Karunanidhi became its leader. Under his leadership the party won in assembly elections and formed the government also.

### **Emergence of AIADMK**

Owing to differences Thiru M. Karunanidhi as party President expelled Thiru. M.G. Ramachandran from the primary membership of the DMK in 1972. Subsequently MGR launched his own party on 18<sup>th</sup> October 1972 and named it as Anna Dravida Munnetra Kazhagam. After some time on 12<sup>th</sup> September 1976 it was renamed as All India Anna Dravida Munnetra Kazhagam. MGR declared that his party will follow the principles and policies pursued by Thiru C.N. Annadurai. From the beginning to the present the party is popular with the people of Tamilnadu. Though MGR died in December 1987 the party continued to maintain its strength and support under the present leadership of Selvi J. Jayalalithaa.



The basic ideology of the AIADMK is “Annaism”. The essence of Annaism is mainly the removal of poverty and untouchability. The other contents of the ideology are self respect, rationalism, socialism and social service. The party also believed in achieving its objectives through participation in elections to the state legislature and the national parliament.

The first time the AIADMK faced an election to the state assembly was during May 1973 in Dindigul parliamentary constituency. It won the by-election by polling 52% of the total votes polled. The DMK came third after Congress (O) of Thiru Kamaraj. This election was probably just an indication of a turning point in the electoral fortunes of the major Tamilnadu political parties.

### **Telugu Desam**

It is like the Dravida Munnetra Kazhagam a regional political party which was founded by Thiru N.T. Rama Rao on 29th March 1982. Thiru N.T. Rama Rao was a charismatic leader who had acted in films in different roles. Particularly he played in cinema as divine hero. As a result he was demystified and worshiped by people as God on earth. Soon this party contested in the elections to the state assembly and it won in the assembly elections in 1983, 1985 and 1994. As chief minister he had served the people of Andhra to help eradicate poverty and raise their living standards. He was succeeded by his son-in-law Thiru. N. Chandrababu Naidu in 1995. He took several steps to make Andhra Pradesh a forward state. His contribution to the development of information technology was so great that the whole of India turned to him for model and guidance. He and his party extended from outside support to the Government formed at the centre by Thiru. A.B. Vajpayee belonging to the National Democratic Alliance which was unseated from power in the 2004 general elections to the Lok Sabha. During the same time elections were also held to the Andhra Pradesh state assembly in which the Telugu Desam party was defeated in the election. Indian National congress emerged victorious and formed the government in May 2004.

### **Aims and Objectives of Telugu Desam Party**

The party stood for a fair and just relationship between the centre and the state. It did not want any distortion in the aims and objectives of programmes designed for well being of the people. It desired to bring about changes in the financial arrangement between the centre and the state. The party favoured the involvement of states in the planning process which could ensure real federalism. The party suggested for extensive electoral reforms to strengthen the democratic system in the country. For this it suggested to ban defection of elected representative to other parties, restructuring of the election commission and make it a multi member body and to remove evils in the election especially the influence of money power. It suggested state funding of expenditure of candidates who contested in the elections.

**Akali Dal:** It is a religious cum political party. It was formerly led by Master Tara Singh. This party demanded a Punjabi speaking state and Punjabi in Gurmukhi

script as the official language of the Punjab state. The Punjabi suba of the conception of the Akali party came into existence as a result of the reorganisation of the state of Punjab into Punjabi-speaking Punjab and the Hindi speaking state of Haryana in 1966.

Like other regional parties of significant following the Akali Dal also contested in the elections since 1967. This party in alliance with such parties like Bharatiya Janata Sangh or Janata Party or Bharatiya Janata Party formed governments and guided the destiny of Punjab.

The demands of the party mainly are Chandigarh should be handed over to Punjab and be made as its capital. There should be a just and honourable agreement between Punjab and Haryana for the distribution of the waters of rivers Ravi and Beas. And justice should be done to Punjab keeping with the traditional martial qualities of the Sikhs. There should be equitable share of strength for the Sikhs in the Indian army. The other minor demands of the Akalidal are

1. Amritsar should be given the same status as Vatican city (Rome) and declared a holy city.
2. Permission to carry kirpans by the sikhs on domestic flights of Indian Airline.
3. Declaration of Punjabi as the second language in Haryana.
4. Lastly transfer of management of the Bhakra dam to Punjab.

It should be noted that the Akali politics was at its peak in the early 1980's. It upset many a calculations of the government of India relating to the governments of Punjab There are still several unresolved demands of the Sikhs.

The other regional political parties worth the name for their significant contribution to their respective areas are, Assam Gana Thantra Parishad in Assam and National Conference in Kashmir and the Plebiscite Front in Kashmir.

**Conclusion:** In what has been given above with reference to national and regional political parties is just a description of the organisation and the objectives of those parties only.

How and in what circumstances these parties captured political power finally and what they achieved have not been given. For more details please refer to such books which give information on party system given in the bibliography.



## Exercise

### PART A

#### I. Choose the correct answer:

1. The constitution of India came into force on  
(a) 26th January 1950                      (b) 15th August 1947  
(c) 26th January 1947                      (d) 15th August 1945
2. Forty Second Amendment Act came into force in the year  
(a) 1947    (b) 1976  
(c) 1967    (d) 1950
3. Rajya Sabha consists of  
(a) 220 members                              (b) 230 members  
(c) 250 members                              (d) 200 members
4. Lok Sabha consists of  
(a) 552 members                              (b) 545 members  
(c) 500 members                              (d) 550 members

#### II. Fill in the blanks

5. The President of India is the \_\_\_\_\_ citizen of India.
6. The President of India is the Head of the \_\_\_\_\_
7. The Prime Minister of India is the Head of the \_\_\_\_\_
8. The Supreme Court of India consists of Chief Justice and \_\_\_\_\_ Judges.
9. The Chief Justice of India and Judges of Supreme Court are appointed by the \_\_\_\_\_

#### III. Match the following

- |                    |            |
|--------------------|------------|
| 10. Lok Sabha      | - 25 years |
| 11. Rajya Sabha    | - 30 years |
| 12. Vice President | - 35 years |

**PART B**

13. Describe the Gandhian Principles.
14. Write short notes on Council of Ministers.
15. What is the role of the Speaker?

**PART C**

16. What are the features and functions of Cabinet?
17. Explain the role of the Prime Minister of India.
18. Discuss the importance of regional parties.
19. Discuss the composition of the Lok Sabha.
20. What are the functions of Parliament?
21. Explain the Jurisdiction of the Supreme Court of India.
22. Describe the objectives of Dravidian Political Parties.

**PART D**

23. Bring out the salient features of Indian constitution.
24. Write an essay on the powers and functions of the President of India.
25. Trace the growth of the Indian National Congress.

## CHAPTER 8

# ORGANISATION OF STATE GOVERNMENT IN TAMILNADU

### Introduction

The Constitution of India provides for a federal government, having separate systems of administration for the union and the units, namely, the states. There are 29 states, 6 Union territories and one national capital territory known as New 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. Broadly speaking, the pattern of government in the states is the same as that for the union, namely, a parliamentary system. Here, let us know the Government of Tamil Nadu in terms of the office of the Governor, the Chief Minister, the Council of Ministers, state legislature and the judiciary, secretariat, district administration and the below.

### 8.1 THE GOVERNOR

The executive power of the state is vested in the Governor and all executive actions of the state have to be taken in the name of the Governor. But, he has to act as the nominal head of the state due to parliamentary system. Normally, there shall be a Governor for each state according to Article 153, but an amendment of 1956 makes it possible to appoint the same person as the Governor for two or more states. The Governor is not elected but is appointed by the President and holds office at pleasure of the President. Any citizen of India over 35 years of age is eligible for the office, but he must not hold any other office of profit, not be a member of the legislature of the union or of any state according to Article 158. But, the Sarkaria Commission has suggested that a person to be appointed as the Governor should satisfy the following criteria.

1. He should be eminent in some walk of life.
2. He should be a person from outside the state.
3. He should be a detached figure and not intimately connected with local politics of the state.
4. He should be a person who has not taken too great a part in politics generally and particularly in the recent past and
5. In selecting a Governor in accordance with the above criteria, persons belonging to the minority groups should continue to be given a chance as hitherto.

According to the Constitution, the Governor is appointed by the President by a warrant under his hand and seal. But, in actual practice, the Governor is appointed by the President on the recommendation of the Prime Minister. The normal term of a Governor's office shall be five years and he can be given another term also. Even after the completion of his term, he continues in office till his successor joins the office. Even though the term of office of Governor is five years, he may lose his office by his resignation or the dismissal by the President. He receives his salary from the Consolidated Fund of the state which is non-votable in the State Legislature.



**Map 1 - Indian Union**

## **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.

- A. Executive powers
- B. Legislative powers
- C. Financial powers
- D. Judicial powers
- E. Discretionary powers, and
- F. Miscellaneous powers.

## **A. Executive Powers**

1. All executive actions of the state government are formally taken in the name of Governor.
2. He appoints the Chief Minister and other ministers. They also hold office during his pleasure.
3. He appoints the Advocate - General of the state and determines his remuneration. The Advocate General holds his office during the pleasure of the Governor.
4. He appoints the State Election Commissioner and determines his condition of service and tenure of office.
5. He appoints the Chairman and Members of the State Public Service Commission. Yet, they can be removed from office only by the President of India and not by the Governor.
6. He can seek any information relating to the affairs of the state and the proposals for legislation from the Chief Minister.
7. He can require the Chief Minister to submit for the consideration of the council of ministers on any matter.
8. He can make rules specifying the manner in which the orders and other instruments made and executed in his name, shall be authenticated.
9. He can make rules for more convenient transaction of the business of the government and for the allocation among the ministers of the said business; and
10. He can recommend for the imposition of President's rule in the state to the President under Article 356. During such rule, the Governor enjoys extensive executive powers as an agent of the President.

## **B. 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.

1. He has the right to summon or prorogue the state legislature and dissolve the State Legislative Assembly.
2. He can address the state legislature at the commencement of the first session after each general election and the first session of each year.
3. He can send messages to the houses of the state legislature relating to a bill pending in the legislature.

4. 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.
5. He nominates one - sixth 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. But, the Governor of Tamil Nadu need not do this function because, the State Legislative Council, the upper house has been abolished since 1996.
6. He can nominate one member to the State Legislative Assembly from the Anglo-Indian Community.
7. He decides on the question of disqualification of members of the state legislature in consultation with the Election Commission.
8. 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.
9. 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.
10. 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; and.
11. 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.

### **C. Financial Powers**

1. The Governor has to see that the state budget known as the Annual Financial Statement is laid before the legislature.
2. Money Bills can be introduced in the state legislature only with his prior recommendation.
3. No demand for any grant can be made exception on his recommendation.
4. He can make advances out of the state Contingency Fund to meet any unforeseen expenditure; and
5. He constitutes a Finance Commission after every five years to review the financial position of the panchayats and the municipalities.

### **D. Judicial Powers**

1. The Governor can grant pardons, reprieve and remissions of punishment or suspend, remit and commute the sentence of any person convicted of any offence. But, the pardoning power of the Governor differs from the president in following ways.
  - a. The President can pardon the death sentence while the Governor cannot.
  - b. The President can pardon the sentences inflicted by court martial whereas the Governor can not.
2. He is consulted by the President while appointing the judges of the concerned state High Court.
3. He makes appointments, postings and promotions of the district judges in consultation with the High Court; and
4. He appoints the persons to the judicial service of the state in consultation with High Court and the Public Service Commission.

### **E. Discretionary Powers**

1. The Governor reserves a bill for the consideration of the president.
2. He recommends for the imposition of the President's rule in the state.
3. He seeks information from the Chief Minister relating to the administrative and legislative matters of the state.
4. 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
5. He can dismiss the Council of Ministers when it is unable to prove the confidence of the Legislative Assembly; and
6. He can dissolve the Legislative Assembly if the Council of Ministers has lost its majority.

### **F. Miscellaneous Powers**

In addition to the functions and powers mentioned above, the Governor exercises the following miscellaneous function also.

1. The Governor receives the annual report of the State Public Service Commission and submits the same to the Council of Ministers and the state legislature for discussion; and
2. He receives the report of the Auditor - General regarding income and expenditure made by different departments under the State Government.

## Constitutional Position

The Constitution of India provides for a Parliamentary form of Government in the centre and in the states. Consequently, the Governor has been made only a nominal executive and the real executive constitutes the council of ministers headed by the Chief Minister. As a result, the Governor has to exercise his powers and functions with the aid and advise of the council of ministers headed by the Chief Minister. As a matter of fact, the constitution has assigned a dual role to the office of Governor in the Indian federal system, namely, the constitutional head of the state and the representative of the centre, ie the President. The following list shows the Governors of Tamil Nadu since 1952.

<b>S.No.</b>	<b>Name of Governors</b>	<b>Period</b>
1.	Thiru Shriprakash	1952 - 56
2.	Thiru A.J. John	1956 - 57
3.	Thiru Vishnuram Methi	1958 - 64
4.	Thiru J.V. Bhahadur	1964 - 66
5.	Thiru Sardar Ujjal Singh	1966 - 71
6.	Thiru K.K. Shaw	1971 - 76
7.	Thiru Mohanlal Sugadia	1976 - 77
8.	Thiru Prabudas Patwari	1977 - 80
9.	Thiru Sadiq Ali	1980 - 82
10.	Thiru Sundarlal Khurana	1982 - 88
11.	Thiru P.C. Alexandar	1988 - 90
12.	Thiru Surjeeth Singh Barnala	1990 - 91.
13.	Thiru Bisma Narain Singh	1991 - 93
14.	Thiru M. Chenna Reddy	1993 - 96
15.	Thiru Krishnakanth	1996 - 97
16.	Miss Fathima Bevi	1997 - 01
17.	Thiru C. Rangarajan	2001 - 02
18.	Thiru Ram Mohan Rao	2002 - 04
19.	Thiru Surjeeth Singh Barnala	2004 - 11
20.	Thiru K. Rosiah	2011 - 16
21.	Thiru CH. Vidyasagar Rao (Acting)	2016 - Till date



## 8.2 THE CHIEF MINISTER

According to the Constitution of India, the Governor is the nominal head and the Chief Minister is the real head in the state executive. Since the parliamentary form of government exists, we find two types of heads. Thus, the position of the Chief Minister at the state level is analogous to the position of Prime Minister at the Centre. Every state shall have a Council of Ministers headed by the Chief Minister to aid and advise the Governor in the exercise of his powers and functions, except the discretionary ones under Article 163. The Chief Minister is appointed by the Governor. Actually, after the general elections to the state Legislative Assembly are over, the Governor calls the leader of the majority party to form ministry in the state. The Chief Minister shall hold office during the pleasure of the Governor. However, the normal term of office of the Chief Minister is five years. But, he may lose the office due to his resignation and the imposition of state emergency under Article 356.

### Powers of Chief Minister

The Chief Minister is the chief of state administration. He has enormous functions and powers. The following are the functions and powers of the Chief Minister.

- A. Relating to the council of ministers
- B. Relating to the Governor
- C. Relating to the State Legislature
- D. Other functions and powers.

#### A. Relating to the Council of Ministers

As the head of the Council of Ministers, the Chief Minister enjoys the following functions and powers.

1. The Chief Minister recommends the persons who can be appointed as ministers by Governor.
2. He allocates the portfolios among the ministers.
3. He shuffles and reshuffles his ministry.
4. He can ask a minister to resign or to advise the Governor to dismiss him in case of difference of opinion.
5. He presides over the meetings of the Council of Ministers and influences its decisions.
6. He can bring about the collapse of the council of ministers by resigning from office; and
7. He guides, directs, controls and coordinates the activities of all the ministers.

## **B. Relating to the Governor**

1. The Chief Minister is the principal channel of communication between the Governor and the Council of Ministers under Article 167, and
2. He advises the Governor in relation to the appointment of the following officials.
  - (a) Advocate General
  - (b) State Election Commissioner
  - (c) Chairman and Members of the State Public Service Commission.
  - (d) Chairman and Members of the State Planning Commission
  - (e) Chairman and Members of the State Finance Commission.

## **C. Relating to State Legislature**

1. The Chief Minister advises the Governor with regard to the summoning and proroguing the sessions of the state legislature.
2. He announces the government policies on the floor of the house.
3. He can introduce the bills in the Legislative Assembly; and
4. He can recommend for the dissolution of the Legislative Assembly to the Governor anytime.

## **D. Other function and powers**

1. As the leader of the ruling party, the Chief Minister has to control the party and develop the disciplines
2. As the leader of the state, he has to keenly consider the demands of the different sections of the people.
3. 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.
4. For smooth functioning of the state and for good centre-state relations, he has to develop a rapport with the union government; and
5. The size of the ministry is decided by the Chief Minister. However, only 15 percent of the members of the Legislative Assembly can be made as ministers due to the recent constitutional amendment.

Thus, the Chief Minister plays a very significant and highly crucial role in the state administration. However, the discretionary powers of the Governor have slightly reduced the role and importance of the Chief Minister only in a few states where the Governors have special provision. But, it is not so in the states like Tamil Nadu.

## Chief Ministers of Tamil Nadu Since 1952

A list of Chief Ministers of Tamil Nadu from 1952 onwards is given below:

In Tamil Nadu, every Chief Minister has had their own place among the people. They have introduced the social welfare programmes and the development programmes according to their thoughts and principles to achieve the socialistic pattern of society in the state. Especially, for the welfare and development of the downtrodden, scheduled castes and the scheduled tribes, they have taken various efforts through various programmes of all departments, transport stands first not only in the state but also in the national level. This has been achieved mainly by the serious efforts of the Chief Ministers of different periods in Tamil Nadu.

S.No.	Name of the Chief Ministers	Party	Year
1.	Thiru . C. Rajagopalachariar	Congress	1952 - 54
2.	Thiru. K. Kamaraj	Congress	1954 - 63
3.	Thiru. M. Bhakthavath chalam	Congress	1963 - 67
4.	Thiru. C.N. Annadurai	DMK	1967 - 69
5.	Thiru. N. Karunanidhi	DMK	1969 - 76
6.	Thiru. M.G. Ramachandran	AIADMK	1977 - 87
7.	Tmt. Janaki Ramachandran	AIADMK	Jan 1988
8.	Thiru. M. Karunanidhi	DMK	1989 - 91
9.	Selvi. J. Jayalalithaa	AIADMK	1991 - 96
10.	Thiru. M. Karunanidhi	DMK	1996 - 01
11.	Thiru . O. Panneerselvam	AIADMK	2001 - 02
12.	Selvi. J. Jayalalithaa	AIADMK	2002 - 06
13.	Thiru. M. Karunanidhi	DMK	2006 - 11
14.	Selvi. J. Jayalalithaa	AIADMK	2011 - 14
15.	Thiru. O. Panneerselvam	AIADMK	2014 - 15
16.	Selvi. J. Jayalalithaa	AIADMK	2015 - 16
17.	Thiru. O. Panneerselvam	AIADMK	2016 - Till date

## 8.3 COUNCIL OF MINISTERS

The constitution of India under Article 163 provides that there shall be a Council of Ministers with the Chief Minister as its head to aid and advise the Governor in every state. Accordingly, the Governor is a nominal head and real powers of the state government vests in the Council of Ministers in Tamil Nadu. Though the Governor

has discretionary powers, he rarely exercises them. As already stated, the Governor appoints the Chief Minister and on his recommendation other ministers are appointed. There is no fixed term of office prescribed for the ministers and they hold office during the pleasure of the Governor. However, the normal term of office of the ministers is five years. The salaries and allowances of the ministers are determined by the state legislature from time to time.

Since parliamentary form of government is followed in the states as in the Union Government, the ministers are individually and collectively responsible to the state Legislative Assembly in which they are members. As a result, the ministers work as a team. “All for one and one for all” policy works in the functioning of the Council of Ministers. A minister can not separate himself from the collective decision of the ministry. The Council of Ministers remains in power so long as it commands the confidence of the Legislative Assembly. If a no - confidence motion is passed in Legislative Assembly, the Council of Ministers headed by the Chief Minister has to tender resignation. This is known as collective responsibility.

As far as the size of the Council of Ministers is concerned, it is not uniform in all the states in India. The Administrative Reforms Commission (ARC) suggested, “Taking a broad view of the needs of the administration in different states, we consider that big states like Uttar Pradesh, Bihar, Madhya Pradesh and Maharashtra may have about 20 persons in the Council of Ministers. The middle sized states like Madras (now Tamil Nadu), Karnataka and Andhra Pradesh may have 14 to 18 ministers and the small states like Kerala, Haryana and Punjab may have 8 to 12 ministers”. However, the size of the Council of Ministers depend on the Chief Minister of the state concerned. But, the number of ministers should not exceed 15 percent of the total members of the state legislative Assembly due to the recent Constitutional Amendment Act. Each minister has to be a member in the state Legislative Assembly. If not, he has to procure this membership within six months. In Tamil Nadu, according to the strength of Legislative Assembly (234 members), the number ministers may be upto 34, ie 15 percent of 234. The functions and powers of the Council of Ministers in Tamil Nadu are following.

1. The Council of Ministers maintains law and order and security of life and property of the people in the state.
2. It formulates and decides the policies of the state and implements them effectively.
3. It decides the legislative programmes of the Legislative Assembly and sponsor all important bills.
4. It controls the financial policy and decides the tax structure for the public welfare of the state.

5. It chalks out programmes and schemes for the socioeconomic changes so that the state makes headway in various inter-related fields.
6. It makes the important appointments of the Heads of Departments.
7. It discusses and takes efforts on the dispute with other states
8. It advises the Governor on the appointment of Judges of the subordinate courts.
9. It considers state's share of work in the Five Year Plans and determines its obligations.
10. It frames the proposal for incurring expenditure out of state reserves.
11. It decides all the bills whether ordinary bills or money bills to be introduced in the Legislative Assembly.
12. Each minister of the Council of Ministers supervises, controls and coordinates the department concerned; and
13. Annual Financial Statement called as the Budget is finalised by the Council of Ministers.

With regard to an appraisal, the Council of Ministers is the guide and master of the legislature especially the legislative Assembly in the state. Besides, the ministers are the formulators and executors of public policies of the state. However, the state legislative Assembly enjoys the right of passing a no-confidence motion against a ministry. Hence, the ministers are also subjected to severe criticism during the question hour in the state legislature. In Tamil Nadu, the no-confidence has not been passed against a ministry so far. But, K. Kamaraj resigned from chief ministership in 1963 due to Kamaraj plan. The ministry of M.G. Ramachandran was dissolved 1980 due to the state emergency under article 356. As such, the ministry of M. Karunanithi was dissolved 1991 due to the state emergency. In short, the council of ministers headed by the Chief Minister decides any or every thing for the welfare of the people in the state.

#### **8.4 LEGISLATURE IN TAMIL NADU**

The Legislature of a state consists of the governor and one or two houses. A State Legislature may be unicameral or bicameral. At present only 5 states have the bicameral legislatures, namely, Bihar, Karnataka, Maharashtra, Uttar Pradesh, and Jammu and Kashmir.

Legislative Assembly is the Lower House or First Chamber or the Popular Chamber in a state and the Legislative Council is the Upper House or Second Chamber. Hence, the state legislature includes the Legislative Assembly and the Legislature Council. The legislature of Tamil Nadu had bicameralism upto 1986 in

which the Legislative Council, the second chamber was abolished during the AIADMK government headed by M.G. Ramachandran as the Chief Minister. Hence, the legislature follows unicameralism as the Legislative Assembly is the only one house. However, we have to study the both the houses of Tamil Nadu legislature.

## **1. Legislative Council**

The Legislative council is a mere ornamental chamber and its very existence is depending on the will of the Legislative Assembly. Under the constitution, the Legislative Council can be created or abolished by a simple Act of Parliament on the recommendation of the state concerned under Article 169. But, the recommendation of state Legislative Assembly to create or abolish the Legislative Council should be supported by a special majority i.e., two-third majority.

### **Composition**

The members of the Legislative Council shall not be more than one-third of the total members of the Legislative Assembly, but not less than forty. The Legislative Council of Tamil Nadu had 63 members. Normally, it is constituted by a mixture of direct election, indirect election and nomination. Elections to the Legislative Council are to be held by the system of proportional representation by single transferable vote system in the following manner (Article: 170-171).

- (a) 1/3 members shall be elected by the Legislative Assembly
- (b) 1/3 members shall be elected by the municipalities, district boards and other local authorities as specified by parliament by law.
- (c) 1/12 members shall be elected by the graduates constituencies.
- (d) 1/12 members shall be elected by the teacher's constituencies; and
- (e) 1/6 members are nominated by the Governor From amongst persons who have distinguished themselves in the fields of literature, art, science, social service and cooperative movement.

### **Qualifications and term**

According to the Constitution, a person should have the following qualifications for the election to the Legislative Council.

- (i) He must be a citizen of India.
- (ii) He must have attained 30 years of age. and
- (iii) He must possess such other qualifications as may be laid down by parliament.

Relating to the term of the Legislative Council, it is a continuing body, not subject to dissolution. Like the Rajya sabha of Parliament, its one-third members retire after every two years. A member of the Council has a six year term and he may be re-elected to the council.

## Functions and powers

1. Ordinary bills may be introduced in this Legislative Council.
2. It ratifies the money bills passed by the legislative Assembly.
3. It can delay 14 days on money bills and 30 days on ordinary bills passed by the Legislative Assembly.
4. It elects its Chairman and the Deputy Chairman amongst the members.
5. It constitutes various committees for various business and
6. It ratifies the ordinances promulgated by the Governor.

Generally, the Legislative Council is a mere ornamental body and hence it is considered as weak house. It does not take part in the election of the president or in the ratification of the Constitutional Amendment Bills. In short, the Legislative Council is powerless in relation to the Legislative Assembly. To call it a Second Chamber or Upper House of a state legislature is a misnomer. As already stated, Legislative Council is not in the Legislature of Tamil Nadu. Hence, Tamil Nadu has the unicameral legislature

## 2. Legislative assembly

In every state, the legislature means the legislative Assembly, even in the State where the legislative council exists. Actually, the Legislative Assembly is the first chamber or Lower House of the state legislature. Tamil Nadu legislature has only one house known as Legislative Assembly.

## Composition

According to Article 170 of the Constitution, the Legislative Assembly of a state shall consist of not more than 500 and not less than 50 members. However, the parliament has the power to fix the minimum strength of a Legislative Assembly through the amendment of the constitution. 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.

## Qualifications

A Person seeking election to the Legislative Assembly should have the following qualifications.

- (i) He must be a citizen of India.
- (ii) He must have attained 25 years of age and,
- (iii) He must possess such other qualifications as may be prescribed by the parliament by law.



## Tenure

Normally, the term of the Legislative Assembly is five years except the state of Jammu and Kashmir where it has six years duration. However, it may be dissolved by the Governor at any time as result of the presidential order promulgated under Article 356 which is called as the state emergency. But, in case of National Emergency under Article 352, the tenure of the Legislative Assembly can be extended by parliament but not beyond one year at a time. Yet, fresh elections must take place within six months after the proclamation is withdrawn. Besides, the Chief Minister may voluntarily come forward to recommend for the dissolution of the Assembly to the Governor even before the expiry of the tenure.

## Powers and Functions

In Tamil Nadu, the Legislative Assembly is a multi-functional political institution. It exercises the following powers and functions.

1. Making a law on any subject included in the State List as well as in the concurrent List, subject to the restraints imposed by the constitution.
2. Making and un-making the government.
3. Controlling the finances of the state.
4. Introducing the Money Bills and passing them.
5. Giving approval or disapproval to a Constitutional (Amendment) Bills passed by the parliament and referred to the states by the president for ratification.
6. Considering the reports submitted by the Tamil Nadu Public Service Commission, Auditor General and others.
7. Constituting various committees for various business.
8. Electing its Speaker and the Deputy speaker.
9. Initiating for no-confidence motion against the ruling government, and
10. Participating in the election of the president of India.

The above stated powers belong to the Legislative Assembly alone. Thus, in theory and practice, the Legislative Assembly has enormous powers. Hence, the Members of Legislative Assembly (MLAs) have more powers and functions rather than the Members of Legislative Council (MLCs). But, in Tamil Nadu we have MLAs and not MLCs.

As far as other important offices of the legislature are concerned, the Legislative Assembly elects its Speaker and the Deputy speaker. As such, the Legislative Council elects its Chairman and the Deputy chairman. Above all, the Advocate General is the only non-member of the state legislature who has the right and power to take part in the proceedings of the legislature, as the Attorney General of the Union Government.



## Constitution of Legislative Assemblies in Tamil Nadu

Since 1951-52, general elections were held for electing the representatives to the Tamil Nadu Legislative Assembly. Details of political parties winning in the elections are given below:

S.No	Year	Ruling party
1.	1952	Congress
2.	1957	Congress
3.	1962	Congress
4.	1967	DMK
5.	1971	DMK
6.	1977	AIADMK
7.	1980	AIADMK
8.	1985	AIADMK
9.	1989	DMK
10.	1991	AIADMK
11.	1996	DMK
12.	2001	AIADMK
13.	2006	DMK
14.	2011	AIADMK
15.	2016	AIADMK

## 8.5 HIGH COURT AND THE SUBORDINATE JUDICIARY

Apart from the Legislature and the Executive, the third branch of the Government of Tamil Nadu is judiciary. The judicial system of Tamil Nadu consists of two categories of courts, namely, High Court and the subordinate courts. The seat of High Court is in Chennai in Tamil Nadu and the seats of subordinate courts are in the district headquarters and below. Here, let us study the judicial system in Tamil Nadu in general.

### High Court

The High Court stands at the head of the Judiciary in Tamil Nadu. It consists of a Chief Justice and several other judges. The Chief Justice is appointed by the President of India. Other judges are appointed by the President after consultation with the Chief Justice of Supreme court, the Governor of the state and the Chief Justice of the High court. Besides, the President has the power to appoint additional judges for a

temporary period not exceeding two years, for the clearance of arrears of work in High Court and an acting judge, when a permanent judge of the High Court is temporarily absent or unable to perform his duties or is appointed to act temporarily as Chief Justice. A Judge of High Court shall hold office until the age of 62 years. Every judge permanent, additional or acting, may vacate his office earlier in any of the following ways.

1. By resignation in writing and addressed to the President.
2. By being appointed a Judge of the Supreme Court or being transferred to any other High Court, by the president; and
3. By removal of the President on an address of both Houses of Parliament on the ground of proved misbehaviour or incapacity.

### **Qualifications**

The qualifications laid down in the constitution for the appointment as a High court Judge are following:

1. He must be a citizen of India
2. He must not be over 62 years of age.
3. He must have held a judicial office in the territory of India. or,
4. He must have been an advocate of a High Court for at least 10 years.

### **Independence of the Judges**

As in the case of the Judges of the Supreme Court, the constitution seeks to maintain the independence of the Judges of the High Courts by the following provisions.

1. The Judges of the High Court are important constitutional authorities.
2. The salaries and allowances of the Judges are charged from the Consolidated Fund of the state.
3. Salaries and allowances payable to a Judge and rights in respect of leave and pension can not be varied by the parliament to his disadvantage after his retirement, except under the Financial Emergency under Article 360.
4. The removal of a Judge is followed by a strict procedure like that of the removal of a Judge of the Supreme Court; and
5. A Judge should not hold any office of profit after his retirement.

## **Jurisdiction and powers**

The High Court of Chennai has the following jurisdiction and powers as per the constitution.

### **1. Original Jurisdiction**

The High Courts at the three presidency towns of Bombay, Calcutta and Madras had an original jurisdiction, both civil and criminal, over cases arising within the respective presidency towns. The original criminal jurisdiction of the High Court has, however, been completely taken away by the criminal procedure code, 1973. Though city civil courts have also been set up to try civil cases within the same area, the original civil jurisdiction of these High Courts has not altogether been abolished but retained in respect of actions of higher value.

### **2. Appellate Jurisdiction**

The High Court is the highest court in the state of Tamil Nadu. It has appellate jurisdiction in both civil and criminal cases. On the civil side, an appeal from the decision of District Judge and from that of a subordinate Judge in cases of higher value, lie direct to the High Court.

### **3. Writ Jurisdiction**

According to B.R. Ambedkar, the Chairman of the Drafting Committee of the Constitution of India, Article 32 is the soul and heart of the constitution, because, it safeguards the rights, liberty and privileges of every citizen of India in terms of writs. As such, the High Court has the writ jurisdiction under Article 226. There are five writs, namely, Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo-warranto.

### **4. Power of Superintendence**

The High Court has the power of superintendence over all courts and tribunals throughout its territorial Jurisdiction, except military tribunals. Indeed, it has a wide power.

### **5. Head of State Judiciary**

As the head of the state judiciary, the High Court has got an administrative control over the subordinate judiciary in respect of certain matters, besides its appellate and supervisory jurisdiction over them. Thus, the High Court is powerful. Also, it acts as the court of records. Above all, it has the bench jurisdiction in which the most important and burning cases of the state are settled.

### **Subordinate Courts**

The subordinate courts are divided into two categories, namely, the civil courts subject to the civil procedure code and the criminal courts subject to the criminal procedure code. According to the All India Judges Association case (1989), the

Supreme Court directed to bring a uniform designation in the subordinate judiciary's judicial officers all over the country - District or Additional District Judges, Civil Judge (Senior Division) and the Civil Judge (Junior Division) on the civil side and Sessions Judge, Additional Sessions Judge, Chief Judicial Magistrate, and Judicial Magistrate on the criminal side as laid down in the criminal procedure code. The chart below shows the hierarchy of courts in the subordinate courts.

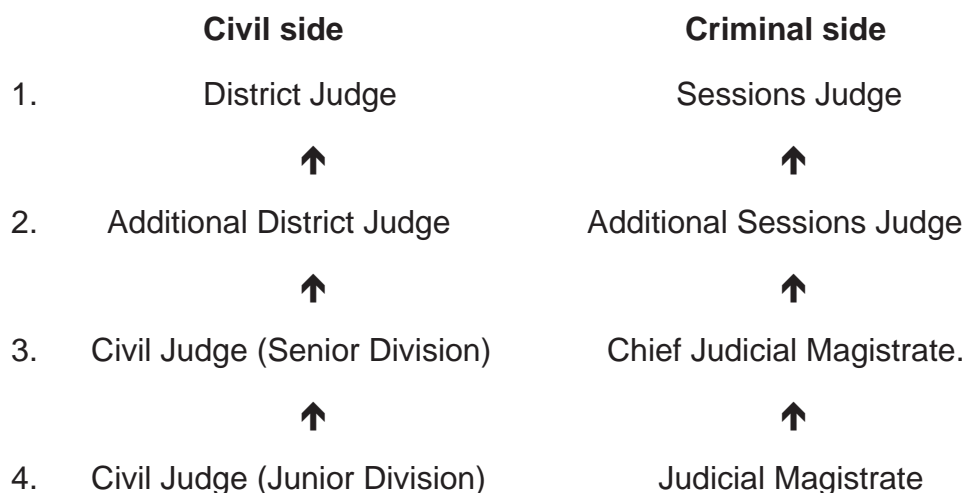
In addition, there are courts known as small causes courts. These courts are set up either under the Provisional Small Causes Act at the district level or under the Presidency Small Causes Court Act in presidency or metropolitan down.

The constitution provides that a District Judge shall be appointed by the Governor in consultation with the High Court of the state concerned and the posting including transfer and promotion are made in like manner. Relating to the appointment in any other post of the state judicial service, the constitution says that such appointment may be made by the Governor of the state in accordance with the rules framed by him in consultation with the State Public Service Commission and the High Court. The administrative control over the members of subordinate judicial service vests with the High Court under Article 235 of the constitution.

### Family Courts

In addition to the hierarchy of regular courts, family courts also are constituted in various states in India. According to Family Courts Act of 1984, these courts have powers and jurisdiction to enquire into the cases relating to marriages and family affairs with a view to settle cases without much expenditure and going to regular courts which are expensive. Matters such as dispute within the family, divorce, dowry harrasment, etc. are looked into by these courts. These courts follow the Civil Procedure Code.

#### The chart showing hierarchy of subordinate courts



## 8.6 SECRETARIAT

In India, every state has its own secretariat. It is the nerve centre of the state administration. It comprises of several departments of the government. The political head of a department is the minister and the administrative head of the department is the secretary. The Chief Secretary is the head of the entire secretariat while a Secretary is the head of one or two departments. The Secretary is usually a senior IAS officer, a generalist. An exception to this rule is the public works department which is headed by the Chief Engineer, a specialist. In Tamil Nadu, the secretariat is called as the chief secretariat which is situated at St.George Fort, Chennai.

### Departments

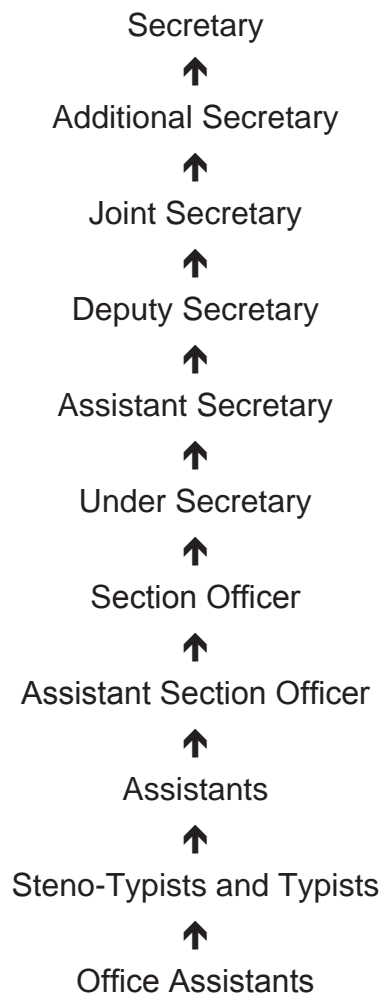
Generally, the number of departments in secretariat differs from state to state. It ranges from 15 to 35 departments. The departments which are included in the Chief Secretariat in Tamil Nadu, are following.

1. General Administration
2. Home
3. Finance
4. Personnel and Administrative Reforms
5. Revenue
6. Jail
7. Forest
8. Agriculture
9. Labour and Employment
10. Panchayat Raj
11. Public works
12. Education
13. Planning
14. Irrigation and Power
15. Law
16. Social Welfare
17. Housing
18. Civil supplies

19. Transport
20. Local Government
21. Excise and Taxation
22. Industries
23. Publicity and information
24. Cooperation
25. Health

### **Hierarchy of Personnel**

The Chief Secretariat of Tamil Nadu consists of officers who are appointed for a fixed tenure. The retirement age of government servants in Tamil Nadu is 58. The secretariat consists of officers belonging to All India Service and the officers recruited by the Tamil Nadu Public Service Commission. The hierarchy of the secretariat officers in a department is following.



## Functions of Secretariat

The secretariat is a staff agency by which it has to advise the executive departments in the implementation of the public policies. Its basic function is to assist the minister in the fulfillment of his role. It performs the following functions.

1. The secretariat formulates the policies and programmes of the state government.
2. It coordinates the policies and programmes of the state government.
3. It prepares the state budget and imposes control on public expenditure.
4. It frames legislation, rules and regulations.
5. It supervises the implementation of policies and programmes by the field agencies.
6. It reviews the results of the execution of public policies.
7. It maintains contacts with the control and other state governments.
8. It takes initiative measures to develop greater organisational competence through O&M.
9. It assists the ministers in discharging their responsibilities to the legislature, like answering the questions asked by the members of the legislative Assembly.
10. It appoints the heads of departments and looks into the consequent establishment work like salary.
11. It approves the service rules and their amendments.
12. It explores the possibilities of improving the financial position of the state.
13. It serves as a think-tank of the state government.
14. It assists the chief secretary in the proper functioning of the secretariat; and
15. It receives the complaints, representations and appeals from the people and solve them.

## Chief Secretary

The Chief Secretary is the executive head of the state secretariat. He is the administrative head of the state administration and stands at the apex of the hierarchy of state administration. In fact, he is the chief of the secretaries and controls all the secretariat departments. He is the senior-most civil servant in the state. He has the powers and functions mentioned in the 'Rules of Business' framed by the state government. He also receives some of his powers from conventions. He performs the following primary and other functions.

## **Primary Functions**

1. As an advisor to the Chief Minister, the Chief Secretary explains the administrative implications of the proposals forwarded by the state ministers.
2. As secretary to the cabinet, he prepares the agenda for cabinet meetings and keeps the records of its proceedings.
3. As the head of civil service, he deals with all cases related to appointment, transfers and promotion of senior state civil servants.
4. As chief coordinator, he works towards ensuring inter departmental coordination. He is the chairman of coordination committees set up for resolving the interdepartmental disputes.
5. As the head of certain departments, he supervises and controls them; and
6. As crisis administrator, he plays a very significant role in the time of crisis like flood, drought, communal disputes, etc in the state.

## **Other Functions**

1. The Chief Secretary acts as the residual legatee, ie, he looks after all the matters not included within the purview of other secretaries.
2. He exercises general supervision and control over the entire secretariat.
3. He acts as the secretary, by rotation, of the Zonal Council in which the state concerned is a member.
4. He has administrative control over the secretariat building, staff attached to the ministers, the secretariat library, the conservancy and ward staff of the secretariat departments.
5. He is the principal channel of communication among the state government, the central government and the other state governments.
6. He plays an important role in the administration of law and order and planning.
7. He acts as a spokesman of the state government.
8. He attends the meetings of the National Development Council.
9. He acts as the chief public relations officer of the state government; and
10. He acts as the chief advisor to the governor when president's rule is imposed in the state under Article 356 of the constitution, when the central advisors are not appointed.



Thus, the Chief Secretariat of Tamil Nadu is the nerve centre of state administration in general. As such, the Chief Secretary who is the chief of all secretaries, is the nerve system of secretariat administration in particular in the state of Tamil Nadu.

## **8.7 DISTRICT ADMINISTRATIVE STRUCTURE**

District is the basic unit of administration in India. The Oxford Dictionary defines it as a “territory marked off for special administrative purpose”. A district is generally named after the largest town or city of the territorial area of the concerned district. Therefore, a district is an administrative unit in the hierarchy of administration which consists of a number of territorial areas, namely, villages, towns and cities. Hence, the word ‘District Administration’ means the management of the tasks of government as it lies within an area legally recognised as a district. The five types of the district in India are the rural district, urban district, industrial district, backward district and the hill district.

### **Features of District Administration**

Generally, the district administration has the following features.

1. It is at district level that the state government comes into contact with the people.
2. District administration is a field work as opposed to staff or secretariat functions.
3. The problems at the district level are local relating to the district.
4. At district level, policy formulation ends and the implementation begins.
5. The District Officer is the last agent of the state government and the ‘man of the spot’ for any activity or incidence in the district; and
6. At the district, there is functional aggregation of units. A large number of departments have their field agencies located in the district.

### **District Level Functionaries**

The District Collector is the head of district administration. The office of the collector at first was created by Warren Hastings in 1772 for the dual purpose of collecting revenue and dispensing justice. Strictly speaking, the collector is for the collection of land revenue in the beginning. But, at present, there are enormous functions to the district collector. The general roles and the functions of the district collector are following:

1. As Collector, he has to collect land revenue.
2. As District Magistrate, he has to maintain law and order in the district.

3. As District Officer, he has to deal with the personnel matters like salary, transfer, etc within the district.
4. As Development Officer, he is responsible for the implementation of rural development programmes.
5. As the Returning Officer, he is the chief for the elections to the Parliament, the State Legislative Assembly, and the local government in the district. Hence, he coordinates the election works at the district level.
6. As the District Census Officer, he conducts the census operations once in ten years.
7. As the Chief Protocol Officer, he has to protect the VIPs in their tour and stay in the district.
8. As the coordinator, he supervises the district level other functionaries and departments.
9. He presides over the District Plan Implementation Committee.
10. He acts as the official representative of the state government during the ceremonial functions in the district.
11. He acts as the Public Relations Officer of the state government.
12. He acts as the Crisis Administrator in chief during the natural calamities and other emergencies.
13. He supervises and controls the local government institutions.
14. He handles the work pertaining to civil defence; and
15. He is responsible for civil supplies, food and other essential commodities.

Hence, the District Collector is the multi-functionary in the district level. In fact, the work-load functions are more to a collector due to the welfare state policy in which the government has to implement a large number of programmes for the people. Actually, the office of the District Collector is very much prestigious. The District Collector is the hero of the district administration. The other important district level functionaries are following.

1. Superintendent of Police
2. District Medical Officer
3. District Health Officer
4. District Forest Officer
5. Assistant Registrar of Cooperative Societies

6. District Agricultural Officer.
7. District Industries Officer
8. District Judges
9. Backward Class Welfare Officer
10. Superintendent of Jails
11. District Labour Officer

### **Division Level**

In Tamil Nadu, Revenue Divisional Officer is the head of divisional administration especially for revenue administration and for the maintenance of law and order. But, the development administration is headed by Assistant Director (Development) (Formerly by the Divisional Development Officer - DDO) in the division level. Under AD (Development), there are functionaries namely, extension officers for agriculture, cooperation, industry, education, animal husbandry, etc.

### **Taluk Level**

Tahsildar is the head of taluk level administration in Tamil Nadu. For assisting him, the Deputy Tahsildars are there in the Tehsil. This is for the revenue administration. For the development administration, panchayat unions are there in the state. The Panchayat Union Commissioner or Block Development Officer (BDO) is the head and there are extension officers for agriculture, health, cooperation, animal husbandry, education, and industry.

### **Firka Level**

Revenue Inspector is the head of Firka level revenue administration. Every taluk is divided into many firkas in Tamil Nadu. But, the nomenclature of this level differs from state to state.

### **Village Level**

Village Administrative Officer is the head of village level administration. He is the most important functionary in the field especially in the village. Under him, there are village level workers. He performs revenue, police and general administrative duties and acts as the representative of the government in the village.

## Exercise

### PART A

#### I. Fill in the blanks

1. State Government is dealt with in \_\_\_\_\_ part of the constitution of India.
2. The Governor is the \_\_\_\_\_ head of the state executive.
3. The Council of Ministers in the state is responsible to \_\_\_\_\_
4. K.Kamaraj tendered his resignation of chief ministership in 1963 due to \_\_\_\_\_
5. The Upper House of State Legislature is \_\_\_\_\_
6. The Judges of the High Court are appointed by \_\_\_\_\_
7. The tenure of Members of Legislative Council is \_\_\_\_\_
8. The administrative head of a department in the secretariat is \_\_\_\_\_
9. Five kinds of writs are Habeas Corpus, Mandamus, Certiorari, Prohibition and \_\_\_\_\_
10. District Administration is \_\_\_\_\_ administration.

#### II. Match the following

- |                 |   |                      |
|-----------------|---|----------------------|
| 11. Article 370 | – | Governor             |
| 12. Article 153 | – | Chief Minister       |
| 13. Article 163 | – | Legislative Council  |
| 14. Article 169 | – | Jammu & Kashmir      |
| 15. Article 170 | – | Legislative Assembly |
| 16. Article 352 | – | National Emergency   |

### PART B

17. Write the constitutional position of the Governor.
18. Describe the functions of the Council of Ministers.
19. Explain the qualifications prescribed for a person seeking election to the Legislative Assembly?
20. Who is an Administrative Officer?

**PART C**

21. Write a note on the Legislature of Tamil Nadu.
22. What are the jurisdictions of the High Court?
23. Write a short note on Chief Secretary.

**PART D**

24. Discuss the powers and functions of the Governor.
25. Describe the roles and functions of the Chief Minister.
26. Describe the role and functions of the District Collector.

## CHAPTER 9

### LOCAL SELF GOVERNMENT IN TAMILNADU

#### 9.1 STURCUTRE OF LOCAL SELF GOVERNMENT

Lord Rippon is known as the Father of Indian Local Self Government. The very existence of Local Self Government is for the decentralisation of powers in terms of democratic perspective.

Democratic decentralisation is considered to be an important mechanism for distribution of powers from federal government to local-self government. According to democratic governance, participation at all levels is an important aspect of political development. India with vast geographical area, a sense of political participation can be achieved through the establishment of local self government. Mahatma Gandhi referred devolution of political powers shall enhance democratic functioning at the local level. He called the Indian village as 'Little Republic'. In this chapter both urban and rural local self governments are dealt with.

Some characteristics of rural and urban local governments are:

- Local government possesses a well defined jurisdiction. It has a definite territory like village or district. Its aim is to solve the peculiar problems present in that area.
- Local government is governed by the locally elected representatives. They are accountable to the local electorate. The elected representatives administer the local affair without undue interference from the central or state governments. At the village level, there is direct participation of all adult population in the Gram sabha.
- The primary concern of the local government is to promote the interests of the local people.
- Local government has its own budget and financial resources.
- Local government enjoys complete autonomy. It is free to manage its affairs according to the rules laid down by the central and state governments. It has a definite sphere of activity.
- Local government enjoys the constitutional status and protection with compulsory existence and functioning.

The constitution of India came into force on 26 January, 1950. In order to revive the ancient system of self-governance Article 40, of our constitution lays down that the state shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government.

Accordingly the Balwantrai Mehta Committee was appointed in 1956. The committee submitted its report in 1957. The Balwantrai Mehta's Report is hailed as the Magna Carta of the Panchayat Raj system. In order to secure and ensure decentralised democracy Balwantrai Mehta recommended a three-tier system of rural local government consisting of the village panchayat at the village level, the panchayat union at the block level and zila parishad (District panchayat) at the District level.

The Panchayat Raj was inaugurated on October 2nd, 1959 by Pandit Jawaharlal Nehru. The states of Andhra Pradesh and Rajasthan were the first to introduce the panchayat raj institutions. Thus, the Panchayat Raj made its modest beginning in the country.

A committee on Panchayat Raj institution under the chairmanship of Ashoka Mehta was appointed by the government in 1977. It was setup of inquire into the working of the Panchayat Raj institutions and to suggest measures to strengthen them. This committee submitted its report in 1978.

If main recommendation was two-tier system of panchayat raj - the district level and the village level. The reports of these committees gave importance to rural development through Panchayat Raj institutions. They insisted on the implementation of development plans. They did not seek to make the panchayats as institutions of self government. Further the Balwantrai and Asoka Mehta committees were not concerned about the future interests of the urban local governments. Keeping these things in view and in order to establish the real "Lok Sakthi" at the rural and urban local levels, the constitution 64th and 65th. Amendment Bills were introduced and passed in the Lok sabha in 1989. These bills were comprehensive. They sought to reorganise the grass-root institutions with uniform setups and necessary powers. Though passed by the Lok sabha, these bills were defeated for want of majority in the Rajya Sabha. The further attempts taken in this regard also failed. Under these circumstances, the rural and urban local governments, which were under the tight control of the state governments, could not function successfully. They had financial sufferings. Even elections to them were not held for years together. In order to rectify these defects the Constitutional (73rd and 74th Amendment) Acts were passed by the Parliament in 1992.

### **The Constitution (73<sup>rd</sup> and 74<sup>th</sup> Amendment) Acts 1992**

The 73rd and 74th amendments of the constitution were, enacted in December 1992. These amendments came into force with effect from 24th April 1993. They have constitutionalised the panchayats and municipal bodies.

The 73<sup>rd</sup> and 74<sup>th</sup> Amendments have given the states legislative power to confer on the local bodies necessary powers and authority so that they can function as institutions of self government. They are entrusted with task of (a) preparing plans for economic development and social justice, (b) implementation of the schemes for

economic development and social justice, (c) in regard to the matters included in the 11<sup>th</sup> and 12<sup>th</sup> schedules. These schedules distribute powers between the state legislatures on the one hand and the panchayats and municipal bodies on the other. The 11<sup>th</sup> schedule under the 73<sup>rd</sup> Amendment contains twenty nine items. The panchayats have exclusive power on them. The 12<sup>th</sup> schedule has eighteen items for the urban local bodies. These imply their respective functions also.

The 73<sup>rd</sup> constitution amendment provides a 'Gramsabha' in each village of panchayats at village, intermediate and district levels. The 74<sup>th</sup> Amendment also known as the "NagarPalika Act", provides for setting up of three types of municipal bodies. These are Nagar panchayats, Municipal council and Municipal corporations. A nagar panchayat is constituted for an area in transition from a rural area to an urban area. The municipal councils are set up for smaller urban areas and the municipal corporations for larger urban areas.

The important and common features of the new system created by the 73<sup>rd</sup> and 74<sup>th</sup> Amendments are as follows:

1. Direct election to all the rural and urban local bodies, with a uniform tenure of five years.
2. Reservation of seats for the scheduled castes and
3. Not less than one third reservation of seats for women.
4. Similar reservation of the offices of chairpersons as said above.
5. An Election Commission to conduct elections for the local bodies.
6. A Finance Commission to ensure financial viability of these institutions. This commission is to be constituted once in five years to review the financial position of the local bodies.
7. Provision for auditing the accounts of the local bodies;
8. Provision for holding election compulsorily within a period of six months in the event of suppression of any local body, and
9. The candidates can take part in the local bodies election as party candidates or as independents.





**Map 2- Tamilnadu Disticts**

## 9.2 URBAN LOCAL GOVERNMENTS

The urban population is rapidly growing in our country. Consequently the needs of the people are increasing. Their problems are also complex. In order to fulfil and solve them, the urban local bodies have been Constituted. These bodies are also known as Municipal bodies. The constitution of India has ascertained their creation, composition, powers and other things. Their functions are stated in the 12<sup>th</sup> Schedule. The constitution has recognized the municipal corporations, municipalities and town panchayats as urban local bodies. However there are some other urban local bodies like the Townships, Cantonment Boards and Notified Area Committees.

### 9.2.1 Municipal Corporation

The uppermost form of the municipal organization is the -corporation. The municipal corporation has more powers. It enjoys greater financial autonomy and wider functions as compared to other local organisations. The municipal corporations are established in big cities under the Special Municipal Acts passed by the state legislatures. The corporations of Union Territories are set up by the statute of the Union parliament.

Usually large cities with a population of 10 lakhs and above are constituted as corporations. Their annual income is normally one crore rupees. They have a larger population and better income. However, corporations have been set up even in towns having a population of less than two lakhs. Their annual income does not exceed Rs.50,000 Chennai, Madurai, Coimbatore, Thiruchirappalli, Thirunelveli, Tiruppur, Dindigul, Erode, Tanjore, Vellore, Thoothukkudi and Salem are twelve corporations in Tamil Nadu.

All municipal corporations have some common characteristics.

1. A Municipal Corporation is established only by the statute passed by the state legislature.
2. A Municipal Corporation is based on the separation of the deliberative and executive functions.
3. The state government has powers to control, supervise and dismiss the council.
4. Usually a municipal corporation is set up for thickly populated urban areas.
5. A municipal corporation functions within the specified peripheral jurisdiction.

### **Function of the Corporation**

Like the rural local bodies the municipal bodies have to function as institutions of self government. The functions of municipal bodies are as follows:

1. Urban planning, including town planning.
2. Regulation of land, use and construction of buildings.
3. Planning for economic and social development.
4. Construction and maintenance of roads and bridges.
5. Water supply.
6. Public health and sanitation;
7. Fire services.
8. Urban forestry and protection of the environment..
9. Safeguarding the interests for weaker section of society, including the handicapped and mentally retarded.
10. Slum improvement.
11. Urban poverty alleviation.
12. Provision of urban facilities such as parks, gardens, play grounds.

13. Promotion of educational and cultural aspects.
14. Maintenance of burial/cremation grounds.
15. Cattle ponds, prevention of cruelty to animals.
16. Vital statistics, including registration of births and deaths.
17. Public amenities, including street-lighting, public convenience and bus-stops.
18. Regulation of slaughter houses and tanneries.

All municipal bodies, including the corporation, perform many functions related to the above matters. In addition they also carry out some discretionary functions like plantations and care of trees on road sides; destruction or detention of street dogs, pigs and other animals causing public nuisance, organisation and management of fairs and exhibitions, supply of electricity and so on.

### **Sources of Income of Municipal Corporation**

There are two types of sources (i) tax revenue (ii) non-tax revenue. The non tax revenue is derived from fees, fines and grants-in-aid as well as loans from the state government. The main source of income is from taxes. Generally a corporation is empowered by the act to levy and collect taxes listed below:

1. Property tax on lands and buildings.
2. Taxes on vehicles and animals.
3. Theatre tax.
4. Tax on advertisements exhibited to people within the city.
5. Tax on preference, trades and callings.
6. Entertainment tax.
7. Tax on consumption and sale of electricity.
8. Betterment tax on the increase of land values.
9. Tolls.

The receipt of the corporation are credited into the city corporation (general) fund. The money required for its expenditure is released from this fund.

### **Corporation Council**

The Coporation Council is the major part of the corporation. A corporation is divided into a number of wards depending on the population and the extent of the area. For each ward a representative will be elected on the basis of universal adult franchise. These representatives or members are known as counsellors. The

councillors so elected constitute the council of the corporation concerned. As in the case of the rural local bodies and in the same manner seats are reserved in a corporation for scheduled castes and tribes, women and chairpersons. The state legislature is empowered to reserve seats for other backward classes also. The age, qualifications and other related matters of the rural local bodies apply to corporation councillors also. Besides the directly elected members, the Members of Parliament and member of the State members, the Members of Parliament and member of the State Legislature belonging to the corporation area are represented in the corporation council. All these members have voting right in the council. The state government can also nominate persons having experience in municipal administration. But the nominated persons do not have right to vote in the council.

The size of the council varies from state to state. The Corporation of Chennai had 200 members. The term of the corporation council is five years. If dissolved earlier for proper reason, elections must be held within six months. The duration of the reconstituted council shall last only for the remaining period of five years. The Corporation Council is essentially a deliberative body. It functions like the local legislative assembly. It transforms the popular wish into the laws of the city.

### **Mayor and Deputy Mayor**

The Mayor is the political head of corporation. He is called the First Citizen and Father of the city. The mayor is directly elected by the people. His tenure is five years. The councillors elect a Deputy Mayor from among themselves. If Mayor acts against the laws, complaint is to be given in written form to corporation commissioner by three-fifths of members and the resolution is to be passed by four-fifths of members, it is to be submitted to government, it requests Mayor to give detailed explanation, if government is not satisfied, its decision is final and he may be removed.

The Mayor is ceremonial head. He represents the city on ceremonial occasions. He presides over the meeting of the council and maintains discipline and order. He can expel the members for misconduct. He may exclude any objectionable portion from the proceedings of the council. The Mayor has the power to convene the special meetings of the council. He can obtain information from the commissioner of the corporation on any subject about the administration of the city. He also sees whether the decisions of the council are being properly implemented. The Mayor can delegate some of his powers, in writing to the Deputy Mayor. Otherwise the Deputy Mayor discharges the Mayor's functions in his absence. All correspondence between the corporation and the state government must pass through the Mayor. The Mayor, however, cannot withhold it.

### **Committees**

The Committees of a Municipal Corporation play an important role in looking into various activities of the council. They help for the efficient performance of the functions of

the corporation. These committees include: Standing Committee, Schools Committee, Hospitals Committee, Electricity supply and Transport Committee, City Improvement Committee, Health Committee, Taxation and Finance Committee, Water Works Committee and so on. The members of these committees are elected from among the members of the council. The members of each committee elect their chairman. Among all the committees, the chief one is Standing Committee. This committee possesses adequate executive, supervisory, financial and personnel powers. The office of the chairman of the Standing Committee is of political importance, ranking next to the Mayor. The Standing Committee performs all such functions as detailed in the statute of the corporation. The commissioner reports to the Standing Committee on a variety of functions.

### **The Municipal (Corporation) Commissioner**

The commissioner is the Chief Administrator of the corporation. His primary responsibility is to implement the policies made by the corporation council. The commissioner is mostly a member of the State Administrative Service. He is appointed by the state government. Normally, he holds the rank of an Indian Administrative Service (I.A.S.) officer. His powers are those which have been stated in the corporation act and those delegated by the council, standing committee etc. He has to comply with the rules while exercising his statutory powers. The functions of the commissioner relate to the administrative and financial matters of the corporation. He exercises control and supervision over the employees of the corporation. The preparation of the budget of the corporation is the responsibility of the commissioner. He does not have electoral functions as he enjoyed before the 14th Amendment.

The commissioner is the kingpin in the administration of the corporation. He has the right to attend, and speak at the meetings of the council and various committees. He provides the necessary information and details to the councillors. The commissioner also guides them in the discussions and act as their spokesman in the council. Thus the commissioner plays a vital role in the corporation.

### **9.2.2 Municipalities and Municipal Councils**

In the urban local governments, municipalities come next. The term municipality refers to a self governing town or city. There are more than 1500 municipalities in our country. The number of municipalities varies from state to state. The municipalities are governed by the Municipal Acts of the states. The state has the discretion to declare any smaller urban or town area to be a municipality. The minimum population to constitute a municipality is between 5000-50000. The different occupations pursued by the people are mostly non-agriculture. Depending on the strength of population and annual income, the municipalities have been classified into three to four grades in different states.

## Functions

The functions of the municipalities are more or less similar to those of the corporations. They fall within the frame work of the 12th schedule of the constitution. However, the functions of the municipalities can also be classified into compulsory and discretionary functions.

In general the municipalities have the following obligatory functions:

1. Supply of pure water.
2. Construction and maintenance of public streets.
3. Lightening and watering facilities in the streets.
4. Cleaning the public streets.
5. Regulation of dangerous trades and practices.
6. Maintenance of hospitals and schools.
7. Registration of births and deaths.
8. Removing obstructions and projections in public streets, bridges and other public places.
9. Naming streets and numbering the houses.
10. All matters relating to public health, sanitation prevention of dangerous diseases and regulation of places for disposing of the dead ones of various kinds.
11. Provision for fire-fighting services.

The discretionary functions of the municipalities are as follows:

1. Laying out of the town areas
2. Construction and maintenance of public parks, gardens, libraries, rest houses, leper homes, orphanages, reserve homes for woman, etc.
3. Planting trees on roadsides
4. Survey conducting.
5. Housing for weaker sections
6. Promoting the welfare of the municipal area and
7. Providing transport facilities within the municipal area and organising cultural and other activities for the people.

## Sources of Income

The principal sources of income of the municipality are:

1. Property tax.
2. Profession tax.
3. Octroi duties - taxes on goods.
4. Animal and vehicle tax.
5. Entertainment tax.
6. Water and lighting tax.
7. Grants and loans from the government.

The items of expenditure are the general administration, medical and public health, education, public works, water supply, lighting and other amenities. The municipalities have municipal funds to credit their income and draw money for their expenditure.

## Municipal Council

Every municipality has a governing body. It is the law making body of the municipality. The Municipal council consists of councillors elected directly from various wards. As in the case of the other local bodies, there are reservations for the scheduled castes and scheduled tribes, backward classes and women. There is provision in a municipality for the representation of the members of parliaments, member of the state legislature and the chairpersons of the wards committees with a right to vote. The size of the municipal council is primarily related to the density of the population of the city. Every councillor and the nominated person, before taking his seat, must take an oath to bear allegiance to the constitution of India, to uphold the sovereignty and integrity of India and to faithfully discharge his duty. The term of the municipal council is five years. If it is suspended earlier, elections must be held within six months. Likewise if any seat falls vacant due to the resignation, removal or disqualification of a member, it must be filled within six months. However the member elected to a vacant seat can be in office only for the remaining period of the original council. The Municipal council is also assisted by standing and other committees in the performance of its tasks.

## Chairman of the Municipality

Each Municipal council has a chairman. There is provision for a vice-chairman also. They are elected by the councillors from among themselves. Unlike the Mayor and Deputy mayor of a corporation, the Municipal chairman and vice-chairman hold office for five years. As in the case of the Mayor and deputy Mayor, the Municipal chairman and vice chairman can also be removed from office. The chairman convenes



and presides over the meetings of the council. He regulates the conduct of business. He supervises the finance and executes the administration of the municipality. He has access to all the municipal administration. In brief, he has to perform such functions and exercise such powers as are conferred on him by the Municipal Act.

### **Executive Officer - Commissioner**

There is an Executive Officer for each municipality. He is called the commissioner. He belongs to the state service. He is appointed by the state government. The powers and functions of the municipal commissioner are almost similar in different municipalities. His powers and functions have been stated in the Municipal Acts. In brief the municipal commissioner executes the resolutions and decisions of the council. He sends copies of the resolutions to the concerned authorities. He enters into contracts, he issues notices, licences, permits etc. The commissioner assists the chairman in agenda preparation. He prepares and executes the municipal budget. He sends administrative reports to the higher authorities. He exercises supervision and control over the municipal staff. It is his responsibility to maintain municipal records. He brings to the chairman all cases of misappropriation and financial losses incurred by the municipality. He can also attend the council meeting. The successful working of the municipality largely depends upon the harmonious and adjusting relations between the chairman of the council and the commissioner.

### **9.2.3 Townships**

Most of the public sector undertakings have established townships for their employees. Outlay on the townships forms near eleven percent of the total investment on public sector undertaking. These townships have been established either in rural area or in area adjacent to existing towns.

#### **The Characteristics of Townships**

1. These are entirely planned.
2. They maintain civic services and other facilities which are of higher quality than generally provided by the municipal bodies.
3. These services and facilities have been financed by the industry.
4. A township has a variety of employment and other opportunities to offer to the people. Hence a large number of people go to it.

The township form of local government is treated as a normal administration. In certain townships like Neyveli and others town administrators are appointed by the corporations. These administrative officers are all assisted by the departmental heads, engineers and others. The township form is bureaucratic unlike the municipality. For fear of political interference in the civic administration, the township does not have any democratic set up further the residents of the townships are satisfied with the existing arrangements and facilities.



### 9.2.4 Cantonment Boards

The cantonments are centrally administered areas. They are placed under the direct administrative control of the Ministry of Defence. The cantonment boards are constituted under the Cantonments Act, 1924. These are corporate bodies like the other local bodies. Cantonment is the place in a city where troops are stationed. Cantonment board is constituted for dealing with the local problems of the cantonment area.

The President of the cantonment board is the commanding officer. He has been given a casting vote. He is an ex-officio member continues so long as he holds the official position. The elected members hold office for five years and they select among themselves one vice president.

The cantonment board is entrusted with the municipal functions. These functions as found in a municipal council, have been classified into obligatory and optional. The sources of income of the board are divided into tax revenue and non-tax revenue. The taxation power of the board is analogous to that of a municipality. The board can impose any tax with the previous sanction of the central government. The officer commanding the station sanctions the budget estimates prepared by the board. The existence of cantonments as separate entities is anomalous. Hence they may in the long run, become parts of the neighbouring municipal bodies.

### 9.2.5 Town Area Committee

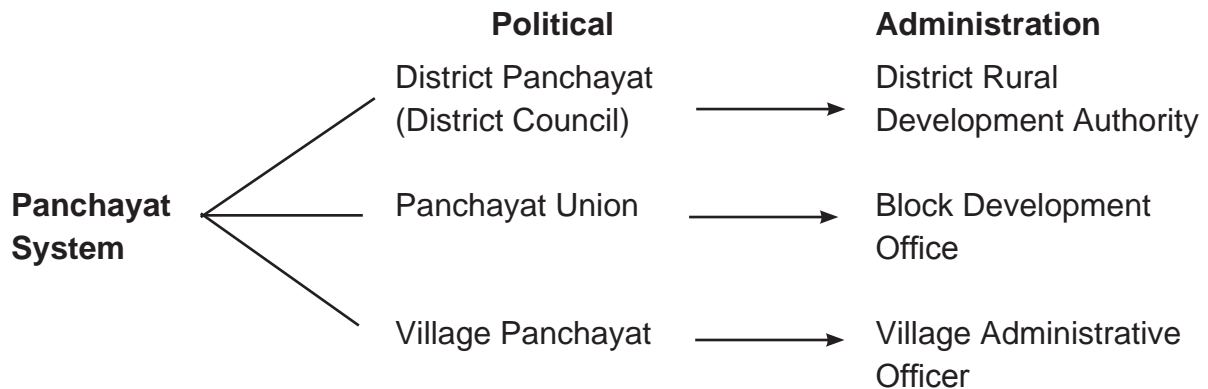
The town area committees have been created in Assam, Kerala, Madhya Pradesh, Uttar Pradesh, West Bengal, Jammu and Kashmir and Himachal Pradesh. Town Area committees are governed by separate acts passed by the state government. The District Collector has greater control and powers over a town area committee. Members of the town area committee are elected or nominated by the government, or partly elected and partly nominated. This committee is assigned a limited number of functions such as, street lighting, drainage and conservancy. However these committees may be absorbed in the town panchayats.

### 9.2.6 Notified Area Committee

A Notified Area Committee is created for an area which does not fulfill all the conditions said above as necessary for the constitution of a municipality. Still it is considered important. It is also constituted for a newly developing town. The formation of this committee is notified by the government in the official gazette. Hence it is called the notified area committee. The committee functions within the framework of the municipal act of the state. But only such provisions of the municipal act apply to it as are notified in the official gazette. The notified area committee enjoys all the powers of the municipal council. But unlike the council, it is a nominated body. The chairman and the members of this committee are appointed by the State Government.

## 9.3 RURAL

### 9.3.1 Three Tier Panchayat Raj



#### 9.3.1.1 District Panchayat

District Panchayat is the top-tier of the Panchayat Raj structure in Tamil Nadu. It is the body at the District level. It has jurisdiction over the entire district excluding such portions of the district as are included in a municipality or town panchayat or industrial township or under the authority of a municipal corporation or a cantonment.

- (a) The District panchayat consists of the following: The directly elected members from the wards in the district panchayat. Each ward is constituted for about 50000 people of the district panchayat area. Only one member is directly elected from each ward. But one cannot be elected as member of more than one district.
- (b) The members of the House of people and the members of the state legislature of the District panchayat area.
- (c) The Member of the Council of States who is registered as elector within the district.

The members under categories a, b and c can also take part in the proceedings and vote at the meeting of the District Panchayat.

Seats are reserved for persons belonging to the scheduled castes and scheduled tribes in proportion to their strength with the total population of the district panchayat area. 1/3 seats are reserved for them are allotted by rotation to different wards in the district panchayat area. The age qualification for a voter is 18. It is 21 for a member to be directly elected to the district panchayat. But, the names must be in the concerned electoral rolls. Those who are under the employment of the central and state governments and the local bodies are not eligible for election as members or to hold any office in the district panchayat. The tenure of the district panchayat is five years. If it is dissolved earlier elections must be held within six months. Any person who is disqualified under law cannot be a voter or a member of the district panchayat.

## **Chairman and Vice-Chairman**

Every District Panchayat has a Chairman and a Vice Chairman. They are elected by the elected members from among themselves unless disqualified or removed from office, they remain in power for five years. An outgoing chairman or vice chairman is eligible for re-election of panchayat union.

## **Functions of the Chairman**

The political executive of the District Panchayat is its chairman. As such he convenes and presides over the meetings of the district panchayat and conducts its proceedings. He inspects the working of the panchayat unions and panchayats and submits his report to the district panchayat. He writes his opinion on the working of the secretary to the district panchayat. This is appended with the confidential report written by district collector. He can delegate any of his functions to the vice-chairman. In case of emergency he can direct the execution of any work pertaining to the district panchayat. He has full access to all the records of the district panchayat. Thus the chairman of the district panchayat combines the role of a leader of a supervisor. He is the channel of communication between the district panchayat and the government.

## **Powers and Functions of District Panchayat**

The powers and functions of the district panchayat have been laid down in the Acts passed by the state legislature, the district panchayat has a coordination and supervisory role to play. It performs the following functions:

1. It examines and approves the budgets of the panchayat union.
2. It issues directions to panchayat unions for efficient performance of their functions.
3. It coordinates development plans prepared by the panchayat unions.
4. It advises the state government on all matters relating to the development activities in the district.
5. It distributes funds, allocated by the state government, to the panchayat unions in the District.
6. It collects statistics relating to the activities of the local authorities in the district.
7. It advises the state government on allocation of work to be made among the panchayat.
8. It regulates better relationship between the lower tiers.
9. It exercises such other powers as may be conferred by the state government.

## Standing Committees

The District panchayat functions through standing committees. These standing committees have been constituted for the following subjects.

1. Community development.
2. Agriculture, Cooperation, irrigation and animal husbandry.
3. Cottage, village and small scale industries.
4. Education and social welfare.
5. Finance and taxation.
6. Public health.

The Chairman and members of these committees are elected among themselves. Where the chairman of the District panchayat is a member of a committee he shall be its chairman.

## Sources of Income

Generally speaking District Panchayat has the following sources of income to meet its executive functions.

1. Tax on profession and trade.
2. Tax on water and public entertainments.
3. Pilgrim tax.
4. Grants and loans from the state government.
5. Land revenue, establishment and deficit adjustment grants.
6. Plan and block grants.
7. License fee from butchers.
8. Fees on sale of goods or animals in the market.
9. Income from its property.

For each District Panchayat (general) fund is constituted. The following items are paid into District Panchayat (General)

1. The amount transferred to the District Panchayat fund by appropriation from out of the consolidated fund of the state.
2. All grants, assignments, loans and contributions made by the government.
3. All rents from lands on other property of the district panchayat.

4. All interests, profits and other moneys accruing by gifts, grants or transfer from private individuals or institutions.
5. All proceeds of land and other properties sold by the District panchayat.
6. All fees and penalties levied by or paid to the district panchayat.

The government shall provide a grant to every district panchayat fund to cover the expenses of establishment at such scale as determined it.

### **The Chief Executive Officers**

For each district panchayat a project officer is appointed by the government. The designation of this officer varies in different states. In Tamil Nadu this officer holds the rank of Joint Director of Rural Development. The method of recruitment, pay of allowances, disciplined conduct and conditions of service of the Chief Executive Officer are.

1. The Chief Executive Officer exercises all the powers specially imposed upon him by the act of the state legislature.
2. He must supervise and control the execution of all works of the district panchayat.
3. He has the right to attend the meetings of the district panchayat and its committees and move any resolution in them. But he has no right to vote.
4. He has to carry out the resolutions of the district panchayat.
5. He must furnish the periodical reports about the execution of the resolutions of the district panchayat and about the collection of taxes.
6. He controls the officers and servants of the district panchayat.
7. He is obliged to carry out the Orders and directions of the district panchayats.
8. He can delegate any of his functions, by an order in writing to any officer or servant of the District panchayat.

#### **9.3.1.2 Panchayat Union**

The panchayat union forms the middle tier in the Panchayati Raj System. It is also called as intermediate tier and panchayat union council (Tamil Nadu).

#### **Size and Composition**

The area of panchayat union is generally constituted with the panchayat development block for purpose of National Extension Service Programme. A panchayat union council is constituted for each panchayat union. It consists of 112 villages. The administration of the panchayat union shall rest in the panchayat union council.

## **The Panchayat Union Council**

1. The directly elected members from the wards in the panchayat union, at the rate of one member for every 5000 population of the panchayat union area, only one member is elected from each ward.
2. The members of the House of people (Lok Sabha) and the members of the state legislature, belonging to the panchayat union area.
3. The members of the council of states who are registered as electors within the panchayat union.
4. Such number of presidents of village panchayats not exceeding 1/5th of the total number of from among the presidents of the village panchayats in the panchayat union area. All the members mentioned above are entitled to take part in the proceedings of and vote at the meetings of, the panchayat union council. However no person can be elected as a member of more than one panchayat union council.

Seats are reserved for persons belonging to the scheduled castes and the scheduled tribes in proportion to their strength with the total population of the panchayat union. 1/3 rd seats are reserved for women belonging to the scheduled castes/scheduled tribes from among the total number of seats reserved for the persons belonging to the schedule castes and scheduled tribes. Seats are also reserved for women in the panchayat union council. The number of seats reserved for them are allotted by rotation.

### **Chairman and Vice-Chairman**

The head of the panchayat union is named as Chairman in Tamil Nadu. He is directly elected by the people. There is also a Vice-chairman, they are elected from among the members of the Panchayat Union Council. Unless disqualified or removed from office, they hold office for five years. They are eligible, for re-election. The chairman may by an order in writing delegate any of his functions, which are not prohibited by the Panchayat Union Council to the Vice-Chairman. The Vice-Chairman can exercise the functions of the chairman when the office of the Chairman is vacant. If the offices of both Chairman and Vice-Chairman are vacant, the Revenue Divisional Officer shall be ex-officio member and chairman of the Panchayat Union Council.

### **Power and Functions of the Chairman**

The Political executive of the Panchayat Union Council is Chairman. His Powers and functions are as follows.

1. He presides over the meetings of the Panchayat Union and conducts its proceedings.

2. He exercises control over the Block Development Officer and his staff regarding the implementation of the decisions and resolutions of the Panchayat Union and its Standing Committees.
3. He encourages the panchayats and guides them in making plans and carrying out production programmes.
4. He has full access to all the records of the Panchayat Union Council.
5. All official correspondence between the Union Council and Government must be conducted only through the Chairman.
6. He can issue orders for the immediate execution of any important work stating reasons for doing so.
7. He is the ex-officio chairman of the Standing Committee if he happens to be its member.

### **Functions of the Panchayat Union**

The Panchayat Union plays a pivotal role in the Panchayati Raj System. It is the principal executive body to implement the community development programmes. It acts as an agent of the State Government in the performance of responsibilities which may be specifically assigned to it. Also the Panchayat Union exercises supervision and control over village panchayats within its jurisdiction. It also provides the necessary technical and financial assistance to them. Finally, it is generally empowered to scrutinise and sanction the budgets of the panchayats in its area.

The functions of the Panchayat Union are two-fold. They relate to the provision of civic amenities and fulfillment of development programmes. With regard to the provision of civic amenities, the Panchayat Union has the following responsibilities.

1. Construction and maintenance of roads within the jurisdiction of the union but other than purely gram panchayat roads.
2. Supply of drinking water.
3. Maintenance of drainage pipes.
4. Establishment of primary health centers and maternity homes.
5. Provision of medical and health services
6. Provision of primary and basic schools and establishment of adult education centers.
7. Assistance to village roads which serve as feeders.
8. Establishment of libraries.
9. Establishment of youth organisations.

#### 10. Encouragement to cultural activities.

The Panchayat Union implements community development programmes in its area. Its functions are:-

1. Execution of all programmes under community development.
2. Multiplication and distribution of improved seeds.
3. Procurement, distribution and popularisation of improved fertilizers.
4. Reclamation of land and conservation of soil.
5. Providing credit for agricultural purposes.
6. Providing irrigation facilities and repairing tanks.
7. Planting of trees and growing of village trees.
8. Introducing improved breed of cattle, sheep and poultry.
9. Introducing improved fodder.
10. Prevention and cure of disease among cattle.
11. Dairying and milk supply.
12. Introducing and development of cooperative societies.
13. Maintenance of fisheries.
14. Development of cottage, village and small - scale industries.
15. Establishment and maintenance of production-cum-training centers.

#### **Standing Committees**

The Panchayat Union performs its functions by constituting Standing Committees. These committees are statutory bodies. There are five Standing Committees to deal with the following Functions.

- (i) Finance and taxation
- (ii) Agricultural production, animal husbandry and minor irrigation.
- (iii) Education and social welfare, including women's welfare,
- (iv) Public health and sanitation
- (v) Communications and co-operation.

The members of the Standing Committees are elected by the members of the Panchayat Union from among themselves. The President of the Panchayat Union is the Chairman of the Finance and Taxation Committee. These committees exercise



those powers which are delegated to them by the Panchayat Union. The Block Development Officer functions as the Secretary of the Standing Committees.

### **Sources of Income:**

Normally Panchayat Union has the following sources of income.

1. Proceeds of taxes and fees which a Panchayat Union may levy.
2. Share of local cess and land revenue received from the District Panchayat.
3. Grants from the State Government
4. Loans from the State Government
5. Income from leases granted by the Panchayat Union to public ferries, fairs, etc.
6. Ad hoc grants from or through the District Panchayat
7. Donations and contributions
8. Funds from schemes transferred by the Government to the Panchayat Union as an agency for execution.

In addition to these, a Panchayat Union has many other sources of income. According to the Tamil Nadu Panchayats Act 1994 there shall be constituted for each Panchayat Union, a Panchayat Union (General) Fund and a Panchayat Union (Education) fund. The General Fund contains receipts from 27 items and the Education Fund from seven items as mentioned in the Act. Panchayat Unions in other states also have Panchayat Union Funds.

### **Administrative Machinery**

In order to perform its functions the Panchayat, Union has an administrative machinery. It is headed by the Block Development Officer. There is one Extension Officer to assist the Block Development Officer. These development officers are the paid servants of the state Government. They are specialists in the respective fields like agriculture, animal husbandry, public health, etc, below them are the other staff. The Block Development Officer is an area or Circle administrator. He is designated as Commissioner in Panchayat Union Council.

The Block Development Officer functions as (a) head of the office (b) captain of the team of extension officers, and (c) secretary of the Panchayat Union. As head of the office, the Block Development Officer looks after office work and day-to-day administration. He coordinates various technical functions in the block and implements several development programmes. He also conducts a number of enquiries.

The Block Development Officer the secretary at the chief Executive Office of the panchayat union. He performs the following functions:

1. He implements various resolutions of the panchayat union and its standing committees
2. He supervises the panchayat in the block. He issues notices for the meetings of the panchayat union and its standing committees. He records and maintains the proceedings of those meetings.
3. He participated in the deliberations of the union without any voting right.
4. He draws and disburses money out of union funds.
5. In case of fraud, embezzlement and theft of money, he reports to the president of the union and the District Collector.
6. He executes all plans and programmes approved by the appropriate authorities
7. He expects the financial position of the panchayats within his block
8. He supervises and controls the other officers and staff of the panchayat union.
9. He executes contracts for and on behalf of the union subject to its prior approval.

#### **9.3.1.3 Gram Sabha**

Gram sabha is the foundation of the Panchayat Raj. It is a general body. It has been recognised as a statutory and corporate body. It is composed of all the eligible voters of the village panchayat. The jurisdiction of a village panchayat may be confined to one or more villages with an average population of 500. Being a grass root organisation at the very lowest level it serves as the basic unit of direct democracy. Hence it is considered as a vital device of democratic control. The Gram sabha should hold at least three meetings in a financial year. The president of the village panchayat has the responsibility to convene the meetings of the Gram sabha.

The functions of the gram sabha are as follows

1. Grama Sabha reviews the progress of the works done by the panchayat.
2. It draws plan for the development of the sabha area.
3. It considers the annual statement of accounts and audit report of the panchayat.
4. It considers the administrative report of the last year and the programme of work for the ensuing year.
5. It approves the annual budget and development schemes of the village panchayat.

The gram sabha is a sovereign body. Hence it can authorise the village panchayat to do certain things by itself.

### **Gram Sabha Meeting**



The village panchayat is the primary unit and the first of the Panchayat Raj system. It is constituted for each panchayat village which has a minimum population of 500. The minimum strength of the village panchayat will be five and maximum fifteen depending upon the population. The village panchayat is the executive committee of the gram sabha. Its members are directly elected by the gram sabha by secret ballot. The entire village is divided into wards and each ward elects one to three members. There is provision for one-third reservation of seats for scheduled castes, scheduled Tribes of women.

The village panchayat is headed by a President. The President of the village panchayat is directly elected by the members of the Gram sabha. He can be removed from office on a resolution of no-confidence passed against him by a two-thirds Majority of the Gram sabha. There is also a Vice-President for each panchayat. All adult citizens of above 18 years old are entitled to vote. Those who have completed 21 years of age alone can be elected as members and President and Vice President of the panchayat. The duration of the village panchayat of the tenure of its members is 5 years. If the panchayat is dissolved earlier, elections must be held within six months.

### **Powers and functions of the President**

The President is the political executive of the village panchayat. He has the following powers and functions.

1. He convenes the meetings of the gram sabha and the village panchayat
2. He presides over the meetings of the panchayat

3. He maintains the records of the panchayat.
4. He exercises administrative control over the panchayat staff.
5. He supervises the implementation of the resolutions passed by the panchayat.
6. He is responsible for the proper execution of the decisions taken in the village panchayat.
7. He is authorised to manage the panchayat funds
8. He attends the meeting of the panchayat union and represents his panchayat
9. He exercises all powers as are conferred on him by the Act or the rules made under the Act by the state government.

The Vice-President discharges these functions in the absence of the President.

### **Functions of the Village Panchayat**

The village panchayat is entrusted with several welfare functions and developmental activities. Its fundamental responsibility is the preparation of plans and implementation of schemes for economic development and social Justice at the village level. The village panchayat must perform all such functions as are prescribed by the law of the State Government. These are classified into compulsory and optional functions.

#### **Compulsory Functions**

1. Development of agriculture.
2. Promotion of cottage industries.
3. Maintenance of public wells and tanks.
4. Supply of drinking water.
5. Provision for sanitation and drainage.
6. Lighting of village streets and other public places.
7. Maintenance of burial and cremation grounds.
8. Registration of births, deaths and marriages.
9. Maintenance of cattle ponds and the general care of the live stock.
10. Protection of the property of the village panchayat.
11. Construction and maintenance of minor irrigation works.
12. Regulation of public market and fairs.
13. Ear marking places for dumping the refuses.

14. Promotion of social education and supervision of schools.
15. Collection and maintenance of statistical data.
16. Arrangement for the distribution of imposed seeds and measures.
17. Maintenance of maturity homes and slaughterhouses.
18. Assistance in the implementation of the land reforms schemes.
19. Vaccination, inoculation and anti-epidemic measures.

### **Optional Functions**

1. Planting and nursing of trees on road sides
2. Construction and maintenance of play grounds, libraries, reading rooms, parks etc.
3. Reclamation of unhealthy localities.
4. Managing the community centers.
5. Relief to the poor and looking after public health.
6. Establishment of crop godowns.
7. Promotion of cooperative farming, family planning and animal husbandry.
8. Regulation of pig rearing.
9. Removal of untouchability.
10. Construction and maintenance of houses for the conservancy staff of the village panchayat.

### **Sources of Income**

1. Animal Tax.
2. Building Tax.
3. Fines on account of violation of panchayat laws.
4. Fees paid for presenting legal case before the panchayat.
5. Registration of animal fees for selling the animals in its area.
6. Rent from village properties.
7. Local trade tax.
8. Tax on vehicles such as bullock carts.
9. Grants-in-aid sanctioned by the state government.
10. Matching grants given by the state government.

The receipts of the village panchayat are credited into the village panchayat fund. The money required for expenditure to carry out its various functions and to meet other obligations is released from this fund.

There is an executive authority in each village panchayat. He is appointed by the state government. He carries out the resolutions of the village panchayat. He controls all the officers and servants of the village panchayat. By discharging his duties, he also looks after the day-to-day administration of the village panchayat under his Jurisdiction.

## **9.4 EVALUATION**

Local government both rural and urban has not been a great success. A part of the fault lies in the system, a part in the immediate social environment but a large part is to be attributed to the controlling state government itself. Secondly even when elected, these bodies suffered supersession by the state government on flimsy grounds. Thirdly inadequacy of funds available to local bodies has been a chronic problem before all local bodies with weak financial base they are hardly in a position to initiate measures for the advancement of the local community. Fourthly the local government bodies are dominated by powerful local groups based on castes. This makes the local level decision making partisan and sectarian. What is work a certain politicalisation of the criminal is well in evidence in several states, which is a dangerous sign work culture is low. But these and many others are national problems and thus not peculiar to local government.

Local government is the backbone and nursery of democracy. Problems about civic amenities arise from community living. Hence the rural and urban local governments aim at solving these problems. The knowledge and understanding of the local needs and conditions are necessary to tackle the local problems such attentions can be provided only by the local governments, which are very close to the public. Hence, the local governments have a direct and immediate impact on the life of the citizens. Their impact is greater than that of the central and state governments. Further, the efficient and successful working of the decentralised democracy depends upon the participation and involvement of the local people in the administration. The central and state governments are increasing expansively and widely in order to decentralise these things the local governments have gained significance.

The Constitution (73rd and 74th Amendment) Acts, 1992, have removed most of the traditional defects. The constitution has made it compulsory that the state governments should reorganise the rural and urban local bodies in our country. The constitution has ensured their pattern, elections, tenure, powers and functions. The creation of independent Finance Commissions, Election Commissions and the planning bodies at various levels in the states has also been constitutionally ensured. There is also a provision to audit the accounts of the local bodies by the Controller and Auditor General of India. All these arrangements are bound to have a good impact

on the future of the rural and urban local bodies in India. Consequently the state governments have suitably amended their panchayat and municipalities. Elections are regularly and periodically conducted.

<b>Total of Rural Local Bodies in Tamilnadu</b>			
No.	Name of the District Panchayats	Number of Panchayat Unions	Number of Village Panchayats
1	Kancheepuram	13	648
2	Tiruvallur	14	539
3	Cuddalore	13	681
4	Villupuram	22	1104
5	Vellore	20	753
6	Tiruvannamalai	18	860
7	Salem	20	385
8	Namakkal	15	331
9	Dharmapuri	8	251
10	Krishnagiri	10	337
11	Erode	20	343
12	Coimbatore	19	389
13	Nilgiris	4	35
14	Thanjavur	14	589
15	Nagapattinam	11	434
16	Tiruvarur	10	430
17	Tiruchirapalli	14	408
18	Karur	8	158
19	Perambalur	10	22
20	Pudukottai	13	498
21	Madurai	13	431
22	Theni	8	130
23	Dindugul	14	306
24	Ramanathapuram	11	429
25	Virudhunagar	11	450
26	Sivagangai	12	445
27	Tirunelveli	19	425
28	Toothukudi	12	408
29	Kanniyakumari	9	99
	<b>Total</b>	<b>385</b>	<b>12618</b>



## **Exercise**

### **PART A**

#### **Fill in the blanks**

1. 74th Amendment Act was enacted in the year\_\_\_\_\_.
2. Father of local self government is\_\_\_\_\_.
3. Article \_\_\_\_\_of the Indian Constitution talks about organisation of Panchayat Act.

### **PART B**

4. Define Townships.
5. Explain Town Area Committee.
6. Define Notified Area Committee.

### **PART C**

7. Write short notes on Municipality.
8. Explain Contonment Board.
9. Explain the importance of Local Government.
10. What are the functions of Local Government?

### **PART D**

11. Write an essay on the obligatory and discretionary functions of Village Panchayat.



## CHAPTER 10

### INDIA IN THE 21<sup>ST</sup> CENTURY

India during the 20th century and particularly in the second half or the century had witnessed several developments in the social, economic more particularly in the fields of agriculture and the politics. Unity in diversity happened to be the main factor which Influenced the Indians to unite and initiate several steps towards the realization of their nationhood and independence. It was more or less in the form of fighting the foreigners throwing them out of the country rearranging the existing systems and institutions for finding livelihood and security for the millions of the people especially since 1947 and specifically from the inauguration of the republican pattern of the polity.

#### 10.1 PRESENT POSITION

It was a long long process which concerned every aspect of the life of the Indian population. The gigantic task of economic development was before them. Great men and visionaries like Pandit Jawaharlal Nehru, Rajendra Prasad, Patel and Ambedkar, among several other personalities to begin with in the 50s and 60s did everything possible for them for the people to march towards the economic prosperity, social harmony and political stability coupled with security. But, in trying to achieve these they had to meet several challenges which sometimes looked insurmountable but which fortunately they could overcome and usher in an era of steady growth however much it looked from the point of view of critics slow. Then came revolutionary leaders like Mrs. Indira Gandhi who boldly undertook the task of reconstructing nascent India from some of the set backs to forward positions. However, this period in the history of independent India did not last long. It was followed by a period of uncertainty with weak leaders assuming the responsibility of guiding the nation through most difficult situations to stability of the nation and solidarity of the people. The reference here is to Governments like Janatha United front, National front and the like. More recently, there was in command of the Indian political system and its institutions the National Democratic Front government headed by Shri Atal Bihari Vajpayee. During this period, it was claimed that India witnessed all round progress in many fields of activity both national and international. It was also claimed that the National Democratic Alliance governments foreign policy resulted in close cooperation with India's immediate neighbours and purposeful positive relationship with great powers such as the US, UK, Russia and China.

The recent general elections to Lok Sabha during May 2004 witnessed the electors of India reposing their confidence in a new set of rulers at the helm of which is Dr. Manmohan Singh as Prime Minister and many stalwarts belonging to different political parties national as well as regional. This rather an unforeseen or unexpected development where there happens to be a domination of regional parties and where the left and right elements of communist parties desirous of having a share in the

control of government and governance of the nation from outside. This is a view that is prevalent at the moment in the country among some of the critics of the National government. .However, it looks that the present United Progressive Government given the cooperation of the constituent elements would deliver the goods. One can hope that government in the 21st century could go forward, initiate appropriate programmes and implement them with determination to help Indians to achieve a glorious India in the years ahead.

The following are some of the areas in which India attained satisfactory or more than satisfactory results in terms of concrete achievements. These could help and serve as a guide for the future of this great country.

The areas taken for and reviewed are social development. economic progress, constitutional change and administrative reforms. Each of these is described and analysed under some sub fields for a clear understanding.

## I. Social Development

Generally, India is a plural society in which various castes religions, languages, cultures and races exist in different perspectives. India is the second largest country after China in terms of population in the world, The first all-India census was completed in 1872. Since 1881, the census has been taken every decade. India's population grew slowly till the 1920. There was decline in population growth during the decade from 1911 to 1920 and 1921 which may be attributed partly to the occurrence of epidemic diseases. The growth of population has been spectacular after independence as shown in Table 1.

**Table 1 - Decade wise population of India and growth rate**

Year	Population (in millions)	Growth rate during decade (%)	Average annual growth rate (%)
1921	251.3	-0.31	-0,03
1931	278.9	11.00	1.04
1941	318.6	14.22	1.33
1951	361.0	13.31	1.25
1961	439.2	21.51	1.96
1971	548.1	24.80	2.20
1981	683.3	24.66	2.22
1991	846.3	23.85	2.14
2001	1027.0	21.34	1.90
2011	1210.19	17.64	1.64

Further, the population in India according to 2001 census was put at 102.7 crores. There was an increase of 21.34 percent over the 1991 census. This was due to a decrease in the death rate and increased life expectancy during the same period. The following are some interesting population figures as per 2001 census

- (a) The average population density for the whole country is 324 persons per square kilometers.
- (b) Delhi had the highest density with 9294 persons per square km.
- (c) Among the states while West Bengal had the highest density of 904 persons in Arunachal Pradesh it was 13 persons per square km.
- (d) Among the cities, Calcutta, Chennai, Mumbai, Hyderabad, Delhi, Chandigarh and Bangalore have a density of more than 2000 persons per square km.
- (e) The sex-ratio on an average was 933 females per 1000 males. Kerala has a high of 1058 females per 1000 males. Haryana has a low of 861 females per 1000 males.
- (f) The average literacy rate for the whole country is 65.38 percent. The literacy rate in Kerala is the highest with 90.92 percent whereas Bihar has the lowest with 47.53 percent. The literacy rate in Tamilnadu is 73.47 percent.

The Government of India in order to enable it to formulate a population policy appointed an Expert Group with Dr. M.S. Swaminathan as chairperson which made the following recommendations on 21st May 1994.

1. The objective of the policy will continue to be population stabilization, but it should be achieved through a stronger emphasis on social development with the involvement of decentralised institutions.
2. Family planning strategies should be linked with the provision of minimum needs.
3. Greater emphasis on removal of child-marriage, dowry and other social evils.
4. Dispensing with national method of specific targets and cash incentives.
5. Allowing locally elected bodies to set social development-cum-demographic targets.
6. Establishment of an apex body called the Population and Social Development Commission similar to the Space Commission and the Atomic Energy Commission, which will replace the departments dealing with health and family welfare.

The government announced in February 2000. the National Population Policy (NPP) with the following objectives.

1. The immediate objective is to address the unmet needs for contraception, health care infrastructure, and basic reproductive and child health care.
2. The medium term objective is to bring that Total Fertility Rate (TFR) to replacement levels of 2.1 by 2010.
3. The long term objective is to achieve a stable population by 2045, at a level consistent with the requirements of sustainable economic growth, social development and environmental protection.

As a result a National Commission on Population has been set up with the Prime Minister as the President and the state Chief Ministers, Union Ministers, NGOs, demographers and public health professionals as members. This commission of more than 100 members will oversee and review the implementation of the policy. Also, the policy emphasises the pivotal role of urban and rural local bodies in implementing it. Rewarding the local bodies for exemplary performance, cash incentives to mothers and couples who undergo sterilisation and the like are some of the promotional and motivational measures suggested in the policy,

### **Achievements**

Indeed, India has achieved a remarkable success in the national family welfare programme to control the population during the last fifty years. Examples:

1. The Crude Birth Rate has come down from 40.8 in 1951 to 25.8 in 2000.
2. Infant Mortality Rate has decreased from 146 per 1000 live births in 1951 to 68 per 1000 live births in 2000.
3. The Crude Death rate has come down from 25 in 1951 to 8.5 in 2000.
4. The life expectancy of an average Indian has increased from 37 in 1951 to 67 years in 2000.
5. Total Fertility Rate (TFR - the average number of children born to a woman during her life time) has reduced from 6.0 in 1951 to 2.8 in 2000.

### **Poverty Alleviation**

According to the Human Development Report of 1997, “poverty is the denial of opportunities to lead a long, healthy and creative life and to enjoy a decent standard of living, freedom, dignity, self-respect and the respect of others”. Poverty is of two types namely, absolute poverty and relative poverty. Absolute poverty is when a person cannot obtain certain absolute standards of minimum requirements, usually measured in terms of income. Relative poverty is when a person falls behind others. Thus, it is a measure of in-equaling of income. Hence, income is only one measure of poverty. Another approach is the basic needs approach, according to which poverty is when a person is unable to fulfil his basic needs.

**Table 2 - People below the Poverty Line in the selected states in  
India in 1999-2000**

Poverty Line				
S. No.	State	Rural (%)	Urban (%)	Total
1.	Andhra Pradesh	11.06	26.63	15.77
2.	Assam	40.04	7.47	36.09
3.	Bihar	44.30	32.91	42.60
4.	Gujarat	13.17	15.59	14.07
5.	Haryana	8.27	9.99	8.74
6.	Karnataka	17.38	25.25	20.04
7.	Kerala	9.38	20.27	12.72
8.	Madhya Pradesh	37.06	38.44	37.43
9.	Maharashtra	23.72	26.81	25.02
10.	Orissa	48.01	42.83	47.15
11.	Punjab	6.35	5.75	6.18
12.	Rajasthan	13.74	19.85	15.28
13.	Tamil Nadu	20.55	22.11	21.12
14.	Uttar Pradesh	31.22	30.89	31.15
15.	West Bengal	31.85	14.86	27.02
	<b>All India</b>	<b>27.10</b>	<b>23.60</b>	<b>26.10</b>

The working group of the Planning Commission defined poverty in terms of a “minimum level of living”. It included not only private sources of consumption but also public goods such as health and education. The following Table shows the state wise (selected) percentage of persons below poverty line in 1999-2000.

Indian poverty is predominantly rural. The Planning Commission estimated that the population below the poverty line was 51.5% in 1972-73 and came down to 18.90% in 1993-94. But in 1999-2000, it was 26.10% strictly speaking, the population below the poverty line has declined to 260 million from 300 million for almost 30

years since 1971 The government of India have formulated and implemented several programmes as shown in the Table 2.

Thus, the central and the state governments have been trying to eradicate the social problems with the formulation and implementation of suitable policies and programmes.

## II Economic Development

Indian economy is a mixed economy which includes the public and private sectors. The earlier objective was to achieve a socialistic pattern of society. However, recent trends are towards liberalisation, globalisation and privatisation. This change has become inevitable as other countries have switched over to these methods for achieving maximum progress.

### Agriculture

The backbone of economic development mainly is agriculture. Agriculture provides a number of industries with raw materials and is thus important for the industrial development of the country The normal feature of Indian agriculture is that it provides direct livelihood to 64% of die labour force in India. It accounts for about 18% of the total value of India's exports The bulk of agricultural exports consists of 13 key commodities.

**Table 3 - Poverty Alleviation Programmes launched by Government of India**

Sl. No.	Programme	Year of Launching
1	Integrated Rural Development Programme (IRDP)	1978
2.	Training of Rural Youth for Self-Employment (TRYSEM)	1979
3.	National Rural Employment Programme (NREP)	1980
4	Development of Women and Children in Rural Areas (DWCRA)	1982
5.	Rural Landless Employment Guarantee Programme (RLEGP)	1983
6.	India Awaas Yojana (IAY)	1985
7.	Jawahar Rozgar Yojana (JRY)	1989
8.	Prime Minister's Rozgar Yojana (PMRY)	1993
9.	Million Wells Scheme (MWS)	1996
10.	Ganga Kalyan Yojana(GKY)	1997

including tea, coffee, tobacco, cashew, spices, raw cotton and sugar. Due to variations in the physical environment various crops are cultivated in India. Important crops are rice, wheat, maize, bajra, jowar, barley, sugarcane, cotton, jute, oilseeds, pulses, tea, coffee, rubber, silk and tobacco.

The green revolution was achieved in agriculture as a result of the First Five Year plan. In July 2000, the Government of India announced its New Agricultural Policy (NAP). It aims to increase the agricultural growth from the current 1.5% to over 4% by 2005. It seeks to promote private sector participation through contract farming and land leasing arrangements. It also seeks to remove all controls and regulations on domestic agricultural markets so that the farmers may receive a remunerative price for their produce.

### **National Income**

The real income of a country is the sum total of goods and services produced in that country. Since these goods and services come in different measures, it is not possible to quantify the sum total in a common measure. Therefore, the values are expressed in terms of money. Thus, national income is the money value of all the final goods and services produced in a country in a year. In India, national income is measured at constant prices with a base year. The base year is 1993-94.

### **Industry, Science and Technology**

Actually, a variety of agricultural and mineral raw materials have provided the base for the development of a number of industries in India. The idea that the State had a prominent role to play in the development of industries found its earliest articulation in the report of the National Planning Committee (1950) Under the Chairmanship of Jawaharlal Nehru. This was reiterated in the statement of the Industrial policy (1945). Some of the major initiatives in setting the industrial agenda in post-independent India are following.

1. The Industrial Policy Resolution, 1948
2. The Industries Development and Resolution Act, 1951
3. The Industrial Policy Resolution, 1956
4. The Industrial Policy Statement, 1973
5. The Industrial Policy Statement, 1977
6. The Industrial Policy Statement, 1980
7. The New Industrial Policy, 1991.

India has developed in science and technology in terms of scientific research, establishment of the technological centres, modernisation of weapons, production of hydrogen and nitrogen bombs, space research and development, and so on.



## Planning

India followed the example of Britain with regard to the political system, the polity and nuances of governance. However, so far as economic and agricultural development was concerned it followed the Soviet model which emphasised prior planning and systematic implementation. Pandit Jawaharlal Nehru, a socialist was a votary of the Russian system of planned development. At his instance, the plan system was introduced in India. There were so far nine plans and the tenth plan is in progress at present. Table 4 shows the Five Year plans and their priorities.

There was a plan holiday between 1966 to 1969 and between 1990-1992, After the disastrous experience of the plans, a plan holiday was declared for three years. It means that yearly plans were formulated and implemented during the period. Green revolution, reduction of inflation and the nationalisation of banks were the major steps during the period.

**Table 4 - Five Year Plans and Priorities**

<b>Five Year plans</b>	<b>Priority</b>
First Five year plan 1951-56	Priority to agriculture, irrigation and power projects
Second Five Year plan 1956-61	Priority to Industry
Third Five Year plan 1961-66	Basic industries
Fourth Five Year plan 1969-74	Growth with distributive justice
Fifth Five year plan 1974-79	Poverty eradication and self reliance
Sixth Five Year plan 1980-85	Poverty alleviation
Seventh Five Year plan 1985-90	Generation of employment
Eight Five Year plan 1992-97	Employment Generation leading to achieve full employment by 2000.
Ninth Five Year plan 1997-2002	Growth with social justice and equality
Tenth Five Year plan 2002-2007	Reduction of poverty and population growth

## III. Constitutional Change

Until 15th August, 1947 India was ruled by the British. Details of the character of British rule could be ascertained from history. The task of drafting a constitution was taken up by the Constituent Assembly of India. It consisted of eminent members like Pandit Nehru, Rajendra Prasad, Patel. T.T. Krishnamachary and others. It finally adopted the new constitution on Nov. 26, 1949. The same came into effect on Jan. 26, 1950. From then, India became a free, democratic republic with federal and unitary features.



The Indian Constitution is the biggest. During the operation of the constitution, several changes in the form of amendments were introduced. Far reaching among the changes is the inclusion of Constitution Amendment Acts 73 and 74 which emphasised the need to introduce panchaythraj system compulsorily in all states of India. This was to enable the local people to participate effectively in the administration of their respective areas. The following are the some of the constitutional changes

### **1. Enlargement of Constitution**

The original Constitution of India consisted of a preamble, 22 parts, 395 Articles and 8 schedules. Now, it consists of a preamble 26 parts, 444 Articles and 12 Schedules. Not only that, it has been amended more than 100 times according to article 368. Hence, we proudly say that ours is the most detailed constitution in the world.

### **2. Changes in the Preamble**

In the original constitution, only three major principles such as sovereignty, Democracy and Republic placed. But, the Forty Second constitutional Amendment Act of 1976 inserted another two major principles, namely, socialism and secularism in the preamble. Hence, we say that India is a sovereign, socialist, secular, democratic and republic country. As such, unit and integrity of the nation' has been added in the preamble of the constitution by the 42nd amendment.

### **3. Maintenance of Basic Structures**

As in the original constitution, the basic structures of principles are properly maintained without any dislocation. Sovereignty, secularism, socialism, democracy, republic, parliamentary form of government, rule of law are some of the basis features of the constitution In the Kesavanatha Bharathi Vs State of Kerala (1973), the supreme court held that the parliament may amend any part of the constitution including the preamble, but the basic structures of the constitution should ever remain unchanged.

### **4. Fundamental Duties**

Fundamental duties were included in the constitution under Part IV A and a new article 51A was inserted. It deals with 10 fundamental duties such as to abide by the constitution, respect its ideals and institutions, the National Flag and the national unity and integrity of India; to safeguard public property and so on.

### **5. The Panchayats**

The 73rd Constitutional Amendment Act of 1992 has placed the panchayats in part IX of the constitution from Article 243 to 243-0. This part deals with the structure and functions of panchayatiraj - the rural local bodies in India. Also, the 73rd amendment has created the 11th Schedule of the constitution in which 29 functions of the panchayats are listed.

## 6. The Municipalities

The 74th Constitutional Amendment Act of 1992 has created a new part - IX-A of the constitution from Article 243-p to 243-ZG. The part discusses the composition, and functions of the urban local governments. Reservation and participation have also been dealt with in this part. Also, the 74th amendment has provided the 12th schedule of the constitution in which 18 functions of the urban local bodies are listed.

## 7. Co-operative Federalism

Originally, the constitution of India has provided a quasi-federalism according to which the features of federal and the unitary form of governments are included in the constitution. Since India has many states and problems not only among the states but also between the centre and the states, the constitution has created an Inter-State Council. It was created only in May 1990 on the recommendations of the Sarkaria Commission. The council comprises of the prime minister, the chief ministers of all States and union - territories having legislative assemblies. In addition, the Prime Minister can nominate six ministers of cabinet rank from the union cabinet to this council. The meetings of the council are presided by the Prime Minister. Actually, the provision of this council has created a co-operative federalism in India.

## 8. Electoral Reforms

For electoral reforms in India, many committees and commissions were appointed. Tarkunde Committee (1974) and Dinesh Goswami Committee (1990) are two important committees which have contributed many recommendations for the electoral reforms. In addition, the election commission has also suggested certain electoral reforms from time to time. For example, in 1994, the Election Commission issued a notification which required the political parties to elect their respective office bearers as per their constitutions within four months. Anti-Defection law (1985), 61st Constitutional Amendment Act (1989) which gave the right to vote to all of 18 years of age, etc. or some of the important electoral reforms in India

## 9. Elections

Since independence, many elections have been conducted for the parliament and the state legislative assemblies in India. Actually, the elections have given opportunity for the people to participate in politics and have created awareness among the people.

So far, we have discussed the political development of India in general in various perspectives. Yet the political problems such as caste politics, religious politics, regionalism, role of money in politics, hereditary factors, election problems, apathetic attitude of the people, lack of participation of the people in politics, etc exist in Indian politics.

## **IV Administrative Reforms**

Generally, many areas of Indian administration are based on British legacy. At the time of independence, India inherited a colonial administration which was primarily designed for the performance of limited functions of an imperial government, and naturally unsuited to serve the needs of a secular, independent, democratic and socialistic republic of India. Hence, the founding fathers of India independence, took several steps to reform Indian administration. Actually, the administrative reforms are the developments of administration in India. Here, let us discuss some committees which recommended for the reforms and development of Indian administration.

### **1. Ayyangar Committee, 1949.**

The first committee setup to undertake a comprehensive review of the machinery of central government towards the end of 1949 was Gopalaswami Ayyangar Committee, which dealt with organisational changes, improvement in calibre of personnel and improvement in methods of transaction of governmental business. The committee recommended a distinction between a Ministry and a Department. It recommended that the central secretariat should be divided into 37 primary units of organisation consisting of 28 departments, 8 central administrative offices and a cabinet secretariat. It also recommended for setting up of an organisation and methods division in each department.

### **2. Gorwala Committee, 1951**

The government of India set up the planning commission in 1950. The commission felt that there were many problems in public administration. Hence, the commission requested Mr. Gorwala, a retired IAS officer to make a study and suggest measures for bringing about reforms in public administration, especially in relation to the implementation of the development programmes of the central and the state governments. He mainly recommended that parliamentary government with a cabinet system on the British model cannot be effective unless there is the standard of morality of the functionaries.

### **3. Appleby Report, 1953 and 1956**

At the end of 1952, CD. Deshmukh, then Finance Minister, invited Paul H. Appleby, a noted authority on public administration in USA, to make a survey of public administration in India. Appleby felt the government of India was making the best effort in the world to bring development through democracy. He analysed the factors making for unity and disunity. He suggested a strong central government for the administration of programmes. He commented on the lack of action-mindedness in India administration and lack of capacity to take action in situations. He mainly recommended that there should be an all-India institute for training the personnel. He also recommended that the number of levels in hierarchy should be increased. As a result, an O & M Division was set up in the central secretariat and the India Institute of public Administration was also established in New Delhi in 1954.

#### 4. Administrative Reforms Commission (1966-70)

The appointment of Administrative Reforms Commission (ARC) was an important landmark in the history of administrative reforms in India. The commission was setup on January 5, 1966, under the chairmanship of Morarji Desai, with five members. The Commission submitted its 20 reports containing 578 recommendations to the central Government. The commission studied the major ten areas of public administration which are following.

1. The machinery of the government of India and its procedures of work.
2. The machinery for planning at all levels
3. Central-State relations.
4. Financial Administration
5. Personnel Administration
6. Economic Administration
7. Administration at the State level.
8. District Administration.
9. Agricultural Administration.
10. Problems of redress of citizen's grievances.

Apart from the above noted committees, the central and the state Governments have setup a number of committees and commissions to reform India administration. However, the prevalent administrative problems are bribery, red-tapism, favoritism, political intervention, casteism, etc. These are not only administrative problems but administrative deceases also. The four major burning issues in India Administration are- corruption, minister versus civil servant, generalist versus specialist and administrative accountability.

#### 10.2 PLANS FOR THE FUTURE

The details and information with statistics given above in this chapter give reasonably a fair picture and the state of progress the nation has made so far. This part, of the chapter gives a brief but a lucid account of what has to be done.

In this connection, it is worth while to take into account the example of national leaders, their visions and their contribution for guidance. Interested and learned students could have come across some writings on the subject such as Thomas More's "Utopia" and the renowned Tamil scholar Dr. Mu Varadharajan's "A.D.2000"



**Mahatma Gandhi**  
(1869-1948)

Gandhiji is rightly called and remembered as the Father of the Nation. It is difficult to give a complete description of who he was and what he was. It can be said that the entire humanity without any exception considered him as a great missionary coupled with a concern for the well-being of mankind. It was he who fought with the mighty British and won independence. But he could not live long to steer the country through difficult times. For he was assassinated in 30th January 1948.

His ideas and contributions are known as Gandhism.

The basic tenets of Gandhian ideology are non-violence or ahimsa, satyagraha and sarvodaya. His methods for achieving the objectives were peaceful protest, hartal and boycott. During his life time, he exhorted the people of the country to work towards achieving an egalitarian society where women, children, workers and everybody lived peacefully. His ideas are contained in his monumental work 'My Experiment with Truth' and his other writings and speeches.

Jawaharlal Nehru is regarded as the architect of modern India. His ideas and his plans to make free India strong nation are found in some of his works like 'Glimpses of World History' and 'Discovery of India'. As the Prime Minister of independent India, he along with great leaders like Rajendra Prasad, Sardar Vallabhai Patel, K.Kamaraj, Lal Bahadur Sastri and others initiated such programmes and projects that were essential for making our country self-sufficient in



**Pandit Jawaharlal Nehru**  
(1889-1964)

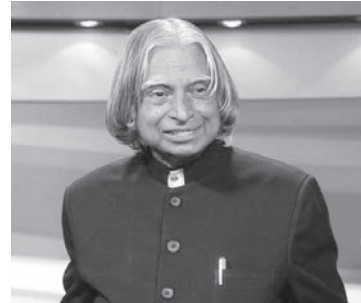
the field of agriculture and industry. He pursued a policy of friendship with India's neighbours and neutrality in the relationship with other nations of the world. He was a staunch proponent and supporter of Non-Aligned Movement.

Gandhiji, Nehruji and Vallabhai Patel were the tri-murtis who laid the foundation for the future of the nation. Along with them we can refer to Manmohan Singh who initiated liberal policies during 1991-1996 in the field of economics, trade and commerce which served the basis for present development towards globalization which compelled all future rulers to continue the new policies & reforms. The future of the country lies in the manner that these were continued further in the fields of industry, trade commerce and agriculture. The success depended upon the standard and quality of the produces produced for internal consumption and for exports to the other countries.

The former President A.P.J. Abdul Kalam is appropriately known as the votary of great achievements to be made in several fields by India.

His books 'Wings of Fire' (1999) and 'India - 2020 - A Vision for New Millennium'

(1998) speak volumes of achievements India has achieved so far and which India has to achieve in future. He has predicted that India could attain the status of a great economic power and a strong political entity with a status of a super power by 2020. Thus, from what has been described it could be concluded that there were two visions namely the vision of attaining independence and making India strong according to Gandhiji, Nehruji, Patel and others. The other second vision is what is talked about by our former, Abdul Kalam. His vision is to develop India's internal strength, improve economy and contribute to social and economic prosperity to the people. According to Abdul Kalam, India has to face certain challenges in regard to priorities and achievements. They are:



**A.P.J. Abdul Kalam  
(1931- 2015)**

1. Improvement in primary and secondary education.
2. Empowerment of women.
3. Investment in science and technology.
4. Entrepreneurship development.
5. Human resources development - Role of private agencies and NGOs.
6. Improvement of performance by government agencies and institutions.
7. Concern for the environment.

Thus, Abdul Kalam has given a definite time frame for the development of India. Actually, his vision or plan for future India is a practical and constructive approach. He has also stressed the role of NGOs in the development of the country. He concluded that technological development is the base for socio-economic development. According to his vision, India will achieve the position of developed nation and super power by 2020.

The vision of these great leaders could be achieved through a concrete and united effort and hard work. The young men and women should strive to make India a great power in the 21st Century.



## **Exercise**

### **PART A**

#### **I. Fill in the blanks**

1. Indian Constitution came into force on\_\_\_\_\_
2. India is a \_\_\_\_\_ society.
3. The Integrated Rural Development programme was started in\_\_\_\_\_
4. Indian economy is a \_\_\_\_\_economy
5. \_\_\_\_\_ is called as the Father of Indian planning
6. The period of Tenth Five Year Plan is\_\_\_\_\_
7. 73<sup>rd</sup> Constitutional Amendment is related to\_\_\_\_\_
8. The Chairman of Administrative Reforms Commission was
9. Mahatma Gandhi integrated socialism with\_\_\_\_\_

#### **II. Match the following**

- |          |                                 |
|----------|---------------------------------|
| 10. 1938 | (a) New Industrial Policy       |
| 11. 1991 | (b) National Planning Committee |
| 12. 1992 | (c) 14th Lok Sabha Elections    |
| 13. 2004 | (d) 74th Amendment              |

### **PART B**

14. Discuss the population policy of India
15. Describe the Agricultural Policy of India
16. Give an account of Administrative Reforms Commission

### **PART C**

17. Discuss the political development of India.
18. Explain the Five Year Plans in India
19. Enumerate the Administrative Reforms of India
20. What are Future plans of India?

## **PART D**

21. Discuss achievements of India in 20th century.
22. Explain the economic development of India

### **Presidents of India**

**Dr. Rajendra Prasad**

**Dr.S. Radhakrishnan**

**Dr. Zakhir Hussain**

**Mr. V. V. Giri**

**Mr. M. Hidayathullah**

**Mr. Fakhruddin Ali Ahmed**

**Mr. B.D. Jatti**

**Mr. Neelam Sanjeeva Reddy**

**Mr. Gyani zail Singh**

**Mr. R. Venkatraman**

**Dr. Shankar Dayal Sharma**

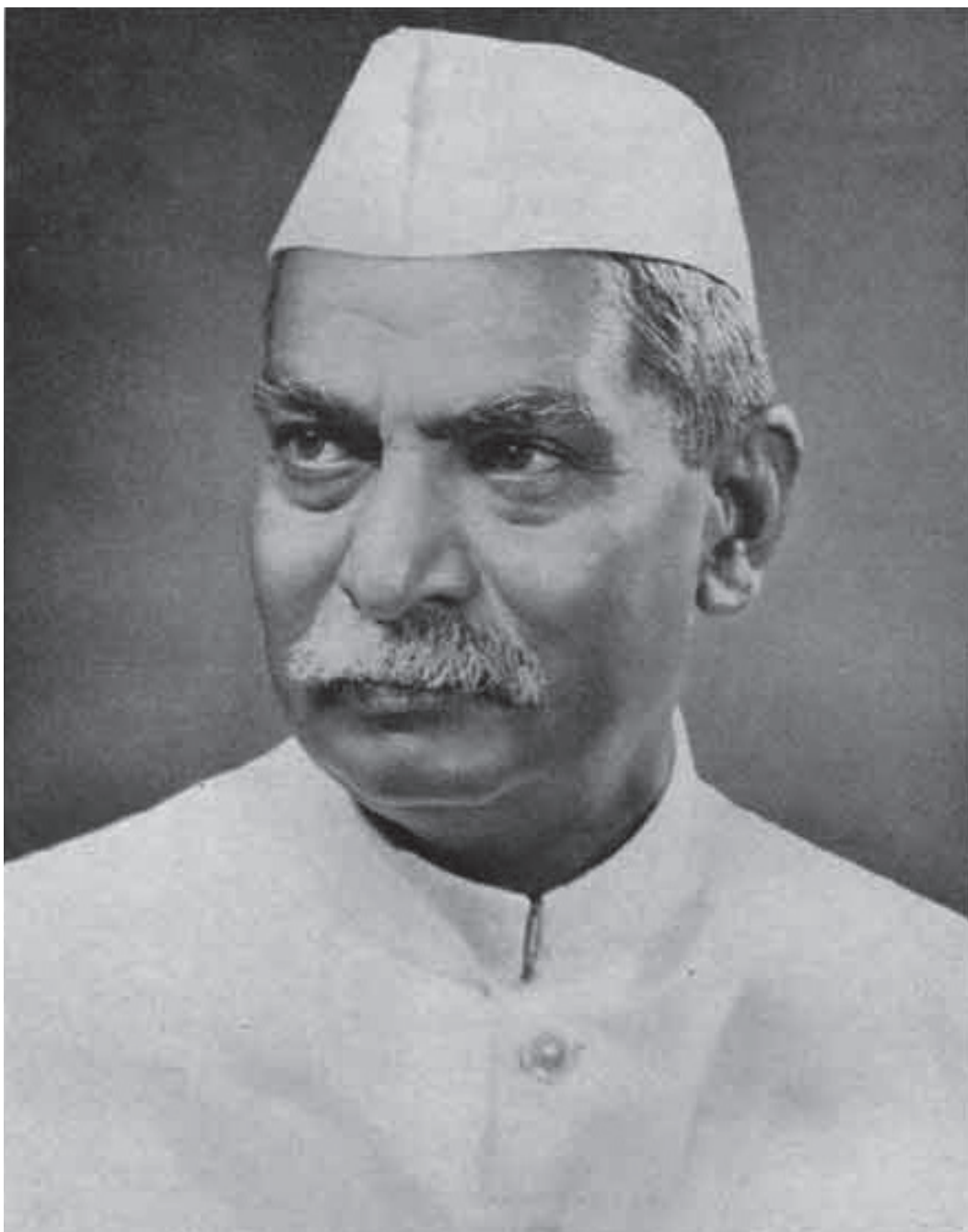
**Mr. K. R. Narayanan**

**Dr. A.P.J. Abdul Kalam**

**Tmt. Pratibha Devi singh Patil**

**Shri. Pranab Mukherjee**

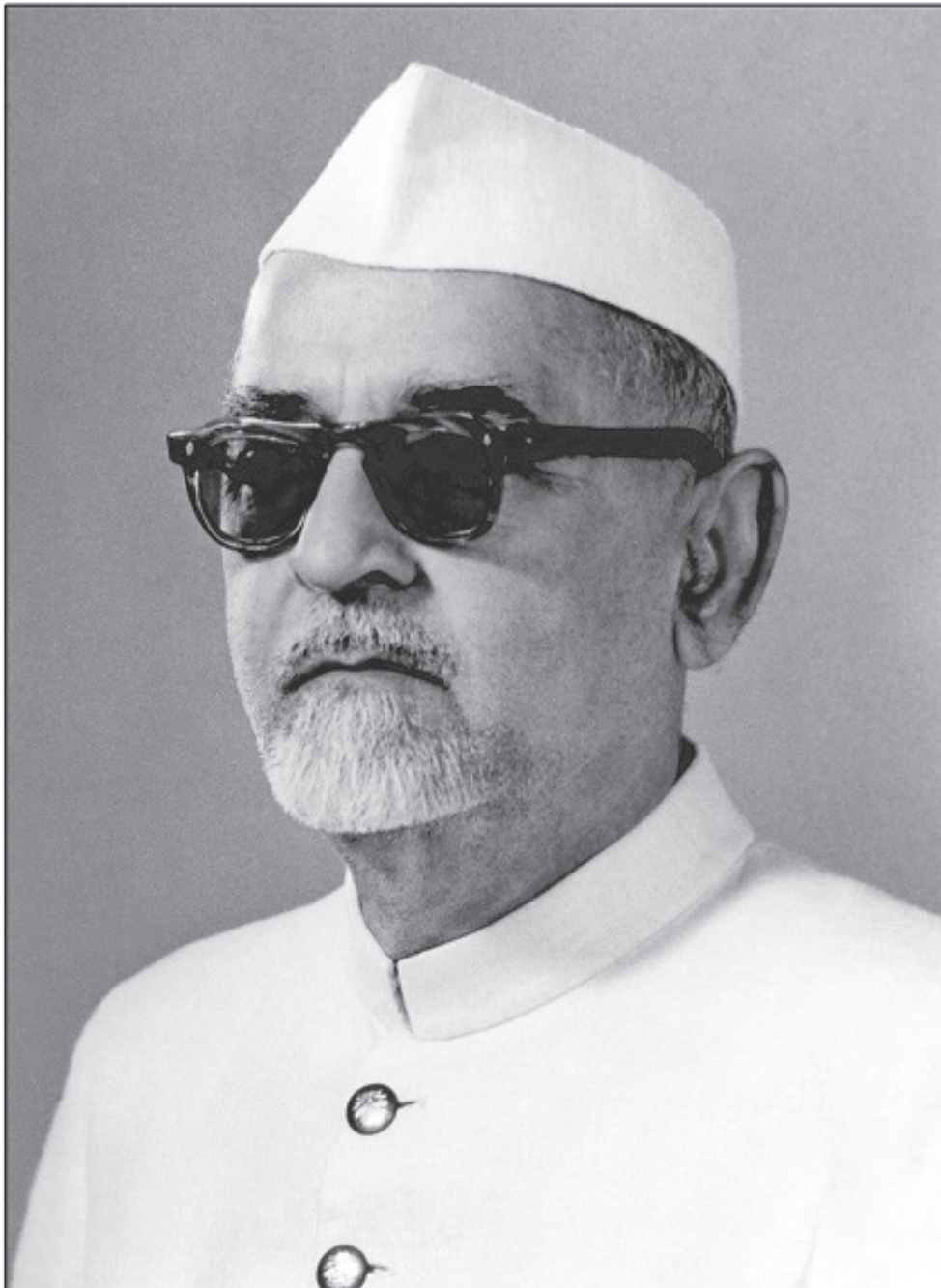




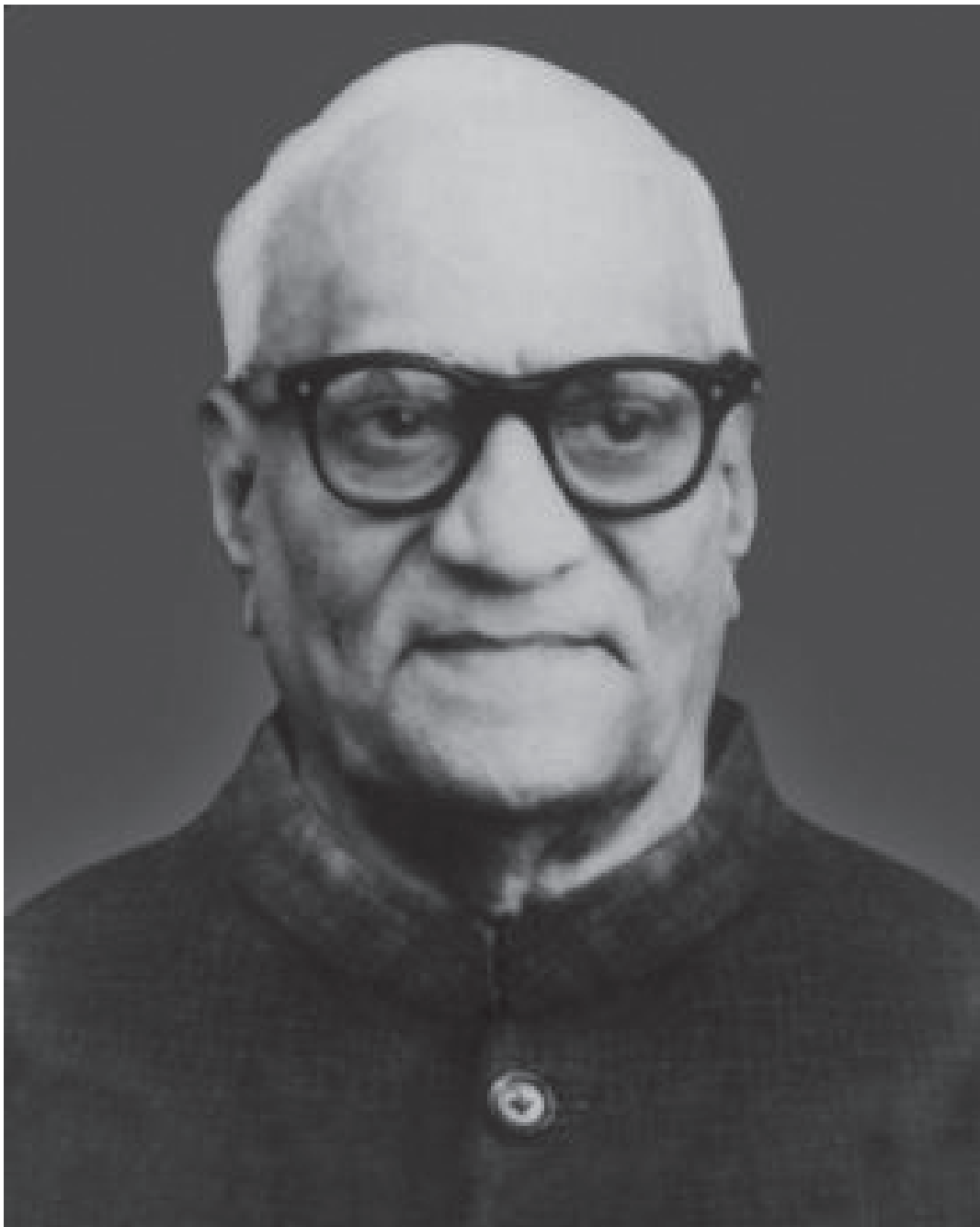
**Dr. Rajendra Prasad**



**Dr. Radhakrishnan**



**Dr. Zakir Hussain**



**Mr. V. V. Giri**



**Mr. M. Hidayathullah**

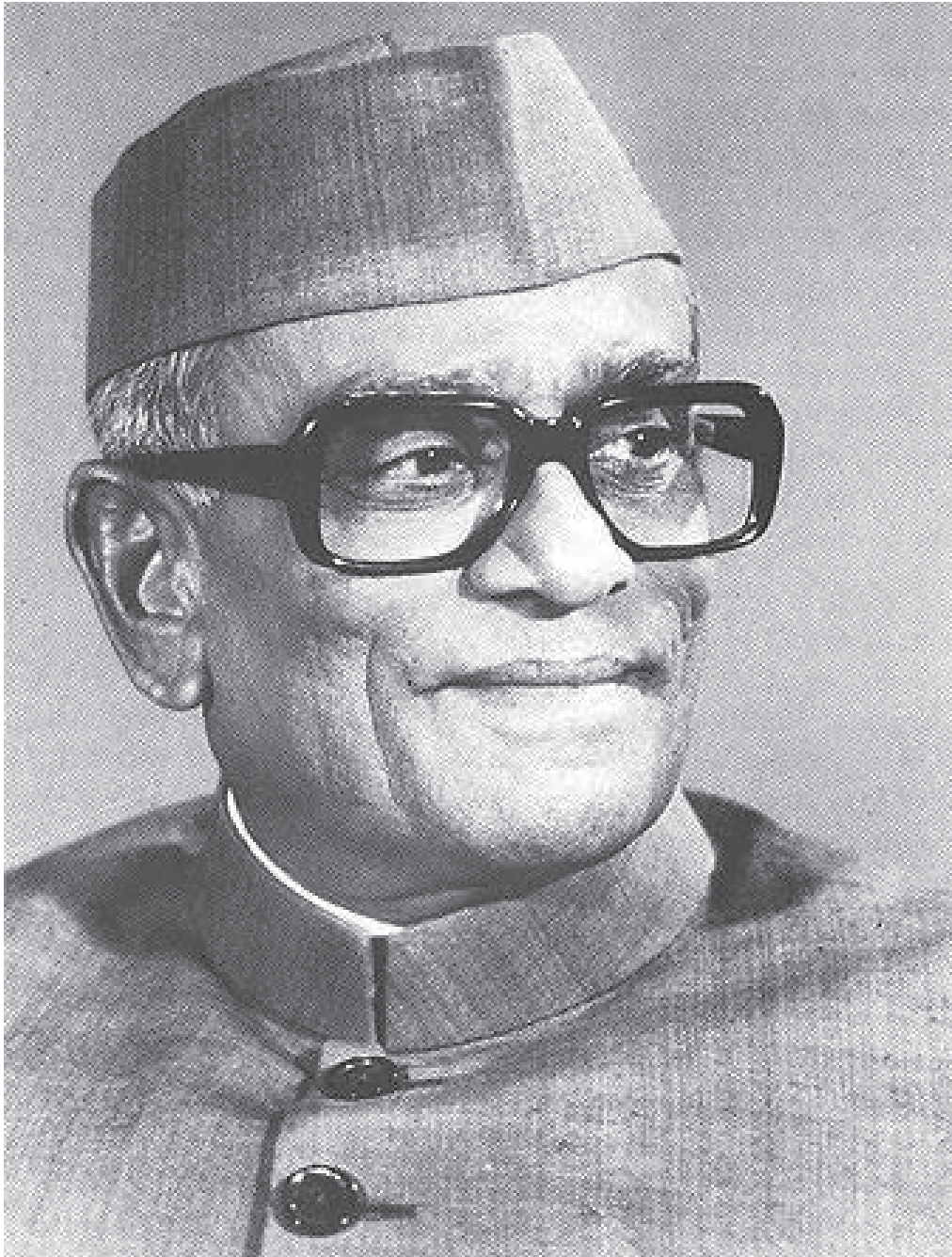


**Mr. Fakhruddin Ali Ahmed**





**Mr. B. D. Jatti**



**Mr. Neelam Sanjeeva Reddy**

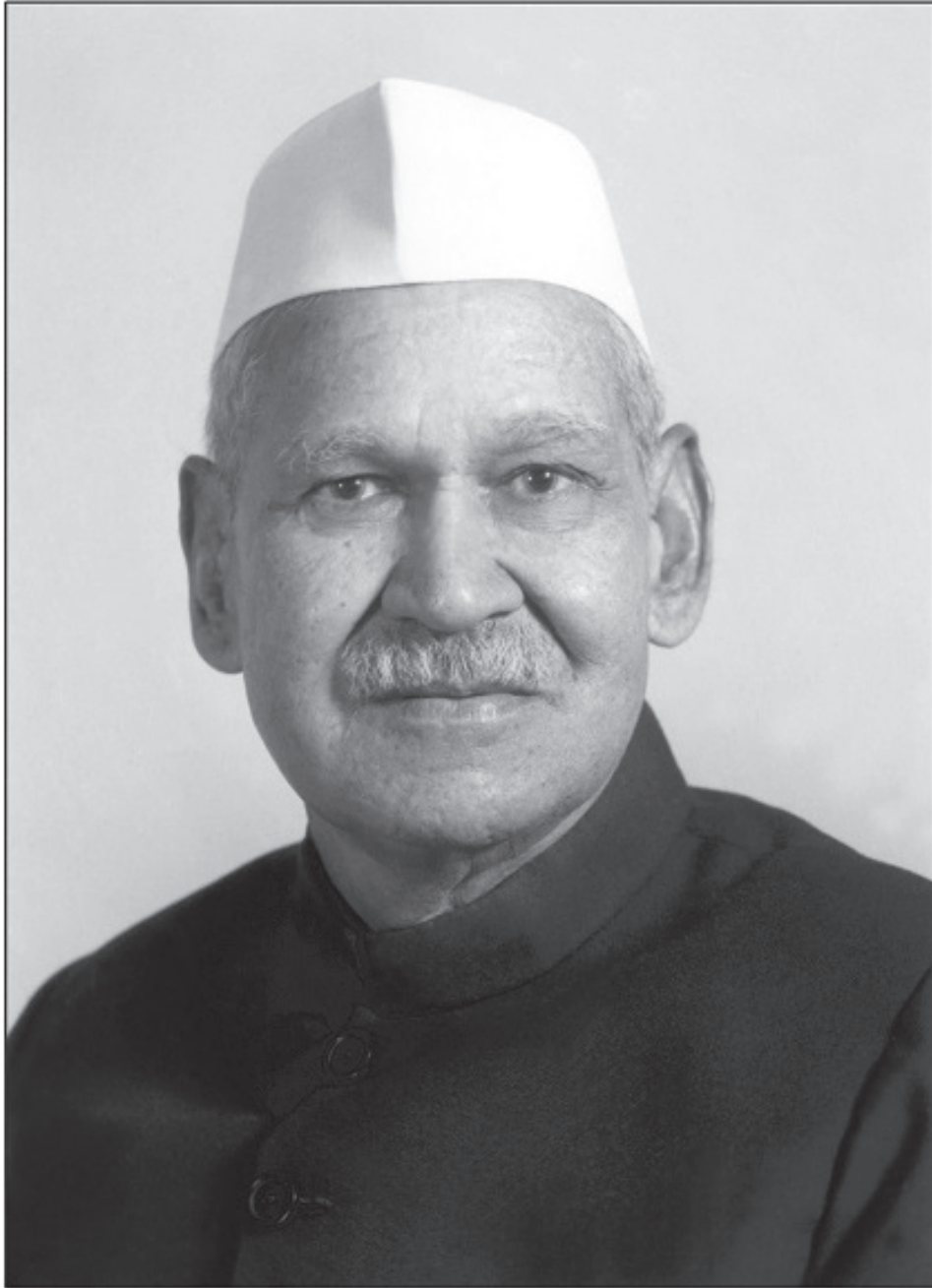




**Mr. Gyani Zail Singh**



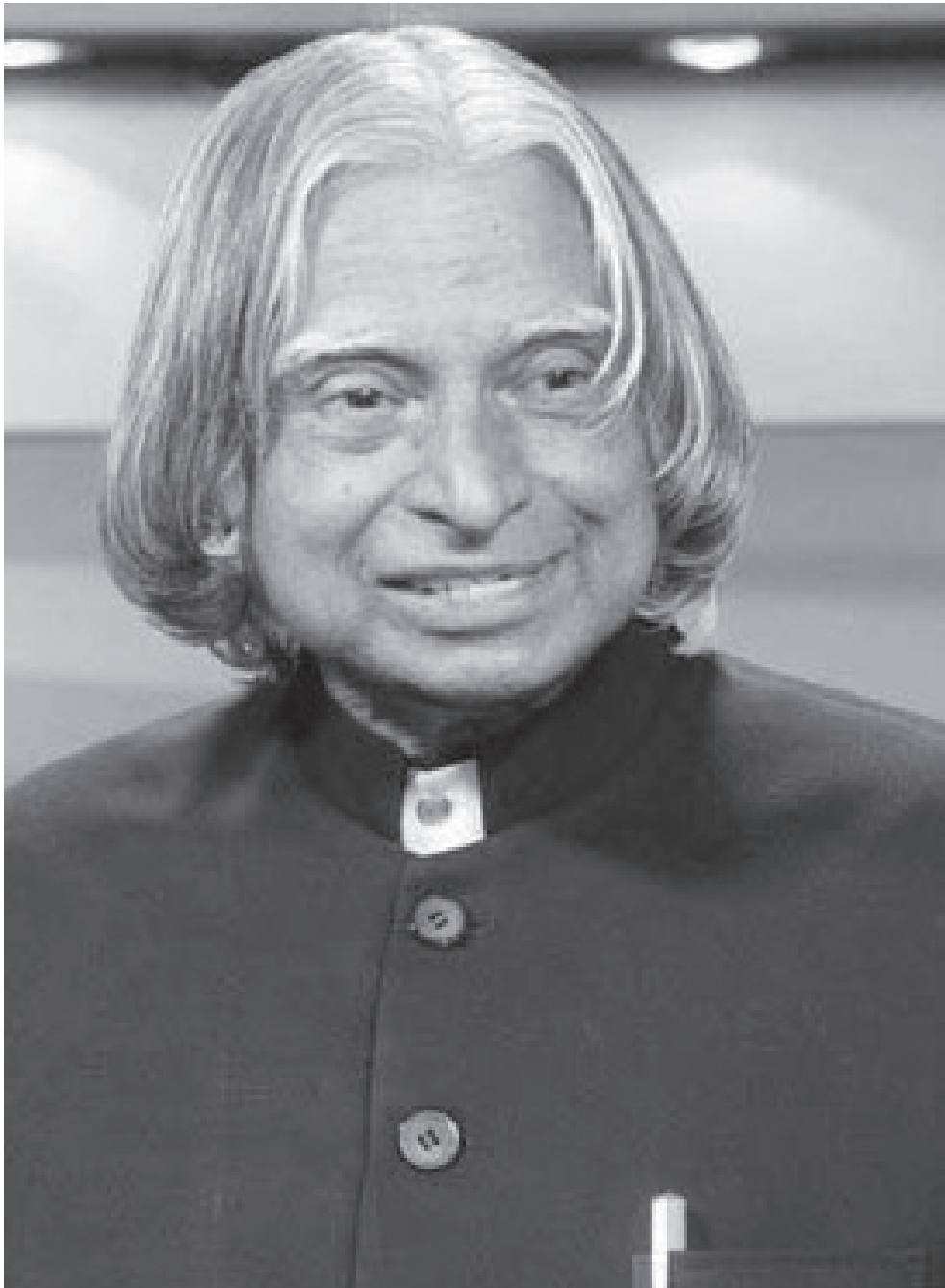
**Mr. R. Venkatraman**



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