

Intro to Human Sciences- Spring 2023

Political Science Module- Lecture 3

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Philosophy of Indian constitution

Preamble of the Indian Constitution

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;

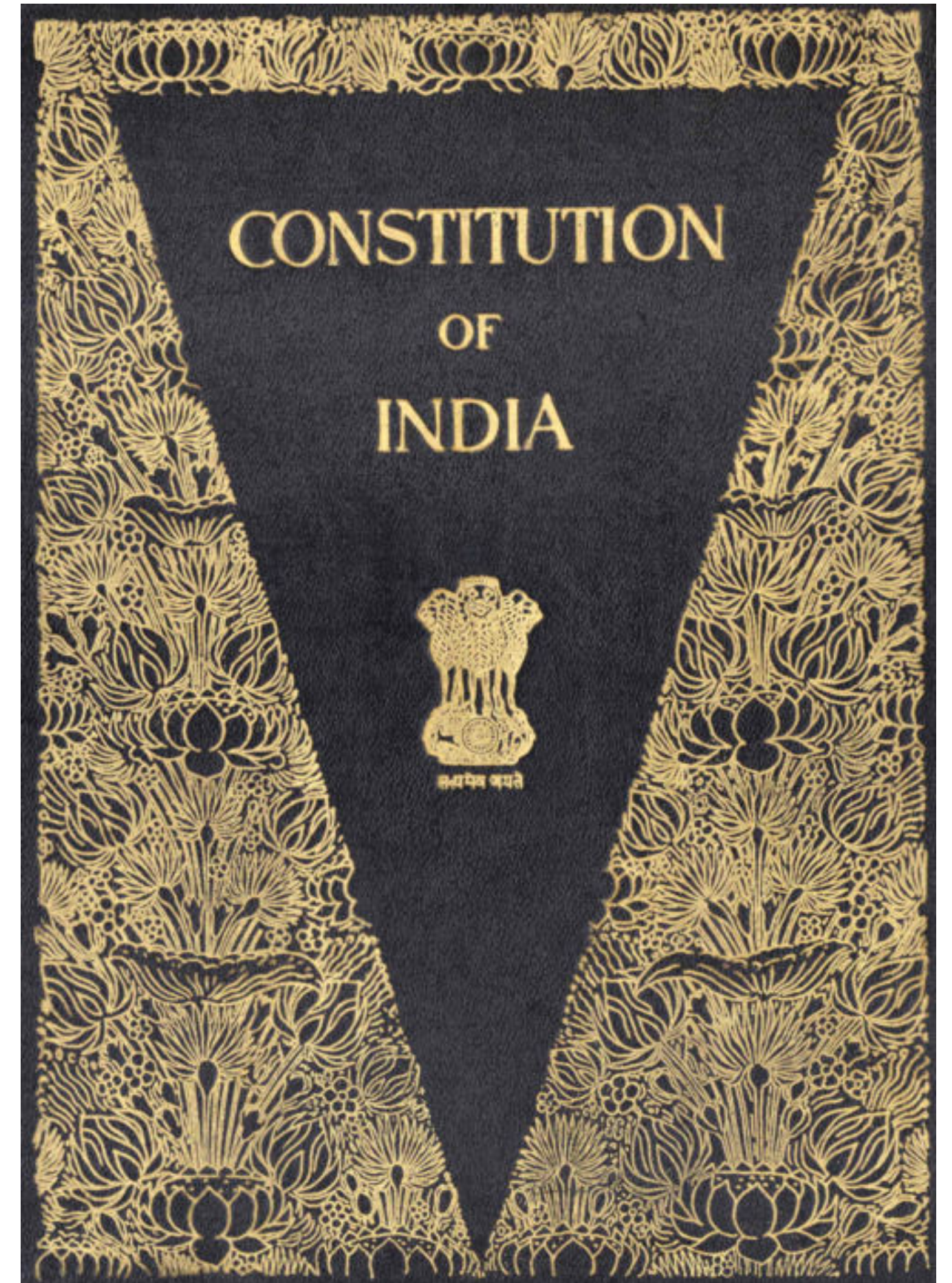
LIBERTY of thought, expression, belief, faith and worship;

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.



Features of Indian Constitution

Written Constitution	Fundamental Rights
Drawn from Various Sources	Fundamental Duties
Blend of Rigidity and Flexibility	Directive Principles of State Policy
Parliamentary Form of Democracy	Secularism with Indian Characteristics
Integrated and Independent Judiciary	Single Citizenship
Rule of Law	Universal Adult Franchise
Federal System with Unitary Bias	Autonomous Constitutional Bodies
Division of Power	Three-tier Government
Balance of Power	Co-operative Societies

Fundamental Rights

Article 14- Equality before Law

Article 15- Right against Discrimination

Article 16- Equality of Opportunity

Article 17- Abolition of Untouchability

Article 18- Abolition of Titles

Article 19- All citizens shall have the right—

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India;
- (g) to practise any profession, or to carry on any occupation, trade or business.

Fundamental Rights

Right to Equality

Article 20- Protection with respect to conviction for offences

Article 21- Protection of Life and Personal Liberty

Article 22- Protection against Arrest and Detention

Article 23- Protection of Human Trafficking and Forced Labour

Article 24- Prohibition of Child Labour

Article 25- Freedom of Conscience, Profession, Practice and Propagation

Article 26- Freedom to Manage Religious Affairs

Article 27- Freedom from Taxation for Promotion of a Religion

Article 28- Freedom from Attending Religious Instruction

Article 29- Protection of Interests of Minorities

Article 30- Right of Minorities to Establish and Administer Educational Institutions

Article 32- Right to Constitutional Remedies

President of India

- **Head of the state**
- **Appointment-** Proportional Representation with means of a single transferable vote and secret ballot system
- **Qualification-**
 - He should be an Indian Citizen
 - His age should be a minimum of 35 years
 - He should qualify the conditions to be elected as a member of the Lok Sabha
 - He should not hold any office of profit under the central government, state government, or any public authority
- **Impeachment-** For violation of Constitution

President of India

Powers and Duties

- Executive
- Legislative
- Judicial
- Financial
- Military
- Diplomatic
- Emergency

The Union Executive

Council of Ministers

- There is a Council of Ministers headed by the Prime Minister to aid and advise the President in exercise of his functions. The Prime Minister is appointed by the President, who also appoints other ministers on the advice of Prime Minister.
- It is the duty of the Prime Minister to communicate to the President all decisions of Council of Ministers relating to administration of affairs of the Union and proposals for legislation and information relating to them.
- **Principle of Collective Responsibility**
- **Principle of Secrecy**
- The total number of ministers, including the Prime Minister, in the COM shall not exceed 15% of the total strength of the Lok Sabha.
- The advice tendered by Ministers to the President shall not be inquired into in any court.
- A minister who is not a member of the Parliament (either house) for any period of six consecutive months shall cease to be a minister.

The Union Executive

Prime Minister

- Article 74(1)- There shall be Counsel of Ministers with the Prime Minister as the head to aid and advise the President.
- The Prime Minister is appointed by the President. The President has to invite the leader of majority party in the Lok Sabha to become the Prime Minister.
- Qualification-
 - A citizen of India
 - Member of either Rajya Sabha or Lok Sabha

The Union Executive

Prime Minister- Powers and Functions

- Formation of Council of Ministers
- Portfolio allocation and reshuffling
- Chairman of the Cabinet
- Co-ordination of Administration
- Chief Adviser to the President
- Executive Powers
- Conduct of International Relations
- Head of Nuclear Command Authority, NITI Aayog, Appointments Committee of the Cabinet etc

Parliament of India

Rajyasabha

- **Upper House**, represents the states and union territories of the Indian Union
- **Strength**- 229 members represent the states, 4 members represent the UTs and 12 are nominated by the President
- **Presiding Officer**- Vice-President
- **Tenure of members**- 6 years
- **Quorum**- one tenth members of the total strength
- **Qualification of members**- Citizen of India, minimum 30 years of age
- **Privileges and Immunities of the members**- Freedom of expression in the House, he can not be tried in any court of law for any speech made by him on the floor of the House. Beside this immunity, he cannot also be arrested in any criminal case 40 days before the beginning of session and 40 days after the last sitting of House.

Parliament of India

Loksabha

- **Lower House**, represents the people of India
- **Strength-** 545 (530 from states, 13 from UT, 2 nominated from Anglo-Indian community)
- **Tenure-** 5 years
- **Elections-** Universal Adult Franchise, First Past the Post System
- **Presiding Officer-** Speaker
- **Quorum-** one tenth members of the total strength
- **Special Powers-** Money Bills, No-Confidence Motion

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Political Science Module- Lecture 2

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State

Defining The State

- Essential elements of State- **Territory, Population, Government, Sovereignty**
- The state is a **political association** that establishes **sovereign jurisdiction** within defined **territorial borders**, and exercises **authority** through a set of permanent **institutions**.
- These institutions are those that are recognizably '**public**', in that they are responsible for the **collective organization** of communal life, and are funded at the **public's expense**.
- The state thus embraces the various institutions of government, but it also extends to the courts, nationalized industries, social security system, and so forth; it can be identified with the entire 'body politic'.

State

Origin of State

- **Divine Right** - The doctrine that earthly rulers are chosen by God and thus wield unchallengeable authority; a defence for monarchical absolutism.
- **Social Contract Theory**- A social contract is a voluntary agreement made amongst individuals through which an organized society, or state, is brought into existence.

State

Role of the State

- **Minimal State-** The state is merely a protective body, its core function being to provide a framework of peace and social order within which citizens can conduct their lives as they think best.
- A **developmental state** is one that intervenes in economic life with the specific purpose of promoting industrial growth and economic development.
- Whereas developmental states practise interventionism in order to stimulate economic progress, **social-democratic states** intervene with a view to bringing about broader social restructuring, usually in accordance with principles such as fairness, equality and social justice.
- While developmental and social-democratic states intervene in economic life with a view to guiding or supporting a largely private economy, **collectivized states** bring the entirety of economic life under state control.
- The essence of **totalitarian state** is the construction of an all-embracing state, the influence of which penetrates every aspect of human existence. The state brings not only the economy, but also education, culture, religion, family life and so on under direct state control.

Government

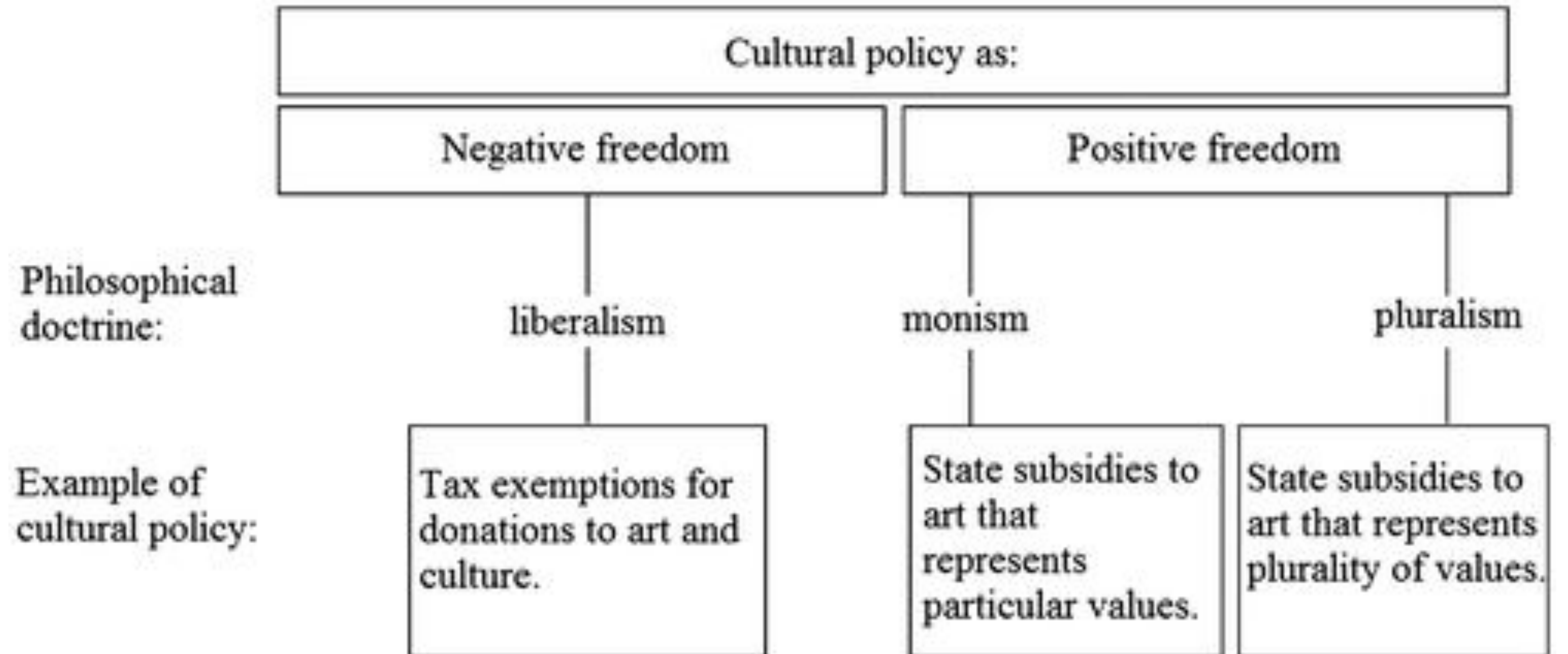
Meaning

- Government in its broadest sense, refers to any mechanism through which ordered rule is maintained, its central features being the ability to make collective decisions and the capacity to enforce them.
- However, the term is more commonly understood to describe the formal and institutional processes that operate at the national level to maintain public order and facilitate collective action.
- The core functions of government are, thus, to make law (legislation), implement law (execution) and interpret law (adjudication). In some cases, the political executive alone is referred to as ‘the government’.

Liberty

Meaning and Interpretation

- the notion of choice,
- the absence of constraints to make and exercise such a choice,
- the existence conditions that enable you to actuate the choice.



Equality

Meaning and Interpretation

- Equality is not about blanket uniformity, but rather is about ‘levelling’ those conditions of social existence which are thought to be crucial to human well-being.
- The goal of **egalitarians** is to establish the legal, political or social conditions in which people will be able to enjoy equally worthwhile and satisfying lives.
- **Legal Equality**- The principle of legal equality, or ‘**equality before the law**’ holds that the law should treat each person as an individual, showing no regard to their social background, religion, race, colour, gender and so forth.
- Justice, in this sense, should be ‘blind’ to all factors other than those relevant to the case before the court, notably the evidence presented.

Equality

Meaning and Interpretation

- **Equality of Opportunity-** ‘Right to be unequal’, focus on chances
- **Equality of Outcome-** Focus on rewards
- **Equality of Welfare-** Fulfil everyone’s welfare equally irrespective of the inequality entailed in the distribution of resources.
- **Equality of Resources-** A distributional scheme should treat people as equals ‘when it distributes or transfers the resources’.
- **Equality of Capabilities-** A capability is the ability to achieve a certain sort of function. For example, literacy is a capability, while reading is a function.

Justice

Meaning and Interpretation

- Justice, in short, is about giving each person what he or she is ‘due’. However, it is much more difficult to define what that ‘due’ might be.
- Justice is an ‘essentially contested’ concept. No settled or objective concept of justice exists, only a set of competing concepts.
- In everyday language, in fact, justice is used so imprecisely that it is taken to mean ‘fairness’, ‘rightness’ or, simply, that which is ‘morally correct’. Without doubt, justice is a moral or normative concept: that which is ‘just’ is certainly morally ‘good’, and to call something ‘unjust’ is to condemn it as morally ‘bad’
- Two forms of justice can be identified at work in the legal process. **First**, there is **procedural justice**, which relates to how the rules are made and applied. Procedural justice requires the presumption that the accused is ‘innocent until proved guilty’.
- **Second**, there is **substantive justice**, which is concerned with the rules themselves and whether they are ‘just’ or ‘unjust’. Notions of justice vary from individual to individual, from group to group, from society to society, and from period to period.

Rights

Meaning and Interpretation

- Simply speaking, a right is to get ‘one’s due’, i.e. to get what is due to someone as a human, citizen, individual or as a member of a group, etc. To have a right, then, is to be entitled to do something or to have something done; for example, to vote, to speak, to avail of healthcare, etc.
- **Negative rights** are rights that entail non-interference from the society at large. For example, the right to liberty, life, property, etc. The right to life prevents others from killing me but it does not obligate them to do anything positive to assist me in living my life to the full or to live happily.
- **Positive rights** are rights that impose obligations on other people or the state to do some- thing for a fuller enjoyment of our rights. For example, the right to health, basic subsistence, etc. requires positive interference to do something.

Rights

Human Rights

- (i) *security rights* that protect people against crimes such as murder, massacre, torture and rape;
- (ii) *liberty rights* that protect freedom in areas such as belief, expression, association, assembly and movement;
- (iii) *political rights* that protect the liberty to participate in politics through actions such as communicating, assembling, protesting, voting and serving in public office;
- (iv) *due process rights* that protect against abuses of the legal system such as imprisonment without trial, secret trials and excessive punishments;
- (v) *equality rights* that guarantee equal citizenship, equality before the law and non-discrimination; and
- (vi) *welfare rights* (or ‘economic and social rights’) that require the provision of education to all children and protections against severe poverty and starvation.

Democracy

Meaning and Interpretation

- Democracy refers to a government based on political equality, i.e. consent is required of all the individuals who form part of the political community. It is informed by the belief that all people are equally capable of, and have a stake in making, collective decisions that shape their lives.
- In a democracy, no one person's opinion or interest is of more value than the other, hence the principle of 'one person one vote'. It is based on the idea of the equal moral worth of all individuals and against the exclusion of anyone from the political process. Thus, it is against hierarchy or inherited privileges and discrimination.
- In a democracy it is assumed that there will be a diversity of opinions and interests on almost every matter of common concern. Indeed, this diversity is seen as its main strength and it calls for tolerance for all shades of opinion.

Democracy

Direct and Indirect Democracy

- In a *direct democracy*, there is a high degree of participation as citizens collectively decide, often through mass meetings, on almost all major issues. In effect, people rule themselves. This form of democracy is associated with the classical Athenian model. In India, the *gram sabha* is such an institution of direct democracy as are a number of devices like *referendum*, *initiative* and *recall* practised in contemporary societies.
- In contrast, in an *indirect or representative democracy*, government functions through representatives who are chosen through popular elections. These representatives provide a link between the governments and the people and elections allow the people to control the action of the representatives and prevent abuse of power.

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Political Science Module-Lecture 1

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Intro to Human Sciences

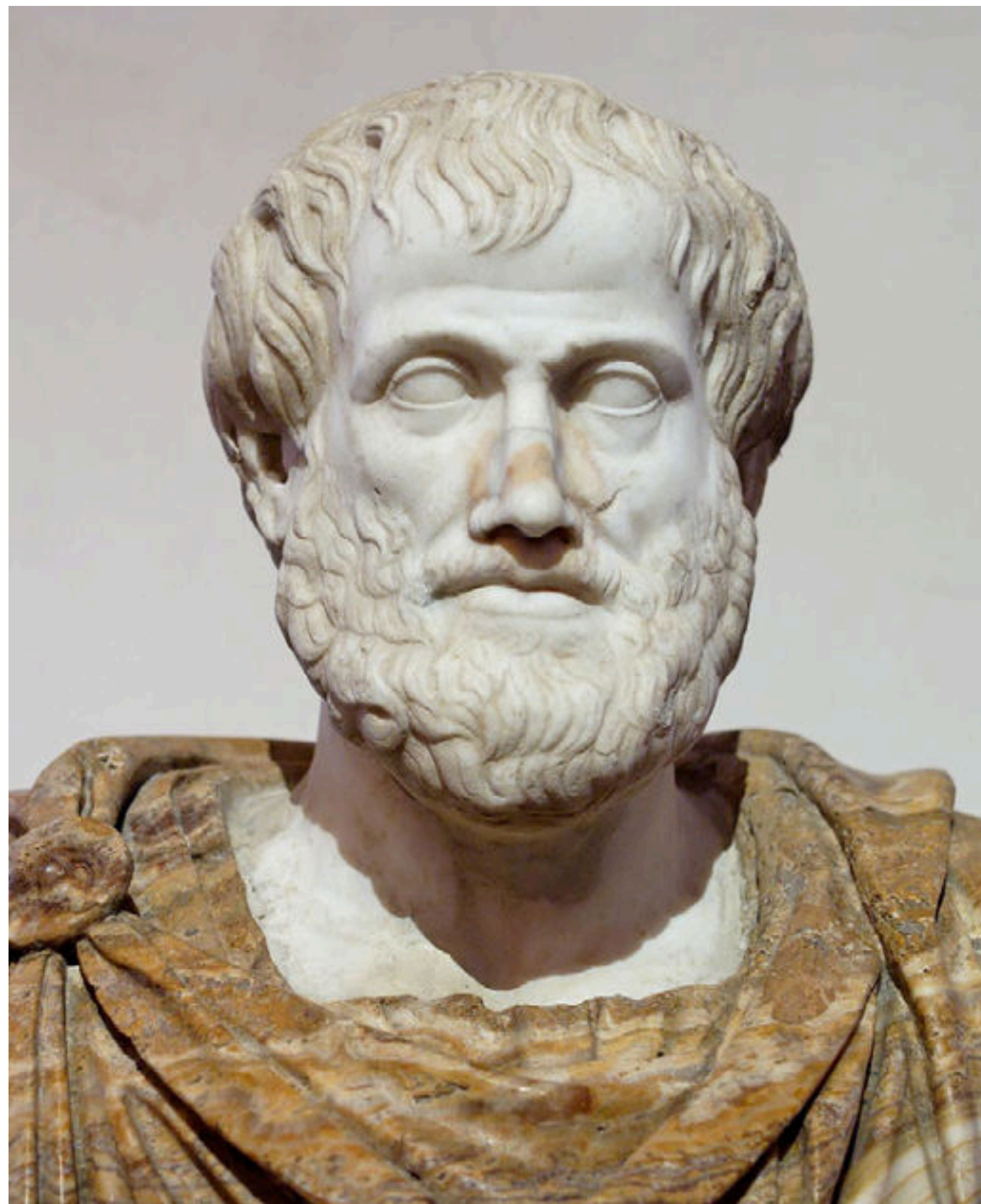
Political Science Module

Lecture 1 : What is Politics?

Lecture 2 : Key Concepts in Political Science

Lecture 3: Indian Political System

Lecture 4: Branches and sub-branches of Political Science



**“Man is by nature a
political animal.”
-Aristotle**

Aristotle- In *Politics*, Aristotle declared that 'man is by nature a political animal', by which he meant that it is only within a political community that human beings can live the 'good life'. According to him, Politics is an ethical activity concerned with creating a 'just society; and that is why Political Science is a master Science.

What is Politics?

Defining Politics

- Politics is an ‘**essentially contested**’ concept, in the sense that the term has a number of acceptable or legitimate meanings.
- Politics can be defined in different ways: as the exercise of power, the science of government, the making of collective decisions, the allocation of limited resources, the practice of deception and manipulation, and so on.
- **Politics, in its broadest sense, is the activity through which people make, preserve and amend the general rules under which they live.**
- Origin from the Greek word “**Polis**” (city-state: General form of political organisation in ancient Greece)
- Politics is inextricably linked to the phenomena of **conflict and cooperation**.

What is Politics?

Defining Politics: Politics as art of government

- **Bismark-** Politics is not a science, its an art. It is the art of government, the exercise of control within society through the making and enforcement of collective decisions.
- **Davis Easton-** Politics can be defined as the ‘authoritative allocation of values.’ Politics encompasses the various processes through which government responds to pressures from the larger society, in particular by allocating benefits, rewards or penalties.
- **Lord Acton-** “Power tends to corrupt, and absolute power corrupts absolutely’

What is Politics?

Defining Politics: Politics as Public Affairs

- There is a distinction between public life and private (or personal) life. According to this perspective, politics does not, and should not, infringe on ‘personal’ affairs and institutions.
- Feminist thinkers in particular have pointed out that this implies that politics effectively stops at the front door; it does not take place in the family, in domestic life, or in personal relationships.

Public	Private
The state: apparatus of government	Civil society: autonomous bodies – businesses, trade unions, clubs, families, and so on
Public	Private
Public realm: politics, commerce, work, art, culture and so on	Personal realm: family and domestic life

What is Politics?

Defining Politics: Politics as Compromise and Consensus

- This conception of politics relates not to the arena within which politics is conducted but to the way in which decisions are made.
- Specifically, politics is seen as a particular means of resolving conflict: that is, by **compromise, conciliation and negotiation**, rather than through force and naked power.
- Stoker (2006)- ‘Politics is designed to disappoint’; its outcomes are ‘often messy, ambiguous and never final’.

What is Politics?

Defining Politics: Politics as Power

- **Power as Decision Making-** In *Three Faces of Power* (1989), Keith Boulding distinguished between the use of force or intimidation (the stick), productive exchanges involving mutual gain (the deal), and the creation of obligations, loyalty and commitment (the kiss).
- **Power as Agenda Setting-** The second face of power, as suggested by Bachrach and Baratz (1962), is the ability to prevent decisions being made: that is, in effect, ‘non-decision-making’. This involves the ability to set or control the political agenda, thereby preventing issues or proposals from being aired in the first place.
- **Power as Thought Control-** The third face of power is the ability to influence another by shaping what he or she thinks, wants, or needs. This is power expressed as ideological indoctrination or psycho- logical control.

What is Politics?

Theoretical and Applied Politics

Theoretical Politics	Applied Politics
1. Theory of the State (Origin, nature, development, classification of the forms of government, sovereignty)	1. The State (Actual existing forms of government)
2. Theory of Government (Forms of institutions, executive, developments, province and limits of law)	2. Government (The working of the government and administration etc)
3. Theory of Legislation (Object of Legislation, philosophy of law, interpretation and administration and process of law making)	3. Law and Legislation (Legislative procedure and court of law)
4. Theory of State as an artificial person (Relation to other states and international law)	4. The State Personified (Diplomacy, Peace, War, conferences and other international dealings)

What is Politics?

Approaches to the Study of Politics

- **Philosophical Tradition-** This involved a preoccupation with essentially ethical, prescriptive or normative questions, reflecting a concern with what ‘should’, ‘ought’ or ‘must’ be brought about, rather than with what ‘is’. Plato and Aristotle are usually identified as the founding fathers of this tradition. The normative approach is ‘prescriptive’, in the sense that it makes judgements and offers recommendations.
- **Empirical Tradition-** It is based on observation and experience. The empirical approach to political analysis is characterized by the attempt to offer a dispassionate and impartial account of political reality. The approach is ‘descriptive’, in that it seeks to analyse and explain.

What is Politics?

Should students of politics seek to be objective and politically neutral?

YES	NO
Desire to Explain	Myth of Neutrality
Objective Knowledge	Emancipatory Knowledge
Free- Floating Intellectuals	Competing Relaities