

**Text Book for
INTERMEDIATE
First Year**

CIVICS



**Telugu and Sanskrit Akademi
Andhra Pradesh**

Intermediate

First Year Text Book

CIVICS

Pages : xxii + 242 + iv

© Telugu and Sanskrit Akademi
Andhra Pradesh.

Reprint

2023

Copies : 5000

❖ Published by Telugu and Sanskrit Akademi, Andhra Pradesh under the Centrally Sponsored Scheme of Production of Books and Literature in Regional Languages at the University level of the Government of India in the Ministry of Human Resource Development, New Delhi.

❖ All rights whatsoever in this book are strictly reserved and no portion of it may be reproduced by any process for any purpose without the written permission and prescribed by Board of Intermediate Education A.P. Vijayawada of the Copyright Owners.

Price : Rs. 130.00

Printed in India

Laser Typeset by : **Telugu and Sanskrit Akademi**

Published and Printed by

M/s. GBR Offset Printers and Publishers

Surampalli, Krishna Dist.

on behalf of **Telugu and Sanskrit Akademi**, Andhra Pradesh



SRI. Y.S. JAGAN MOHAN REDDY

CHIEF MINISTER
ANDHRA PRADESH

AMARAVATI

MESSAGE

I congratulate Akademi for starting its activities with printing of Intermediate textbooks from the academic year 2021 – 22.

Education is a real asset which cannot be stolen by anyone and it is the foundation on which children build their future. As the world has become a global village, children will have to compete with the world as they grow up. For this there is every need for good books and good education.

Our government has brought in many changes in the education system and more are to come. The government has been taking care to provide education to the poor and needy through various measures, like developing infrastructure, upgrading the skills of teachers, providing incentives to the children and parents to pursue education. Nutritious mid-day meal and converting Anganwadis into pre-primary schools with English as medium of instruction are the steps taken to initiate children into education from a young age. Besides introducing CBSE syllabus and Telugu as a compulsory subject, the government has taken up numerous innovative programmes.

The revival of the Akademi also took place during the tenure of our government as it was neglected after the State was bifurcated. The Akademi, which was started on August 6, 1968 in the undivided state of Andhra Pradesh, was printing text books, works of popular writers and books for competitive exams and personality development.

Our government has decided to make available all kinds of books required for students and employees through Akademi, with headquarters at Tirupati.

I extend my best wishes to the Akademi and hope it will regain its past glory.

Y.S. Jagan Mohan Reddy

Dr. Nandamuri LakshmiParvathi

M.A. M.Phil., Ph.D.

Chairperson, (Cabinet Minister Rank)

Telugu and Sanskrit Akademi, A.P.



Message of Chairperson, Telugu and Sanskrit Akademi, A.P.

In accordance with the syllabus developed by the Board of Intermediate, State Council for Higher Education, SCERT etc., we design high quality Text books by recruiting efficient Professors, department heads and faculty members from various Universities and Colleges as writers and editors. We are taking steps to print the required number of these books in a timely manner and distribute through the Akademi's Regional Centers present across the Andhra Pradesh.

In addition to text books, we strive to keep monographs, dictionaries, dialect texts, question banks, contact texts, popular texts, essays, linguistics texts, school level dictionaries, glossaries, etc., updated and printed and made available to students from time to time.

For competitive examinations conducted by the Andhra Pradesh Public Service Commission and for Entrance examinations conducted by various Universities, the contents of the Akademi publications are taken as standard. So, I want all the students and Employees to make use of Akademi books of high standards for their golden future.

Congratulations and best wishes to all of you.

A handwritten signature in black ink, appearing to read "N. LakshmiParvathi".

Nandamuri LakshmiParvathi

Chairperson, Telugu and Sanskrit Akademi, A.P.

J. SYAMALA RAO, I.A.S.,
Principal Secretary to Government



Higher Educational Department
Government of Andhra Pradesh

MESSAGE

I Congratulate Telugu and Sanskrit Akademi for taking up the initiative of printing and distributing textbooks in both Telugu and English media within a short span of establishing Telugu and Sanskrit Akademi.

Number of students of Andhra Pradesh are competing of National Level for admissions into Medicine and Engineering courses. In order to help these students Telugu and Sanskrit Akademi consultation with NCERT redesigned their Textbooks to suit the requirement of National Level Examinations in a lucid language.

As the content in Telugu and Sanskrit Akademi books is highly informative and authentic, printed in multi-color on high quality paper and will be made available to the students in a time bound manner. I hope all the students in Andhra Pradesh will utilize the Akademi textbooks for better understanding of the subjects to compete of state and national levels.



(J. SYAMALA RAO)

THE CONSTITUTION OF INDIA

PREAMBLE

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.

Textbook Development Committee

Authors

Prof. B. V. Raghavulu

Dept. of Political Science & Public Administration
Sri Krishnadevaraya University, Anantapuramu

Sri. V. Bhogendracharyulu

Lecturer (Retd.), Dept. of Political Science
Montessori Mahila Kalasala, Vijayawada

Sri. KSSN Reddy

Junior Lecturer, Govt. Junior College (Girls),
Jammalamadugu, Kadapa

Dr. V. Vasundhara Devi

Reader in Political Science
Women's College, Nizamabad

Sri. K.Girirao

Lecturer, Nrupatunga Junior College
Kachiguda, Hyderabad

Sri. K.Apparao

Lecturer, Dr.VSK Govt. Junior College (Boys)
Visakhapatnam

Mrs. G. Madhavi

Lecturer, State Institute of Vocational Education
O/o. Commissionnate of Intermediate Education,
Hyderabad

Chief Editor

Prof. B.V. Raghavulu

Dept. of Political Science & Public Administration
Sri Krishnadevaraya University, Anantapuramu

Editor

Dr.V.Vasundhara Devi

Reader in Political Science, Women's College,
Nizamabad

Coordinating Committee of Board of Intermediate Education, A.P.

Sri M.V. Seshagiri Babu, I.A.S.

Secretary

Board of Intermediate Education,
Andhra Pradesh

Educational Research & Training Wing (Text Books)

Dr. A. Srinivasulu

Professor

Sri. M. Ravi Sankar Naik

Assistant Professor

Dr. M. Ramana Reddy

Assistant Professor

Sri J.V. Ramana Gupta

Assistant Professor

**Telugu and Sanskrit Akademi, Andhra Pradesh
Coordinating Committee**

Sri V. Ramakrishna, I.R.S.

Director

Dr. M. Koteswaramma, M.Com., Ph.D.

Research Officer

Dr. S.A.T. Rajyalakshmi M.Sc., B.Ed., M.A., Ph.D.

Research Assistant

Dr. K. Glory Sathyavani, M.Sc., Ph.D., M.Ed.

Research Assistant

Foreword

The role played by the Akademi in stabilizing Telugu Medium at the level of Higher Education since its inception (1968) is well known. The Akademi has rendered needful services by publishing a number of Text Books, Reference Books, Translations, Popular Series, Monographs, Dictionaries, Glossaries, Readings, etc., over the years. Many among the above mentioned books were also reprinted as per the demand. Sincere effort is being made to improve the quality of these books by conducting workshops, refresher courses and also by taking suggestions given by the intellectuals in general and the students and the teachers in particular.

Akademi has been revising and updating its publications in accordance with the prescribed syllabi, as and when necessary. Akademi is publishing Text Books for Intermediate in Telugu Medium since its inception. In addition, the Akademi has entered a new phase of activity with the publication of language books from the year 1995, and preparation and publication of Intermediate Text books in English medium from the year 1998, as entrusted by the Board of Intermediate education.

For the academic year 2014-15, the Board of Intermediate Education has revised the syllabus of all Humanities Text Books for first year of Intermediate and entrusted the preparation, printing and distribution of Text Books to Akademi. Accordingly, Akademi prepared this Text Book strictly in accordance with the prescribed syllabus for the academic year 2014-15.

We are indeed very much grateful to the Government of India, State Government, State Universities, the Board of Governors of Telugu and Sanskrit Akademi. We also thank the Commissioner, Intermediate Education and Secretary, Board of Intermediate Education of Andhra Pradesh. We are also very much grateful to Text Book Development Committee of the subject concerned for their valuable cooperation.

Constructive suggestions are solicited for the improvement of this book. The suggestions received will be examined and incorporated in the subsequent editions.

Sri. V. Ramakrishna I.R.S.

Director

Telugu and Sanskrit Akademi,
Andhra Pradesh

Preface

The present text book is in consonance with the new syllabus prescribed by the Board of Intermediate Education, Andhra Pradesh with effect from the academic year 2014-2015 for the first year Intermediate course. The focus of the syllabus is to create in the students' broad understanding and proper perspective of the basic concepts of Civics / Political Science. We presume that this text book apart from realizing this end would also provide a strong foundation for advanced learning of the subject in higher classes.

Political Science is an academic discipline that involves all individuals, all groups i.e., associations and institutions found in a definite territory identified as state. Study of State, Government, Constitution, and Citizenship have attracted the attention of all sections of people. The subject has been proved as the most interesting and glamorous activity for people of all professions. The major concern of Political Science is the exercise of power and authority which influences and moulds public life. Political Science explains the relation between the rulers and the ruled i.e., the Government and the people. The study of Political Science provides immense knowledge about the rights and responsibilities of citizens and inculcates in people civic sense which is essential for good citizenship. Political Science is instrumental for resolving the issues of every kind-political, economic or social- in a civil society.

There are twelve chapters in this book. The **First** Chapter deals with the scope and significance of Political Science. The **Second** Chapter describes the State and its relation with society, associations and government. The **Third** chapter discusses nation, nationality and nationalism. The **Fourth** chapter depicts Law and its relation with morality. The **Fifth** chapter concerns itself with Liberty and Equality of individual in the state. The **Sixth** chapter highlights the rights and responsibilities of citizens. The **Seventh** chapter focuses on Justice including social justice relevant to the contemporary society. The **Eighth** chapter presents a clear picture of the citizenship. Chapter **Nine** narrates vividly about democracy. The **Tenth** chapter analyses secularism in Indian context. Chapter **Eleven** elucidates the matters on Constitution. The **Last** chapter throws light on Government and its powers and functions in modern democratic states.

Any suggestions for improvement of the book are always welcome.

- Editors



Contents

Chapter - 1: Scope and Significance of Political Science **1-16**

1.0	Introduction	....	1
1.1.0	Origin of Political Science Definitions	....	2
1.1.1	Definitions of Political Science	....	3
1.1.2	Traditional definitions of Political Science	....	3
1.1.3	Modern definitions of Political Science	....	4
1.2	Nature of Political Science	....	5
1.2.1	Is Political Science a Science?	....	5
1.2.2	Is Political Science an Art?	....	5
1.3	Scope of Political Science	....	6
1.4	Significance of Political Science	....	11

Chapter - 2: State **17-34**

2.0	Introduction	....	17
2.1	Definitions of State	....	18
2.2	Essential elements of State	....	19
2.3	Other elements of State	....	23
2.4	State Vs Society, Association and Government	....	24
2.4.1	State and Society	....	24
2.4.2	State and Association	....	28
2.4.3	State and Government	....	30

Chapter - 3: Nationalism 35-52

3.0	Introduction	....	35
3.1	Nation	....	36
3.1.1	Meaning	....	37
3.1.2	Definitions	....	37
3.1.3	Differences between Nation and State	....	38
3.2	Nationality	....	38
3.2.1	Connotations of Nationality	....	39
3.2.2	Essential elements of Nationality	....	40
3.2.3	Importance of Nation and Nationality	....	43
3.2.4	Differences between Nation and Nationality	....	44
3.3	Nationalism	....	44
3.3.1	Importance of Nationalism	....	45
3.3.2	Different phases of Nationalism	....	46
3.3.3	Merits of Nationalism	....	47
3.3.4	Demerits of Nationalism	....	47
3.4	National Self-Determination	....	48
3.4.1	Demand for National Self-Determination	....	49
3.5	Is India a Nation State?	....	50

Chapter - 4: Law 53-66

4.0	Introduction	....	53
4.1	Meaning of Law	....	54
4.1.1	Definitions	....	54
4.2	Features of Law	....	55
4.3	Sources of Law	....	55
4.4	Classification of Law	....	58

4.5	Law and Morality	.....	62
4.5.1	Differences between Law and Morality	.....	62
4.5.2	Relationship between Law and Liberty	.....	63
4.5.3	Law and Liberty are antithetical	.....	63
4.5.4	Law and Liberty are complimentary	.....	64
4.6	Rule of Law	.....	64

Chapter - 5: Liberty and Equality **67-88**

Liberty

5.0	Introduction to Liberty	.....	67
5.1	Meaning of Liberty	.....	68
5.2	Definitions of Liberty	.....	68
5.3	Aspects of Liberty	.....	69
5.4	Characteristics of Liberty	.....	69
5.5	Types of Liberty	.....	70
5.6	Safeguards of Liberty	.....	73
5.7	Elements threatening individuals Liberty	.....	76

Equality

5.8	Introduction of Equality	.....	77
5.9	Meaning of Equality	.....	78
5.10	Aspects of Equality	.....	79
5.11	Essential features of Equality	.....	79
5.12	Types of Equality	.....	80
5.13	Obstacles to Equality	.....	83
5.14	Relationship between Liberty and Equality	.....	84



Chapter - 6: Rights and Responsibilities 89-112

6.0	Introduction	....	89
6.1	Meaning of Rights	....	90
6.2	Definitions of Rights	....	90
6.3	Features of Rights	....	91
6.4	Classification of Rights	....	92
6.5	Important Civil Rights	....	95
6.6	Important Political Rights	....	97
6.7	Important Economic Rights	....	98
6.8	Fundamental Rights	....	99
6.9	Safeguards of Rights	....	100
6.10	Human rights	....	102
6.11	Features of Human Rights	....	107
6.12	Responsibilities	....	107
6.13	Types of Responsibilities	....	107
6.14	Important Responsibilities of a Citizen	....	108
6.15	Relationship between Rights and Responsibilities	....	110

Chapter - 7: Justice 113-126

7.0	Introduction	....	113
7.1	Definitions	....	114
7.2	Major concepts of Justice	....	114
7.3	Connotations of Justice	....	115
7.4	Aspects of Justice	....	116
7.5	Evolution of Justice	....	116
7.6	Sources of Justice	....	117
7.7	Types of Justice	....	118

7.8	Social Justice	....	120
7.9	Achievement of Social Justice	....	122

Chapter - 8: Citizenship 127-142

8.0	Introduction	....	127
8.1	Definitions	....	128
8.2	Aliens	....	129
8.3	Methods of acquiring Citizenship	....	130
8.4	Loss of Citizenship	....	134
8.5	Qualities of a Good Citizen	....	135
8.6	Hindrances to Good Citizenship	....	137
8.7	Ways for overcoming the Hindrances to Good Citizenship	....	139
8.8	Types of Citizenship	....	140
8.9	Significance of Citizenship	....	141

Chapter - 9: Democracy 143-168

9.0	Introduction	....	143
9.1	Origin	....	144
9.2	Definitions	....	144
9.3	Evolution and Growth of Democracy	....	145
9.4	Features of Democracy	....	146
9.5	Types of Democracy	....	148
9.6	Merits of Democracy	....	149
9.7	Demerits of Democracy	....	152
9.8	Conditions essential to the success of Democracy	....	155
9.9	Importance of Democracy	....	158
9.10	Working of Democracy in India	....	159

9.11 Devices of Direct Democracy	....	160
9.12 Future of Democracy in India	....	165

Chapter - 10: Secularism 169-184

10.0 Introduction	....	169
10.1 Origin of Secularism	....	170
10.2 Meaning and Definitions of Secularism	....	170
10.3 Interpretations on Secularism	....	170
10.4 Types of Secularism	....	171
10.5 Factors that led to the spread of Secularism	....	172
10.6 Conceptions of Secularism	....	172
10.7 Dimensions of Secularism	....	173
10.8 Secularism Vs Theocracy	....	174
10.9 Meaning of Theocracy	....	175
10.10 Differences between Secular State and Theocratic State	....	175
10.11 Merits of Secularism	....	177
10.12 Meaning of Secular State	....	179
10.13 Features of Secular State	....	179
10.14 Importance of Secular State	....	180
10.15 Secularism in Indian context	....	181
10.16 Suggestions for making India as a Secular State	....	182

Chapter - 11: Constitution 185-194

11.0 Introduction	....	185
11.1 Definitions of the Constitution	....	186
11.2 Essential features of the Constitution	....	186

11.3	Classification of Constitutions	.....	188
11.3.1	Written Constitution	.....	189
11.3.2	Unwritten Constitution	.....	190
11.3.3	Differences between Written and Unwritten Constitutions	.....	191
11.3.4	Rigid Constitution	.....	192
11.3.5	Flexible Constitution	.....	193
11.3.6	Differences between Flexible and Rigid Constitutions	.....	193

Chapter - 12: Government 195-231

12.0	Introduction	.....	195
12.1	Meaning of Government	.....	196
12.2	Classification of Governments	.....	196
12.2.1	Traditional Classification	.....	196
12.2.2	Modern Classification	.....	197
12.3	Unitary Government	.....	199
12.3.1	Definitions of Unitary Government	.....	199
12.3.2	Features of Unitary Government	.....	200
12.3.3	Merits of Unitary Government	.....	201
12.4	Federal Government	.....	203
12.4.1	Definitions of Federal Government	.....	203
12.4.2	Features of Federal Government	.....	203
12.5	Distinction between Unitary and Federal Governments	.....	207
12.6	Parliamentary Government	.....	209
12.6.1	Features of Parliamentary Government	.....	209
12.7	Presidential Government	.....	214
12.7.1	Features of the Presidential Government	.....	215
12.8	Differences between Parliamentary and Presidential Governments	.....	219

12.9 Theory of Separation of Powers	.....	221
12.10 Organs of Government	.....	222
12.11 Legislature	.....	223
12.11.1 Functions of Legislature	.....	223
12.12 Executive	.....	225
12.12.1 Functions of Executive	.....	226
12.13 Judiciary	.....	228
12.13.1 Functions of Judiciary	.....	228

Scope and Significance of Political Science

CHAPTER 1

- 1.0 Introduction**
- 1.1 Origin and Definitions**
- 1.2 Nature of Political Science**
- 1.3 Scope of Political Science**
- 1.4 Significance of Political Science**



1.0 INTRODUCTION

There are several social sciences. Of them, Political Science is a premier social science. Political Science is mainly concerned with the study of the State in its relation with citizens, society, associations and the world at large.

Political Science is regarded as the science of State. It enables the individual to become a citizen in the state. It deals with the matters of citizen such as his rights and responsibilities. Political Scientists felt that the study of Political Science had its origin in the ancient Greek city states. They described that civilisation at first flourished in those city states like Athens, Corinth, Macedonia, Thabes, Sparta, Milan etc. These city states enjoyed sovereignty. They possessed self sufficiency and self-reliance. Prof. Catlin described them as city communities. Residents of the above city states belonged to three categories, namely, (i) Citizens (ii) Aliens and (iii) Slaves. Of the above, citizens actively participated in the activities of the city states. However, their number was very less. For instance in Athens of 5th century B.C. citizens included famous persons like Perealess, Socrates, Aeschylus, Sophocles and

Euripedes. Even after its defeat in the peloponnesian war (431 – 404 B.C) and consequent decline, it had citizens like Plato, Aristotle, and Aristophanes, the comic poet. On the other hand, aliens, who resided for a temporary period in a state will have certain immunities, of course, without any political rights. Slaves depended upon the citizens. They have many responsibilities without rights. Political Science deals with the above matters.

1.1 ORIGIN OF POLITICAL SCIENCE

It was Aristotle, a great Greek philosopher and the father of Political Science, who used the term 'Politics' for the first time in his classic work '**Politics**'. The term '**Politics**' is derived from a greek word '**Polis**' and latin word '**Politicus**' which means the **city state**. Aristotle and other Greek political philosophers regarded city state as the primary unit of political organization. They conceived politics as a series of activities of citizens in ancient city states. They viewed the State and the Government as synonymous. They made no differentiation between the personal and social life of individuals.

Aristotle described that man is a social animal. He further remarked that the State originated for fulfilling the basic needs of the individuals. He opined that the State continues forever for rendering good and benevolent life to the individuals. State was the only agency meant for achieving all-round progress of individuals. He emphasised the significance of the State by expressing the truth that individuals in the absence of society and state, remain indolent, uncivilized and selfish. The medieval and modern political philosophers viewed Political Science as a science dealing with the national and international affairs. They described that Political Science ultimately aims at achieving individual progress, social welfare and international peace and order.

Political Science became a prominent academic subject when the London School of Economics (LSE – founded in 1895) at first recognized it as an independent discipline for teaching and research. Harold J. Laski, Professor of Political Science of London School of Economics, strived very much for the popularity of this subject in developing nations. Political Science became a separate empirical discipline in the latter part of 19th century.

1.1.1 Definitions of Political Science

Political Scientists gave various definitions on Political Science. Their definitions are classified into two categories, i.e, (i) Traditional and (ii) Modern. They may be explained below.

1.1.2 Traditional definitions of Political Science

Traditional definitions of Political Science may be classified under three sub-categories. They are mentioned as follows.

(i) Political Science - a study of the State

Political Philosophers like J.W.Garner, R.G.Gettle, Appadurai and others described Political Science as a study of the State.

1. **J.W.Garner** : “Political Science begins and ends with the state.”
2. **R.G.Gettle** : “Political Science is a historical investigation of what the state has been, an analytical study of what the state is and a politico-ethical discussion of what the state should be.”
3. **Appadurai** : “Political Science is concerned with the conditions essential for the existence and development of the state.”

(ii) Political Science -a study of the Government

Some political philosophers like Stephen Leacock, John Richard Seely and others pointed out that Political Science is a study of the Government.

1. **Stephen Leacock** : “Political Science deals with the Government.”
2. **John Richard Seely** : “Political Science investigates the phenomenon of the Government”.

(iii) Political Science - a study of the State and the Government

Political Philosophers like Prof. Catlin, Dimock, Paul Janet, R. N. Gilchrist, and others revealed that Political Science is a study of the State and the Government

1. **Paul Janet** : “Political Science is that part of social science which treats the foundations of the state and the principles of the government.”
2. **R. N. Gilchrist** : “Political Science is a study of foundations of the State and the Government.”

3. **Dimock** : “Political Science is concerned with the State and principles of government.”
4. **Prof. Catlin** : “Political Science is a study of the political activities of individuals and various organs of government.”

1.1.3 Modern definitions of Political Science

Modern Political Scientists viewed the above traditional definitions as narrow, legal and institutional in their approach. They enunciated that after the Second World War, the focus of Political Science has shifted from political institutions to political processes. Behavioural approach came into being. It brought about a great change in the study of Political Science. It laid more stress on political behaviour. Modern political scientists conceived Political Science as a Policy Science. They laid more emphasis on the element of ‘power’ in the study of Political Science.

On the whole, Modern definitions of Political Science can be classified into two sub-categories. They are discussed as follows.

(i) Political Science – a study of power

1. **Lasswell and Kaplan** : “Political Science, as an empirical discipline, is the study of shaping and sharing of power.”
2. **William A. Robson** : “Political Science is primarily concerned with the power in society.”

(ii) Political Science- a study of allocation of values

1. **David Easton** : “Political Science is concerned with the authoritative allocation of values for a society.”
2. **Hillman** : “Politics is the science of who gets what, when and why?”

We may conclude that the modern definitions conceived Political Science as a social science concerning with the study and evaluation of activities, power and processes of political institutions.

On the whole, the various categories of above definitions reveal the fact that Political Science deals with all the matters concerning society, government, state and international organizations.

1.2 NATURE OF POLITICAL SCIENCE

There prevailed a controversy among the political scientists in regard to the nature of Political Science. Some viewed Political Science as a Science. Others treated it as an Art. Those who viewed Political Science as a Science include some prominent political philosophers like Aristotle, Bluntschli, Bodin, Hobbes, Jellinick, Montesquieu, Sidgwick and others. On the other hand, some political writers like Barker, Collin, Maitland and J.S. Mill regarded Political Science as an Art. Let us examine the two aspects (Science and Art) of Political Science.

1.2.1 Is Political Science a Science?

Political Science is considered as a Science on the following grounds.

- (i) Political Science is studied in a systematic manner.
- (ii) Experimentation is possible in Political Science. Principles are applied in the actual organisation of political institutions.
- (iii) Political Science, like other Sciences, has absolute and universal laws.
- (iv) Predictions are easily applicable in Political Science.
- (v) Certain generally agreed principles can be applied into the study of Political Science.
- (vi) Political Science embraces scientific nature. Scientific principles are applicable in the study of this discipline.
- (vii) Political Science, like other sciences, gives scope for establishing relationship between cause and effect.

1.2.2 Is Political Science an Art?

Political Science is considered as an Art on the following grounds.

- (i) Political Science has no absolute and universal laws like Physical Sciences.
- (ii) The phenomena studied in Political Science are interpreted in various ways depending upon the context and situation. So this Science lacks uniformity in the interpretation of various concepts.
- (iii) Political Science gives no scope for the exact theory of cause and effect which is the basis of all sciences.
- (iv) Political Science is not evolutionary in nature as its concepts are not developed in a steady, regular and continuous manner.
- (v) Scientific methods of observation and experimentation are not applicable in Political Science.
- (vi) Complete objectivity and detachment are not found in the case of various phenomena in Political Science.
- (vii) Political Science gives no scope for accuracy.

1.3 SCOPE OF POLITICAL SCIENCE

It will be interesting to everyone to make an enquiry into the scope of Political Science. Scope of Political Science means subject matter covered by it or topics which are included in its study. Political scientists expressed different views in regard to the scope of Political Science. Broadly speaking they viewed Political Science under two important dimensions, namely, limited and wider. Political Science, in its limited dimension, examines the various affairs of citizens in a particular locality. On the other hand, Political Science in its wider and broader dimension, deals with the comprehensive activities of various individuals and diversified organizations prevailing in local, regional, national and international levels.

Scope of Political Science has extended in course of time in a steady manner due to the diversification of state activities and increased political consciousness among the people all over the world. Consequently the scope of Political Science embraced all the activities and operations related to the individuals, institutions, associations and organizations at local, national and international levels. But on the whole, it confined to the contours of the modern state. Political Science discusses every matter involving individuals as members of modern

political organization, i.e., the state. It ultimately aims at the all-round development of individuals.

At one time scope of Political Science was confined only to the study of State and Government. But certain elements like passage of time, increase in population, emergence of nation –states and development of science and technology etc. paved the way for the extension in the scope of Political Science.

The scope of Political Science comprises the following points

(i) Study of Man in relation to Society and State

Aristotle stated that 'Man is a social animal.' Man can satisfy his basic needs like food, clothing and protection in the society. Political Science explains the relationship between man and society. It also explains the origin, evolution and purpose of the society. It examines how man adjusts himself with the society. In this context, Dillan opined thus: "The proper study of Political Science is significant both to society and individual". It is imperative that the modern man should develop proper attitude towards the society. This is possible only when he identifies himself with the society.

Political Science is concerned with the perennial and central issue of establishing proper relationship between the state and the individuals. Political Science enables us to find solutions to the complex issues by explaining the significance of political institutions in the state. It deals with many topics of state activity such as limitations of political authority and sphere of individual freedoms.

(ii) Study of State

Political scientists like Paul Janet, Bluntschli and Garner viewed Political Science as a study of the affairs of the state. They conceived the state as a political institution. The state is indispensable for every individual. Political Science studies the intimate relationship between the state and the citizens. It explains the various theories of the origin of the state. It also studies the nature, functions and various theories of state authority.

R.G. Gettle rightly said that in its historical aspect, Political Science deals with the origin of the state and the development of the political theories in the past. It also attempts to describe and classify the political institutions and ideas in the present and future.

The scope of Political Science comprises many aspects of the state. It can be analysed under three categories i.e., (i) the state in present situation; (ii) the state in the past; and (iii) the state as it should be in future.

i) Study of State in the present

Political Science deals with the state as it exists today. It explains the meaning, nature, purpose, growth and functioning of the state. It also studies about the origin and theories of the state. It also deals with public opinion, political parties and pressure groups which seek to acquire the political power or influence public policies.

ii) Study of State in the past

Political Science explains about the origin and transformation of the state. It also discusses about the diverse political institutions that existed within the state. It studies various factors that influenced the origin and evolution of the state. This sort of historical study is possible only in Political Science.

iii) Study of State in future

Political Science tries to determine the principles and concepts of a ideal state. It lays down the conditions under which a perfect state is realized. Political scientists conceive the future with a view to improve the standards of political institutions and their activities in the light of changing conditions.

On the whole, the scope of Political Science includes several aspects of the state such as its nature, origin, growth, development etc. It also studies about the various theories of origin of state. It also comprises a study of the various activities of the state from that of ancient Polis State to the modern Welfare State. Hence, Political Science deals with the present, past and future aspects of the State.

(iii) Study of Government

Scope of Political Science includes study of government. Some political scientists like Stephen Leacock and John Richard Seeley confined the scope of the discipline to the government alone. They conceived Political Science as a study of government. Government is an agency of the state. There can be no State without a government. The state realises its

aims through the device of government. Government formulates, expresses and implements the will of the state. There must be some men or body of men who are authorised to issue directives on behalf of the State. They are known as the government. Political Science studies the meaning, forms, structure, nature and functions of the government. It discusses the relationship among the various organs of the government. It makes a differentiation between State and Government. While dealing with the government, Political Science narrates the classification of various governments as illustrated by Aristotle, Leacock and others. Political Science also discusses the various merits and demerits, essential conditions and manifold activities of the government. Hence, Political Science is treated as a science of government.

(iv) Study of Associations and Institutions

There are several associations and institutions which influence the life of an individual. Every individual is a member of various associations and institutions in the state. While the state fulfils various political needs of individuals, associations and institutions help the individuals for their moral, religious, cultural, scientific and technological progress. These carry on their functions at local, national and international levels. Individuals join as members in these associations out of their interests or purposes. Associations help them to realise their personality. They play a significant role in the all-round growth of human personality. Individuals receive several benefits from different associations like family, caste, political parties, religion etc. Political Science explains the nature, structure and functions of various associations. Associations and institutions in modern times play a significant role in the formulation and implementation of policies of State and Government. Voluntary bodies such as trade unions, peasant groups, professional bodies etc., will have a great impact on the State and Government.

Political Science studies and examines the informal processes including the voluntary associations and institutions as well as the formal structure of the government- legislature, executive, judiciary and bureaucracy.

(v) Study of Rights and Responsibilities

Scope of Political Science includes study of rights and responsibilities of citizens. Citizens in democratic states, enjoy certain rights such as right to life, right to liberty, right

to property etc. Political Science enumerates the definition, classification and different theories of rights. It also focuses its attention on fundamental rights and their constitutional provisions. Similarly, citizens will have some responsibilities towards the state. These include paying taxes, obeying laws etc. Political Science also deals with the fundamental responsibilities of the citizens. It explains the significance of rights and responsibilities of the citizens.

(vi) Study of National and International Issues

Scope of Political Science comprises a study of National and International Relations which have become significant since the beginning of the 20th century. Political Science deals with the matters of upcoming nation states as well as international politics. It covers various issues of modern state in relation with other states in matters of safeguarding territorial integrity and sovereignty. Its study includes various topics like cold war, balance of power, disarmament, détente etc. Modern states are not isolated. They depend upon other states in many spheres like importing raw materials, exporting finished goods, transport, technology, services and communications. This requires close relations among the states in international sphere. So elements of harmony, understanding, mutual economic help, transfer of technology etc are very much required in the relations of the states. In this context, Political Science discusses not only the domestic policies of the state but also the issues of international dimensions stretching from the regional blocks to that of world organizations. It covers a wide range of topics such as diplomacy, international politics, international law, international organisations etc.

(vii) Study of Power

The Behaviouralists of twentieth century regarded Political Science as a study of sharing and shaping of power. They pointed out that Political Science discusses how power is grabbed, manipulated and perpetuated in order to have a control over the political society. They included several topics in Political Science such as political socialization, political culture, political participation etc. They further stated that Political communication, interest articulation, aggregation etc., are the aspects which are viewed as non-formal political power in the arena of Political Science.

(viii) Study of Public Policy

Modern political scientists like Anderson, David Easton and Charles Lindholm argued that Political Science is a 'Policy Science'. They considered Political Science as the study of formulation, execution and evaluation of Public Policy. They emphasized the role of formal political structures and informal political groups.

With the advent of public policy the scope of Political Science has further widened to include the dimensions of vital topics such as industrial policy, agricultural policy, land reforms policy, education policy, population policy, afforestation etc.

Public Policy of a nation in the context of international relations plays a crucial role in the formulation of diplomatic, economic, military and scientific strategies.

The above contents show the wide range of subjects that come under the purview of Political Science. Broadly speaking, Political Science includes the topics dealing with both empirical facts and philosophical values. Modern Political Science in the era of post-behaviourism deals with both empirical facts and value preferences. It is regarded as a combination of both science and philosophy. Hence it is a dynamic social science and its scope is ever expanding.

Thus, the scope of Political Science has expanded in recent times. The social life of human beings has a direct or indirect influence on their political life. Political Science embraces every sphere of human activities.

1.4 SIGNIFICANCE OF POLITICAL SCIENCE

Political Science is very useful and valuable science. Its knowledge is indispensable to the rulers as well as the ruled. Its significance is explained as follows.

(i) Information about the State

The primary aim of studying Political Science is to inculcate knowledge of the state—its origin, nature, structure and functions. Knowledge of the State is of great significance to everyone. Solutions to various political issues are found only when we have a proper understanding of the political institutions, their role and importance in the state. These issues can also be solved by having a proper social awareness. Political Science provides sufficient knowledge and awareness in this regard.

(ii) Knowledge of Government and Administration

The administrators, political leaders and diplomats who manipulate the affairs of the State require a sound knowledge of Political Science in order to perform their functions with efficiency. Political Science creates awareness about the organization, control and coordination of administrative machinery, personnel and administration, public relations management, administrative law and negotiations etc. It also covers the study of local self-governing bodies like Corporations, Municipalities, Zilla Parishads, Mandal Parishads, Panchayats etc.

(iii) Provides Information about Democratic Values

Political Science provides accurate information about the various political terms such as State, Government, Nation, Nationality, Constitution, Democracy, Liberalism, Capitalism, Socialism and Communism which are used commonly in every sphere of human life. It gives the exact meaning of the content, nature and scope of the above mentioned terms.

Political Science assumed special significance in modern democratic states. The success of democracy depends to a great extent upon the political consciousness of the people. In this context, Political Science provides a good knowledge and awareness about political ideas like Rights, Liberty, Equality and Justice. It points out that ignorance and indifference of citizens may prove detrimental to the cause of democracy.

(iv) Makes Democracy Successful

Democracy has now become the most popular government in the world. It is regarded as “world’s greatest political religion”. People in democracy elect their representatives and are ruled by them. If honest, self-less and committed representatives are not elected, the expectations of the people will not be fulfilled. People will not be benefitted in democracy when their representatives are not honest, selfless and committed in their work. Besides they (people) must be vigilant and enlightened for preserving and promoting democratic ideals. Political Science explains the significance of franchise. It educates the common men on the ideas and ideals of democracy. Its study is vital for the success of democracy. Its study makes the citizens intelligent, patriotic and vigilant in democratic system.

(v) Awareness about Rights and Responsibilities

The study of Political Science makes people conscious of their rights and responsibilities. It also enables the citizens to be familiar with their rights and responsibilities and the interrelationship between the two. The success or failure of democracy depends upon the proper understanding of the relationship between the rights and responsibilities. Political Science enlightens the individuals on their rights and responsibilities so as to play a positive and responsible role in society and state. Its study makes the citizens to realize the fact that a proper exercise of rights and responsibilities is a must for leading civilised life.

(vi) Teaches Good Citizenship Qualities

The study of Political Science is valuable for creating good citizenship and for securing national unity. It makes the citizens conscious of their national objectives and goals. A good citizen must know how laws are made and enforced? What interests and forces lay behind the policies of the government? What results are likely to emerge out of such policies. Political Science teaches the lessons of various aspects and virtues of good citizenship. It trains the people to become ideal citizens. It inculcates good citizenship qualities such as obedience, social service, self-sacrifice etc. It promotes and strengthens among them a sense of responsibility towards society and state. It inculcates the feelings of selflessness and enhances the spirit of social service. Ultimately it promotes the personality of individuals.

(vii) Knowledge about world affairs

Political Science enriches individual's knowledge on world affairs. It widens his intellectual horizon. Its study is useful for observing and understanding the contemporary world affairs. It stimulates right thinking, broad vision and universal understanding of various phenomena of international politics. It serves as a device for achieving the goal of realising universal family. Besides its study is useful for proper analysis and solution of various national and international issues.

(viii) Provides knowledge about International Organisations

The Study of Political Science promotes the spirit of internationalism. It provides a good knowledge about international organizations like the United Nations. It educates the people about the importance of internationalism in the present day world for alleviating

political tensions between states. It teaches them about the need for harmonious relations among the nations. It alerts them about the dangers of arms race and emphasises the need for disarmament. Besides it acquaints them about the dangers of cold war, colonialism, imperialism and neo-colonialism and the need for world peace and security.

(ix) Develops political awareness

The study of Political Science provides the necessary knowledge about political ideals namely Liberty, Equality, Fraternity, Justice etc. It also discusses about some political ideologies like Fascism, Socialism and Communism. It removes ignorance among the people regarding the above political ideals. It ultimately develops political awareness among the people.

(x) Explains the need for Co-operation and Toleration

National integration has become a crucial factor in several states. Many obstacles like communalism, linguism, sub-national, regional and sub-regional feelings etc., have been threatening the national integration in these states. In this context, the study of Political Science teaches about the need for adjustment, co-operation and toleration. It eliminates narrow mentality and selfish outlook among the people. It emphasizes the need for overcoming the sectarian and sectional interests. It further explains the need for respecting each other in society.

(xi) Knowledge of Political Science is indispensable

The study of Political Science has special significance in all states of the world. Its study helps everyone to understand the mechanism and constitutional systems of modern governments. Political Science creates awareness among them about the contemporary issues in national and international spheres. Its study embraces many elements such as principles of government, domestic and foreign policy of a nation, various organs of government etc. Besides, its study is significant for knowing the concepts of liberty, equality and fraternity.

It is in this context that Aristotle regarded Political Science as the supreme science and the master of all social sciences. The study of Political Science is of great utility to

various sections of society as it creates awareness about their rights and responsibilities. Ultimately, its study transforms a person as a citizen and a citizen as a good citizen. Its study is indispensable for the people in developing nations like India. As the majority people in these states are poor, ignorant, illiterate and sentimental in their outlook, the study of Political Science inculcates a good political knowledge among them.

* * *

QUESTIONS

I. Long Answer Type Questions

1. Define Political Science and explain its scope.
2. Discuss the significance of the study of Political Science.
3. Define Political Science and explain its nature.

II. Short Answer Type Questions

1. Write about the traditional definitions of Political Science.
2. What are the various modern definitions of Political Science?
3. Explain about the nature of Political Science.
4. Mention any three topics covered under the scope of Political Science.
5. Describe the scope of Political Science in the sphere of Government.
6. “Political Science is a study of the present, past and future of the State.” Analyse this statement.

III. Very Short Answer Type Questions

1. Write about ancient city states.
2. Give any two traditional definitions of Political Science.
3. Write about any two modern definitions of Political Science.
4. How does Political Science teach the qualities of good Citizenship?
5. Justify the statement that Political Science is an Art.
6. On what grounds is Political Science considered as a Science?
7. Name any four topics covered under the scope of Political Science.
8. In what way Political Science is considered as a study of the government?

State

CHAPTER

2

- 2.0 Introduction**
- 2.1 Definitions of State**
- 2.2 Essential elements of State**
- 2.3 Other elements of State**
- 2.4 State Vs. Society, Association and Government**

2.0 INTRODUCTION

State is considered as the most important, powerful and sovereign institution. It is the most dominant over all social institutions. It has become an indispensable and inevitable organisation in our social life. State was established for regulating and improving the relations between individuals. It was also meant for avoiding dissent, conflicts and tensions in human society. The present day modern States have their origin in the city states of Ancient Greece and Medieval Europe. Athens, Corinth, Thabes, Sparta etc. were some prominent City States in the ancient period. The ancient City States became popular during the 5th and 4th centuries B.C. There were several hundred city States prevalent around the coasts of Mediterranean and Black Seas. The first Italian City States hail their origin to the Greek colonies. Only male citizens participated in government and large portions of population remained as slaves. Rome, founded as a City State, centralised powers and pursued an expansionist foreign policy that led to the decay of ancient City States. After the fall of roman empire many prosperous Italian cities were reconstituted as city States. Venice, Amalfi, Genoa, Florence – Pisa etc., developed through trade with the Byzantine empire. MacIver described that blood relationship (kinship) created society and society in turn led

to the State. In ancient period, City States were prominent in oriental and western countries. These City-States achieved tremendous progress in various spheres. The City-States in Ancient Greece and Rome were simple and small. At the beginning of the medieval period, there prevailed lawlessness in Europe. The feudal lords acquired power over the peasants and farmers in this era. In the modern period, a unique political institution, namely, the State emerged. The theory of national self-determination led to the origin of modern nation – State system.

In ancient period, the Greek philosophers used the word, 'State' in the sense of Polis or City-State. Ancient Romans used the word 'Civitas' for State. On the first part of the sixteenth century, Machiavelli, an eminent statesman of Italy, was the first political scientist who used the word 'La Stato' which means the State. He used this term in his book "The Prince". In his view, State is a 'power system'. In the end of the sixteenth century, Jean Bodin, a prominent french philosopher, called the State as a 'republic'. He said that the State possessed sovereign powers. Such a power is considered as the main feature of the State in the latter part. In seventeenth century, Thomas Hobbes, a famous british political philosopher, argued that the State had unlimited powers. The socialists considered the State as a class structure. In the modern period, the term 'State' is used as a synonym for 'Government', 'Province', 'Nation' etc.

2.1 DEFINITIONS OF STATE

The term 'State' is defined by various political thinkers in different ways. Some of them are listed out as below.

- 1. Aristotle** : "State is a union of families and villages having for its end a perfect and self-sufficient life by which we mean a happy and honourable life."
- 2. Bluntschli** : "State is a politically organized people of a definite territory."
- 3. Jean Bodin** : "State is an association of families and their possession governed by the supreme power and reason."
- 4. Burgess** : "State is a particular portion of mankind viewed as an organized unit."
- 5. J.W. Garner** : "State is a community of persons, more or less numerous, permanently occupying a definite portion of territory,

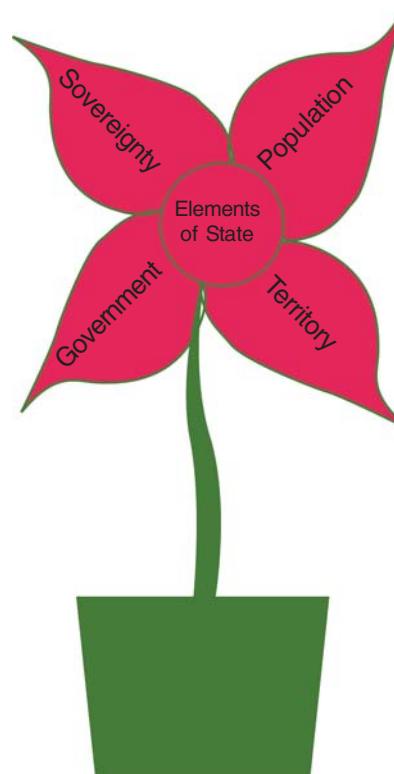
independent (or nearly so) of external control and possessing an organized government to which the great body of inhabitants render habitual obedience.”

6. **Harold J. Laski** : “State is a territorial society divided into government and subjects claiming within its allotted physical area, a supremacy over all other institutions.”
7. **Woodrow Wilson** : “State is a people organized for law within a definite territory.”

2.2 ESSENTIAL ELEMENTS OF STATE

The various definitions of State reveal some essential elements of State. They are-
(1) Population (2) Territory (3) Government and (4) Sovereignty.

This may be illustrated through the following figure.



1. Population

State is an organised human association. Population is its first and foremost element. No State can exist and survive without people, as there must be some to rule and others to be ruled. A desert where human beings do not live is not regarded as a State.

The population of a State comprises all individuals who, in principle, inhabit the territory on permanent basis. It consists of citizens, aliens and minors. The population of a State may not be completely homogeneous in culture, language, race etc. In fact, it is rare to find a State with a homogeneous people.

Political thinkers expressed different opinions in regard to the size of the population of a State. For Plato, the ideal State should not comprise more than 5040 people. Rousseau, the french philosopher, viewed 10,000 inhabitants as the ideal population. However, in modern times the maximum and minimum size of population has not been prescribed.

Modern States greatly vary in their size of population. Some modern States like the United States, Russia and Canada are still under populated relating to the area, resources and similar other factors. Some other States like China and India are confronted by the problem of over population.

According to the recent census, States like China and India have more than 125 crores of population each. On the other hand, Vatican City having 839 persons and Nauru having 9,945 persons remain as independent States in the world. There is no such hard rule as to the exact number of people required to make a State. On the whole, the population of a State must be large enough to preserve the independence and sovereignty and to exploit its natural resources. It must be small enough to be well governed. Although modern tendency is in favour of large populations, it is not wise to have a very large population when the resources of a nation are scarce.

The qualitative aspect of population is more important for a State. What kind of people comprises a particular State? Are they literate, well educated and culturally advanced? In this regard Aristotle rightly said that good citizens make a good State. So what is important is the quality of people – their character, culture and sense of belonging to the State. If the people are committed, disciplined, hard working, honest and intelligent, then the State achieves rapid progress.

2. Territory

Territory or a fixed geographical area is the second essential element of State. Territory denotes geographical area of State. It is owned and controlled by a government which exercises sovereign power. It encompasses that portion of earth's surface which is the exclusive possession and control of the State.

People cannot constitute a State, unless they inhabit in a definite territory. When they reside permanently in a particular place, they develop a commonality of interests and a sense of unity. It becomes easy to organize them into a political unit and control them. In the absence of a fixed territory, a State cannot be constituted. For example, the nomadic tribes like Gypsies were not considered as a State owing to their migratory nature.

State requires a fixed territory with clear demarcated boundaries for exercising undisputed authority. Territory is its "material basis". Territory of a State comprises: i) Land, mountains, rivers and lakes within its frontiers, ii) Territorial waters extending upto 12 nautical miles into the sea from the coast and iii) Terrestrial space lying above its land.

Like population, there are no limitations for the territory of a State. It may vary from a few square miles as in the case of Monaco and few million square miles as in the case of the United States. In the modern world small States as well as big States exist. From the administrative point of view small States are always better than big States. But from the defence point of view, they are not good.

But how much territory is essential for the maintenance of a State? There is no accepted rule as to the size of territory of a State. In the modern world, we find States of various sizes and shapes. More important than the size are the nature, resources and the location of the State. A geographically contiguous territory is an asset; otherwise it creates problems of administration and control. It is required that the State must consist of a certain coherent territory for effective governance. The territory of a State need not be exactly fixed by definite frontiers.

3. Government

State must possess an organized government. Government is the machinery through which the State exercises its supreme power. It constitutes the brain and heart of the State. Government is indeed an indispensable machinery by means of which the State maintains

its existence, carries on its functions and realises its policies and objectives. It may be noted that a community of persons does not form a State unless it is organized by an established government. Without government, there can be no civilised body like State. Prof. Gattel remarked that without government population would be an illogical, unorganized and anarchic with no means of collective action.

Government is the executive branch of the State. It is essential for administering political, economic, social and cultural affairs. It is also required for supervising various matters like natural resources, environmental protection, defence, security and foreign affairs.

State performs its various functions through Government. Prof. Garner says thus: "Government is the agency or machinery through which common policies are determined common affairs are regulated and common interests are promoted."

Government comprises three organs - Legislature, Executive and Judiciary. Their respective functions are legislation, administration and adjudication of laws. The form of government depends upon the nature of the State which in turn depends upon the political habits and character of the people.

4. **Sovereignty**

Sovereignty is the fourth essential element of the State. It is this element that distinguishes the State from other associations. Sovereignty denotes the supreme and final authority beyond which no further coercive power exists. It is the supreme power or ultimate authority of the State.

It enables the government to rule and make laws with in the State.

Sovereignty has two aspects- internal and external. Internal aspect of sovereignty relates to the supreme authority of the State over all individuals and associations within its geographical sphere. All individuals in the State must obediently submit to its will. By virtue of it, State makes and enforces laws applicable to all persons and associations. Any violation of these laws is regarded as a crime. External sovereignty denotes freedom of State from foreign control. State will have final and absolute authority. It is independent of foreign control. No external authority can limit its power. For instance, India before 1947

was not a State. Even though it has population, territory and government it lacked sovereignty. Sovereignty of a State extends all over its territory. Its people must accept it as undisputed. However, absolute sovereignty is neither feasible nor practicable in the contemporary world.

Besides the above, International recognition, Permanence, General Obedience and Popular Will are considered as other elements of State.

2.3 OTHER ELEMENTS OF STATE

1. INTERNATIONAL RECOGNITION

It implies recognition of the sovereign status of a State by other States. In modern times relations among nations have grown and many international organizations have come into being. Therefore some scholars have argued that international recognition became an essential element of State.

Every State requires recognition of other sovereign States. Such recognition is rendered by some international organizations like the United Nations. The UN membership is a means for recognizing State's sovereignty. Whenever a new State comes into existence, its recognition by other States and by the UN is considered as very essential.

International recognition also comprises a political dimension. China was a full-fledged State for many years before the establishment of the United Nations in 1945. China came under communist rule in 1949. Communist China was not recognized by the United States during cold war. After a longtime, it acquired legitimate place in the United Nations in 1970's only after the establishment of approachement between the United States and Communist China. It needs to be emphasized that even when Communist China was not a member of the United Nations, it was very much considered as a State.

2. Permanence

State is a permanent institution. Since ancient period, people led their lives and carried on their activities under one or the other form of State. The permanence of a State cannot be eliminated. If the State surrenders to the other States during war or aggression, it loses its significance but not the feature of permanence. Sometimes through the process of

integration or disintegration, the States will change the form of their existence. For instance, in 1990's Soviet Union got disintegrated and new 15 independent States came into being.

3. General Obedience

General obedience implies the supreme power of State over all individuals and institutions within its territorial limits. State commands obedience over its subjects and associations within its limits. Such obedience to State power is binding on people and groups within a State. No person or association can deny the power or authority of State. People can criticize the policies and programmes of government but not State. The obedience to State is mandatory on the part of the people.

4. Popular Will

Willoughby pointed out that the will of the people is an important element of the State. State continues to exist as long as it is supported by the majority of the people. The strong desire for protecting the State against invasions and internal revolutions is compulsory for the continuation of the State.

2.4 STATE VS SOCIETY, ASSOCIATION AND GOVERNMENT

2.4.1 State and Society

State and Society are two important human organizations. Society is a sum of all relationships – political, religious, cultural etc. It is a web of social relationships. Social life is natural to every individual. The instinct for association is their inbuilt quality. Nature and necessity prompted them to lead social life.

The term 'Society' refers to the interaction of complex norms among the people. People are the agents of social relationship. They are not regarded as things. Society is indefinable. It is a process rather than a thing, motion rather than structure.

Some scholars defined society as a collection of individuals held together by certain enduring relationships in pursuit of common ends. MacIver stated that society is a system of usages and procedures, authority and mutual aid of many groupings and divisions of human behaviour and of liberties.

Some others opined that society exists only when the members know each other and possess common objectives. Society consists of individuals who establish, maintain and

promote close contacts among themselves. It also consists of different groups and associations which help individuals in different matters.

Relationship between State and Society

The relationship between State and Society can be discussed as follows:

1. Common Features

State and Society have some common features. The two sometimes include practically the same persons in many cases. A vast majority of the members of society may be included in the same State.

2. Complementary

State and Society go hand in hand. They help each other. Social progress depends upon the progress of the State. The working of the State is influenced by social customs and traditions.

3. Synonymous

State and society were considered as the same in the past. At first the greek philosophers like Plato and Aristotle and later Idealists like Hegel and Bosanquet equated State with society. The greek philosophers viewed the City States and society as synonymous.

4. Interrelation

No one can deny the relationship between State and Society. State regulates the external conduct of individuals in society through laws. It provides a broad framework of social order. Thus State and society cannot be separated as different entities. Society nourishes the State with economic, cultural, religious and humanitarian activities.

Differences between State and Society

Inspite of close relationship, State and Society differ from one another. This may be illustrated through the following table.

Differences between State and Society

State	Society
1. State is a political organization.	1. Society is a social organization.
2. State regulates only the external relation of men in society. State formulates rules in this regard.	2. Society controls both internal and external activities of the individual. Society regulates all forms of social conduct.
3. State has the nature of compulsion. Disobedience to its laws is followed by punishment.	3. Society is not a compulsory organisation. So disobedience to its principles is not followed by any punishment.
4. State derives its strength mainly from laws.	4. Society derives its strength from customs, conventions and traditions.
5. State is a territorial organisation. It has its own well defined territory. Territoriality is its distinguishing feature.	5. Society is not confined to any geographical area. It has no territorial jurisdiction. Society may be broader or narrower than the State.
6. State alone has sovereignty. It operates through the instruments of compulsion and coercion. It uses force to implement its laws and policies.	6. Society does not possess sovereignty. It is supported by social customs, conventions and morality. It has no coercive power.
7. State is an important part of society. It refers only to the politically organised portion of society.	7. Society is wider than the State. Society is the complex of social relations formed and developed through various groups and associations.
8. State is a developed form of social organisation. It is created from Society.	8. Society is a bigger one. State is just a part of it. Society comes first. It is prior to the State. Man by nature is a social being.

9. State may not be permanent. It may disintegrate. It may be forcibly occupied by another State.	9. Society is permanent. It continues forever.
10. The laws and rules of State are definite and clear. They are made by the legislature.	10. The rules of the society are not so clear. They are generally ambiguous and vague. They are based on customs and conventions.
11. Laws of State are uniform. The punishments which are imposed upon the individual for violating the laws are same.	11. Rules of society are not uniform. The rules of one group may differ from those of another group on the same matter. Similarly, different social groups have different punishments for violating the same rule.
12. Government is the political organ of the State. It makes and implements laws of the State.	12. Society does not possess such machinery. It regulates itself by customs, traditions and conventions.

Prof. Barker has summed up the above differences thus: "State and Society overlap, they blend and they borrow from one another."

Though there are some differences between the State and Society, the two have some common features as well. State and Society sometimes include practically the same members. In most cases an overwhelming majority of the members of a particular society fall within the limits of a single State. Hence, relationship between State and Society is intimate.

2.4.2 State and Association

The social nature of man finds expression in numerous groups and associations which satisfy his various needs in life. Man cannot live in isolation. He seeks the cooperation and help of others to fulfill his needs and to develop his personality.

Intimate social relationship for achieving certain ends or purposes gives rise to the formation of associations. An association may be defined “as a group of people united for a specific purpose or a limited number of purposes.”

It will have similar views meant for the pursuit of certain common aims. As man is a social animal, he organises several associations for satisfying his associative character and various needs.

MacIver defined an association as an organization deliberately formed for the collective pursuit of some interests or a set of interests which its members share”.

Morris Ginsberg stated thus: “An association is a group of social beings related to one another by the fact that they possess or have instituted a common organization with a view to secure specific ends.”

Relationship between State and Association

Both the State and association comprise a group of human beings. Individuals are the members of both the State and Associations. Both are created and organized for the pursuit of an interest or a group of interests. Promotion of common interests is the driving force behind all forms of associations including the State. The State and Association are related in the following aspects.

1. Same Membership

Both the State and other associations consist of a group of same human beings. So the same individuals remain members of both the state and associations.

2. Common Interests

Both are created and organized for the pursuit of an interest or a group of interests. Promotion of common interests is the moving force behind all forms of associations including the State.

3. Organization

Both are characterized by organizations and a well-knit framework for realizing their objectives. Both regulate the activities of members. Both view cooperation as the basis among the members.

4. Code of conduct

Both have a code of conduct denoting some rules and regulations. The code of conduct keeps the members together. It ensures stability to the organization.

5. Executive

Every State will have an executive agency. Such agency is none other than the government. Similarly every association will have an executive council for implementing its decisions.

Differences between State and Association

State	Association
1. Membership in a State is compulsory.	1. Membership in association is voluntary.
2. State is permanent.	2. Associations may be temporary or permanent.
3. State strives for the welfare and progress of all the people.	3. Associations are meant for realising the interests of the members only.
4. State is a geographical organization. It has definite boundaries.	4. Associations will not have specific boundaries.
5. State is a sovereign body	5. Associations lack sovereignty.
6. Citizens show obedience to one State at a time. They enjoy membership only in one State at a particular time.	6. Citizens can join in as many associations as they desire at a time.
7. The scope of State is wide.	7. The scope of associations is limited.
8. State can intervene in the affairs of the associations.	8. Associations can't interfere in the affairs of the State.

9. State is superior to the associations.	9. Associations are inferior to the State.
10. Citizens shall be obedient to the State.	10. Citizens may disagree or disobey the rules and regulations depending upon the context and necessity.
11. All States in the world shall have the same characteristics.	11. Associations differ in their composition, nature, aims and objectives.
12. State exercises its authority by coercion and through laws.	12. Associations continue their activities not by coercion but through the co-operation of the members.
13. State can use force over the people for maintaining law and order.	13. Associations carry on their functions only through mutual agreement.

Differences between State and Association

It is said that the State is an “association of associations”. Barker rightly observed, “The State, as a general and all embracing institution of life, must necessarily adjust the relations of associations to itself, to other associations and to their own members.”

State is therefore, all-persistent, all embracing and all inclusive association. It is the most powerful of all associations. It brings harmony by controlling the external behavior of these associations.

2.4.3 State and Government

In popular parlance the terms ‘State’ and ‘Government’ are very often used as synonymous. Common people use the two terms in an identical sense. Many rulers ignored the differences between the two. For instance Louis XIV of France once said. “I am the king and I am the State”. What he claimed was actually the government and the State whose authority he had possessed.

Political scientists made a clear distinction between the State and Government. Some complex issues in Political Science are solved on the basis of the distinction between State and Government.

Relationship between State and Government

The relationship between State and Government can be discussed as follows.

1. Both are established by individuals

State and Government are two important organisations established by individuals. The two came into existence for protecting the people and for regulating the relations between them. Both were established for promoting the interests of the people in various spheres.

2. Complementary

State is the government for all practical purposes. Government carries on its activities in the name of the State. Whatever Government does, it does in the name of the State. The Stuart Kings in England and Louis XIV in France viewed State and Government as complementary.

3. Will of State expressed by government

Government is an important element of State. The collective will of State is expressed and implemented through Government. Government plays a crucial role in achieving the goals of State. Therefore government is described as the 'brain of State'. Laws which reflect the will of the State are formulated and given effect only by the government.

Prof. Laski stated that 'for every act of State that we encounter is, in truth, a governmental act. The will of the State is in its laws. But it is the government which gives substance and effect to their content.'

Differences between State and Government

The following are the differences between State and Government. It will be difficult for a government to carry on its activities in the absence of the State. Similarly, State can not carry on its activities without a government. Although the government controls the State, Government changes according to the will of the people. State remains as it is no matter who runs it. State is compared to a ship, and government is like the crew who runs the ship.

State	Government
1. State has four elements, namely, population, territory, government and sovereignty.	1. Government is one of the essential elements of the State. It is the main agency of the State.
2. State is a permanent organisation. It continues in existence irrespective of the changes in the political conditions in the country. It continues forever.	2. Government is a temporary organisation. It changes frequently through periodical elections or revolutions. Political conditions will have a great impact upon the formation, continuation and survival of the government.
3. State is a comprehensive organisation. It includes all individuals—ruled and rulers. All people living in a State come under its jurisdiction.	3. Government is a limited organisation. It consists of only few members and administrative officers who make and implement laws.
4. State is a natural institution. It existed since the beginning of social life.	4. Government is man-made. The rise and fall of governments has been a part of history.
5. State is an abstract organisation. It cannot be seen.	5. Government is concrete and definite. It is a physical manifestation. It carries on several activities on behalf of the State.
6. State possesses sovereignty. Its authority is absolute and unlimited. It cannot be taken away by others.	6. Government possesses no such power. It will have only derivative powers delegated by the State through the constitution.

7. People are not entitled to revolt against the State.	7. People can remove an inefficient or dishonest government. They have the right to oppose and criticize the policies and programmes of the government.
8. State is considered as the master as it issues orders to the government.	8. Government is viewed as the servant of the State. It symbolizes the power of State. It is always subordinate and loyal to the State.
9. All States are identical in nature. Whether big or small, they have the same characteristics. They are universal in nature.	9. Governments are not identical. They differ from State to State.
10. Membership of State is compulsory. No one is exempted from its membership.	10. Membership in government is optional. There is no compulsion in having its membership.
11. The authority of State is absolute and original.	11. The powers of the government are limited and delegated.

QUESTIONS

I. Long Answer Type Questions

1. Define State and explain its essential elements.
2. In what aspects State and Government differ from each other? Explain.
3. Explain the relationship and differences between State and Society.
4. Describe the relationship and differences between State and Association.

II. Short Answer Type Questions

1. Explain any two essential elements of State.
2. What are the other elements of State?

3. What do you know about Government and Sovereignty as the two essential elements of State?
4. Describe the relationship between State and Society.
5. Point out the differences between State and Society.
6. What is the relationship between State and Association?
7. Mention the differences between State and Association.
8. In what way are State and Government related?
9. Distinguish between State and Government.

III. Very Short Answer Type Questions

1. Mention any two definitions of State.
2. How many essential elements does the State possess? What are they?
3. What do you mean by 'Government'?
4. How many other elements does the State possess? Name them.
5. What do you know about 'Society'?
6. What do you know about 'Association'?
7. Write about the qualitative aspect of the population of a State.
8. Does a State require international recognition?
9. Mention any two differences between State and Society.
10. Write about any two differences between State and Government.
11. How many organs of Government are there? Explain their functions briefly.
12. Mention any two differences between State and Association.

Nationalism

CHAPTER

3

- 3.0 Introduction**
- 3.1 Nation**
- 3.2 Nationality**
- 3.3 Nationalism**
- 3.4 National Self-Determination**
- 3.5 Is India a Nation State?**

NATIONALISM



INDIA

3.0 INTRODUCTION

Modern states are nation states. Nationalism is a sentiment prevalent among the people on the basis of some elements such as common customs, traditions and usages, common political aspirations etc. The concepts of Nation and Nationality have become important components in the domain of International Relations and Political Science. Both inspired the people of several countries with patriotic feelings prior to the two world wars. The events that took place in the erstwhile Soviet Union, ethnic riots between Serbians and Croatians in the former Yugoslavia, the unification of East and West Germanys, return of normalcy in Vietnam the peace talks between Israel and Palestine Liberation Organisation (PLO) on West Asia etc reflect the serious concern of the people for realising nationality and nation states.

The theory of one Nation-one State became popular after the First World War. It was based on the principle of National self-determination. In the beginning, the meaning of the word 'nation' was not clearly understood by many. Normally a nation means a state having

nationality elements. In this regard Hayes stated thus, 'a nationality, when it acquires unity and independence, it becomes a sovereign nation'. Nation means a group of people who descend from a common racial or ethnic stock. Some philosophers used this word to denote nationality. Others preferred to identify it with the 'State'. There were some writers who treated the two terms as synonymous.

However, it may be noted that the word nation emphasises greatly the 'nation' on the homogeneity thereby ignoring statehood. It assigned importance to the cultural and spiritual elements in the composition of a nation. People having common origin, in terms of their ancestry, parentage or descent will have nationalistic feelings. Nationalism greatly influenced the history of the world. The quest for national hegemony has inspired millions of people who were under the shackles of imperialism and colonisation. Such a strong zeal prompted them to wage struggles for national liberation. In modern times, the nation-state has become a dominant form of societal organisation.

3.1 NATION

The term 'Nation' is often used as a synonym for an ethnic group as ethnicity is an important aspect of cultural or social identity of the members of most nations. However, people belonging to the same ethnic origin may reside in different nation-states. In such a case they are treated as members of separate nations. National identity is often disputed from higher to grassroots level of the individuals. Today almost all nations have been associated with some specific territorial boundaries.

There are some instances of people residing outside of their motherland. In such cases the state which explicitly identifies the homeland of a particular nation is regarded as a nation-state. Many of the modern states belong to this category. Whenever a particular territory becomes a bone of contention between nations, the claims are settled on the basis of the element of residence. Especially in the case of historical European settlements (1500-1950), the term 'First Nations' is used by groups which share an aboriginal culture and seek official recognition or autonomy.

The presence of a political system differentiates Nation from Nationality. Unless nationality develops into a political system, it cannot be called a nation. In other words, nationality is the first stage and nation is the second stage. Whenever nationality forms into a state, it becomes a nation. However, both nation and state cannot be equated. There is a scope for the existence of many nationalities in one nation state..

3.1.1 Meaning

The term ‘Nation’ is derived from a latin word “Natio,” which means ‘born’. It gives ‘a racial’ meaning. In this sense, nation means a people joining together in a society by the ties of blood-relationship. But in modern times, the concept has its own significance. Calvo, in his work ‘International Law,’ emphasised that the idea of nation is associated with the origin or birth of community of races, community of languages, etc.

3.1.2 Definitions

There are many definitions of the term ‘Nation’. Some of them may be mentioned as below.

1. **Barker** : “Nation is a body of persons inhabiting a definite territory and united together by the primary fact of living together on a common land.”
2. **Lord Bryce** : “Nation is a nationality which has organised itself into a political body –independent or desiring to be independent.”
3. **Burgess** : “Nation is a population of ethnic unity inhabiting in a territory of a geographic unity.”
4. **J.W. Garner** : “Nation is a culturally homogenous social group which is at once conscious and tenacious of its unity of psychic life and expression.”
5. **Stephen Leacock** : “Nation is a body of people united by the common descent and language.”

A nation is not a casual collection of people. At the same time it differs from other groups or communities found in human society. It differs from family to family which is based on face-to-face relationship with each member having direct personal knowledge of the identity and character. It also differs from tribes and clans and other kinship groups in which ties of marriage and descent link members together. It is also a fact that all people living in a state may not have common descent with their fellow countrymen. Yet nations exist with the people having respect towards others.

3.1.3 Differences between Nation and State

Nation	State
1. Nation is an independent political community or an integral part of a multi-national state.	1. State consist of the people of the same nation or many nations.
2. Nation precedes the state.	2. State follows the nation. The final form of a nation is the accomplishment of statehood.
3. Nation is a community of people who exist together for a common goal and who were united by psychological feeling of oneness.	3. State is a people organised by law in a definite territory.
4. Nation is historical and cultural in its evolution.	4. State is a political and legal structure.
5. Nation is the culmination of a long co-existence of the people.	5. State need not be evolutionary in nature. It may come into existence either by unification of the smaller independent political communities or by partition.

3.2 NATIONALITY

Political philosophers Burgess, J. W. Garner, R.G. Gettle, J.H. Rose, Zimmerin and others gave definitions on the term 'Nationality'. Their definitions are mentioned as below.

1. **Burgess** : "Nationality is a distinct socio - ethnic group ordinarily constituting a majority of the total population."
2. **J.W Garner** : "Nationality is a group or portion of population which is united by racial and other bonds."
3. **R.G. Gettle** : "Nationality is a population having the common bonds of race, language, religion, traditions and history."

4. **J.H. Rose** : “Nationality is a union of hearts once made and never unmade.”
5. **Zimmerin** : “Nationality is a form of corporate sentiment of peculiar intensity, intimacy and dignity related to a definite home country.”

Nationality emerges whenever there is unity and togetherness among human groups. Unity prevails among the people due to the common history, common language and common customs and traditions. A group of people are treated like a nation only in the wake of a desire for freedom. For instance the Jews were spread throughout the world prior to the formation of Israel. But their identity of residence in a definite area of Israel brought them recognition as a nation.

The term ‘Nation’ and ‘Nationality’ are used interchangeably. While the term ‘Nation’ connotes a political organisation, Nationality is a spiritual and psychological sentiment. A country denotes geographical territory. But the state expresses people having a legitimised administrative and decision-making institution. It may be noted that certain terms like ‘national’, ‘international’ etc are used in a technical sense applicable to the state. International law, for instance, applies to the relations between states. Sometimes it embodies relations between states on the one side and individuals or legal persons on the other. Likewise the United Nations represent the states of the world. On the other hand, nations do not get admission into the august body when they lack sovereignty.

Nationality is a term which denotes the status of a person in a state. The term is derived from the latin word ‘Natio’ which means ‘birth or descent’. Individuals who reside in a particular geographical area having a common language and common political aspirations would contribute to nationality.

3.2.1 Connotations of Nationality

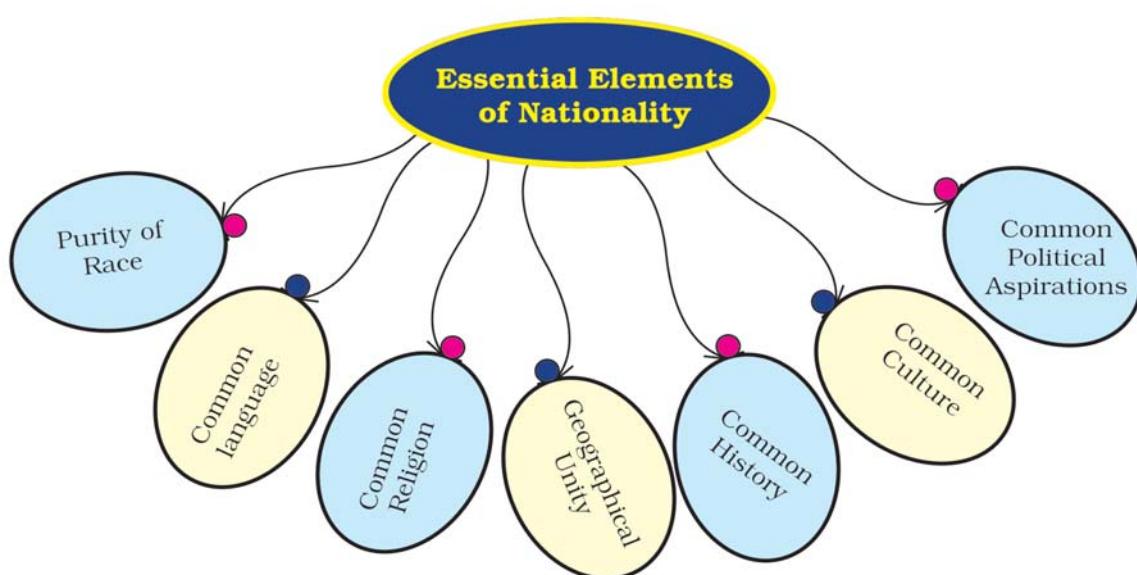
On the whole –the term ‘Nationality’ is used in three different connotations. These may be explained as follows.

1. Nationality refers to the legal status of citizens in a particular state. Here it refers to one's status as a citizen of the state which he belongs to.
2. Nationality means a group of persons having their distinct identity within a particular nation. For instance, there are many nationalities as Byelorussians, Ukrainians, Uzbeks, Tadjiks etc in the erstwhile Soviet Union. So is the case with Switzerland. These two states comprise people belonging to multi-nationalities.
3. Nationality denotes a particular kind of feelings and sentiments that binds the people together. It differentiates such people from those of other nationalities.

For instance, the residents in the region of Wales and Scotland in Britain have been struggling for independent status. We can find separate national feelings in this state. People are called as nations only after they become politically independent. Hence, state and political independence are the factors that denote the differences between nation and nationality.

3.2.2 Essential elements of Nationality

The formation of a nationality is attributed to many essential elements. These essential elements are mentioned in the following figure.



1. Purity of Race

Race is a physical phenomenon. Racial purity helps in the formation and strengthening of the idea of nationality. It depends on certain distinctions of skull, stature, hair, complexion etc. These distinctions serve as a cementing bond among the members of a group.

Some of the most distinct nationalities which we observe today have in fact been formed by a fusion of other races. The English and the French nationalities may be cited for such instances of fusion. While race is a physical phenomenon, nationality is a complex phenomenon having several spiritual elements. In course of time racial purity became a myth due to the fusion of races and free intercourse between them. For instance, Canada and United States have transformed into single nations inspite of their racial diversities in their respective populations. Similarly, Australia and Britain are two distinct nations although they belong to one racial stock. Hence, racial unity may not be considered as an important element in the creation of nationality though indirectly it has some strength.

2. Common language

Language is a medium of communication and deliberations among the people. People having a common language can very easily form into a single nation. Common language embodies common literature. It brings together like minded persons nearer. This leads to a sort of psychological unity among the people. However, some said that language is important but not crucial.

They contended that nationalities and nations may come into existence inspite of a variety of languages. For instance, there prevailed a common sentiment of nationality in Switzerland inspite of linguistic differences among the French, German and Italian inhabitants there. The same tendency is prevalent in states like Canada and India.

3. Common Religion

In the past religion played an important role in the consolidation of the nation. Common religion prompted and promoted strong bonds of unity. It helped in the formation of nationality through the common ideas and ideals of the people.

Religion as a bond of national unity has, however, lost its significance to some extent in the present age of scientific outlook. India is said to be an excellent example of a strong

nation developing from the people having a variety of religious faiths like Christianity, Hinduism, Islam etc.

All this shows that though religious unity helps the process of national unity, it cannot be considered as a pre-requisite to national unity.

4. Geographical Unity

Geographical unity is considered to be very essential for the formation of nationality and nation. It is inherent in nature. It attempts to design a separate entity to ascertain the unity of the country. Moreover, such unity affords an opportunity to the people to live together under similar climatic conditions. A definite territory occupied by a people exerts natural influence on their body and mind. People are imbued with like-minded feelings and similar psychological ideas which, in turn, are responsible for forging strong unity among them. However, geographic unity itself is not considered as a key element. For instance, before the creation of their national home in Palestine, the Jews were scattered over many parts of the world.

5. Common History

Common history is considered as another important element of Nationality. It invokes an inspiration among the people and binds them together. Sometimes historical incidents may give a chance to the people to develop national sentiments. For instance, Indians have learnt lessons of nationalism from the British legacy.

6. Common Culture

Culture in its broad sense means a way of life. It is reflected through certain common elements like dress, customs, conventions, food habits, religious beliefs, ethical values etc. They easily develop into a single nation. These elements bind the people together and hold them together.

7. Common Political Aspirations

People living together in a territory will be imbued with common political and economic aspirations. These in turn play a dominant role in the emergence of a nation. If there is a sufficient number of people having capacity of maintaining a separate state, they might wish for an independent political organisation. Such a union, again, may tend to mould

heterogeneous elements into a common nationality. It was observed that the unification movements in Germany and Italy, the American war of independence, the Indian freedom struggle etc have communality denoting identical political aspirations of the people.

To conclude, the presence or absence of any one or some of the above factors does not necessarily imply the presence or absence of a spirit of nationality. The United States is cited as an example for a nation arising out of multinational elements. Switzerland too is an example of this type. The Jews also represent a strange example of this type of nation.

3.2.3 Importance of Nation and Nationality

The concepts of Nation and Nationality laid formidable foundations to several modern political systems. These concepts promoted the bonds of unity, fraternity and integrity among the people of a particular country. Nationality and nationalism profoundly influenced the people of a nation in building their own states and moulding their economic prosperity. They have, in fact, worked as synthetic ideas tempered with cosmetic feelings in many modern states. Love for the family and piety for the nation, fellow feeling and so on are the offshoots of these concepts. The existence of modern states is, by and large, rooted in these zealous concepts.

The two concepts have similarity in their origin. Both the concepts were derived from a latin word 'Natio' which means birth or descent. Some political writers like Lord Bryce and Hayes described that people will form into a nation when they achieve political independence. Such a nation originates when people had nationalistic sentiments. Both the concepts arise due to the organisation of people into a homogenous body on the basis of common understanding.

A state emerges due to the influence of nationality and nation. At a time when the people in Europe were under despotic rule, the feelings of nationality strongly influenced them and made them finally come out of the clutches of the emperors and declare independence. The concepts of nation and nationality transformed the people into nation-states. Again these ideas imbued the people with love and respect for their language, religion and customs. They also made the people to preserve and maintain their culture. Hence, these great ideals strengthened understanding and unity among the people.

3.2.4 Differences between Nation and Nationality

Nation and Nationality differ in the following aspects

Nation	Nationality
1. Nation is a political concept.	1. Nationality is a psychological feeling.
2. Nation is always a politically organised state.	2. Nationality is always an unorganised and flexible feeling.
3. Nation is always independent.	3. Nationality is not independent.
4. There can't be a nation without nationality.	4. There can be nationality without a nation.
5. People who form into a nation obey the laws of the state.	5. Until the people of a nationality form into a nation, there can't be constitutional laws. But they oblige certain common rules in their best interests.

3.3 NATIONALISM

Nationalism is an effective force in modern politics. In theoretical formulations and practical political movements, the fire of national sentiment has been supported by writers and politicians. The purpose of national movement has however, remained the same everywhere. It has sought to concentrate human allegiance into a small and homogeneous unit- the nation-state.

It is traditional to distinguish nations from states. While a nation often consists of an ethnic or cultural community, a state is a political entity with a high degree of sovereignty. While many states are nations in some sense, there are many nations which are not fully sovereign states. For example, the native americans constitute a nation but not a state since they do not possess the requisite political authority over their internal or external affairs. If the members of the native american nation were to strive to form a sovereign state for preserving their identity as a people, they would be exhibiting a state-focused nationalism.

Broadly speaking the term “nationalism” is generally used to describe two phenomena.

They are mentioned as follows.

1. The attitude of the members of a nation towards their national identity.
2. The action of the members of a nation towards the goal of achieving self-determination.

The strong desire of the people having nationality feelings will emerge as a nation-state and nationalism. The ideas of nationalism originated in the cultural renaissance of Europe in the sixteenth century. The war of American independence (1774) was a great leap forward in spreading nationalism among the people. The French Revolution (1789) furthered nationalism in Europe and took it to the great heights. The Vienna Congress (1815) further supported the cause of nationalism in Europe. The unification of Italy and Germany boosted up the cause of nationalism. The much publicized theory of national self-determination of Woodrow-Wilson in 1917 further generated hope among the people of the world to form nation states. The two world wars completely redrafted the European map with the formation nation-states. The freedom struggles and national aspirations of the people of Asia, Africa and Latin America fulfilled the formation of nation-states immediately after the end of second world-war. Many issues of sub-nationalism and ethnic conflicts in many countries have been solved through granting statehood and recognising their special identities.

3.3.1 Importance of Nationalism

A close perusal of Nationalism reveals that it played a prominent role in the world affairs. During the last two centuries or more, nationalism has emerged as the most inevitable political creed in shaping the history. Nationalism not only inspired but also created deep hatredness among the people. It helped in liberalising the people from oppressive rule. It became a deciding factor in the breakup of many empires and states. Nationalist struggles have contributed to the drawing and redrawing of the boundaries of many states. At present a large part of the world is divided into different nation-states although the process of re-ordering of state boundaries has not come to an end. Separatist struggles within the existing states have become common.

3.3.2 Different phases of Nationalism

Nationalism can be studied on a country by country basis and in the chronological order. Hayes described five main phases of Nationalism in this context.

1. Humanitarian
2. Jacobean
3. Traditional
4. Liberal and
5. Integral

The first four phases originated in the Eighteenth and Nineteenth centuries. The French Revolution and its aftermaths had a climax in the fifth phase. i.e., integral nationalism. The fourth phase is characterised by the policies of some totalitarian states and other policies of supposedly democratic states.

It will be really interesting to observe Prof. Snyder's chronology of nationalism. According to Snyder there are four phases of nationalism namely.

- 1. Integrative Nationalism (1815-71):** During this period nationalism was a unifying force and found solid expression in the unification of Italy and Germany.
- 2. Disruptive Nationalism (1871-90):** During this period, subject nationalities of Austria – Hungary and other multi-national states clamoured for independence.
- 3. Aggressive Nationalism (1890-1945):** During this period, nationalism became virtually identical with aggressive imperialism. This led to the clash of opposing national interests in the form of two world wars.
- 4. Contemporary Nationalism:** (After 1945) During the early years of the contemporary period nationalism manifested in the form of revolts against European masters. Communism in its Stalin – style took on the trappings of nationalism in the Soviet Union. Since then nationalism has assumed particularly virulent forms. It has shaped the international politics of the western forms. It has become a worldwide phenomenon with its tremendous impact on the newly emergent states of Asia and Africa. It has achieved a kind of linkage with international communism.

Today we are living in the age of pan-nationalism assuming different forms – ranging from communist patterns and ultra-nationalistic forms to constructive associations of national and international trends and movements. Nationalism indeed has become a slogan, a school of thought, a movement and a fight for certain political or sovereign objective.

In this age of Liberalisation, Privatisation and Globalisation (LPG), the world has been shrinking. People are living in a global village. Nations become irrelevant. However, nationalism is still relevant. One can see this when Indian team goes out to play cricket or one can discover that Indians living abroad still watch bollywood films.

3.3.3 Merits of Nationalism

The following merits are found in Nationalism.

1. Nationalism removes mutual differences, personal animosities and internal feuds. It brings integrity and solidarity among the people of a nation. It enabled them to understand the neighbour's point of view. So it promotes closer understanding among the people.
2. Nationalism enables the people to obey the orders of government.
3. It helps in achieving the progress of a nation in a short period.
4. It accelerates the pace of the development of the state. It provides a democratic base to the government and strengthens administrative system.
5. It is anti-imperialistic. So it does not allow economic exploitation.
6. It secures political stability and peaceful social atmosphere.
7. It helps in developing the culture of the people of a nation rooted in their language, literature, costumes and so on.

3.3.4 Demerits of Nationalism

Nationalism is not free from criticism. It has the following demerits.

1. Nationalism makes the people extremely proud, jealous and arrogant as was clear from the history of Germany and Italy.
2. It provokes the people to dominate the people of neighbouring states.

3. It leads to unnecessary and unhealthy competition among the nations in economic matters.
4. It is also beset with parochial and provincial outlook.

In spite of the demerits, nationalism is an indispensable feature of modern state. Modern states degenerate into sub-national groups in the absence of healthy nationalistic feelings. States like Japan, France and USA attained economic progress due to the nationalistic character of their people. Hence nationalism brings in many advantages when its evolved on sound lines.

3.4 NATIONAL SELF-DETERMINATION

Nationalism today became a world-wide phenomenon. In theoretical formulation and practical politics, national sentiments are developed by many writers as well as politicians. This principle implies that every nation should be organised as an independent political entity. It raises the question whether every nationality has the right to be a self-governing or sovereign state. We have seen that imperialistic attempts of Napoleon Bonaparte aroused the sentiments of nationalism in many countries of Europe in the past.

Nations, unlike other social groups, seek the right to govern themselves and determine their future development. They seek, in other words, the right to self-determination. In making this claim, a nation seeks recognition and acceptance by the international community of its status as a distinct political entity or state. Quite often these claims come from the people who lived together in a given land for a long period having sense of common identity. In some cases, such claims of self-determination denote the desire to form a state in which the culture of a group is protected. Claims of the latter kind were frequently made in the nineteenth century in Europe. The notion of one culture - one state began to gain acceptability at the time. Subsequently, this idea was employed while reordering state boundaries after the First World War. The Treaty of Versailles led to the formation of several small and newly independent states. However, it proved virtually impossible to satisfy all the demands for self determination which were made at that time. Besides, re-organisation of state boundaries to satisfy the demands of one culture - one state, led to a large scale migration of people across the state boundaries. Millions of people, as a consequence were displaced from their homes and expelled from the land which had been their home for generations. Many others became victims of communal violence. Humanity paid a heavy price for re-

organising boundaries in a way that culturally distinct communities could form separate nation-states. Besides, even in this respect it was not possible to ensure that the newly created states contained only one ethnic community.

3.4.1 Demand for National Self-Determination

Demand for National Self-Determination have been raised in different parts of the world. Let us look at one such case. Basque is a hilly and prosperous region in Spain. This region is recognised by the Spanish government as an ‘autonomous’ region within the Spanish federation. But the leaders of Basque Nationalist Movement are not satisfied with this autonomy. They want this region to become a separate country.

Many states have people belonging to many ethnic and cultural communities. These communities often felt disadvantageous. Hence the issue of accommodating minorities as equal citizens remained a challenging task. The only positive aspect of these developments was that the state granted political recognition to the various cultural groups which in turn claimed the opportunity to govern them and determine their own future. The right to national self-determination has also asserted the national liberation movements in Asia and Africa when they were struggling against colonial rule. Nationalist movements maintained that political independence would ensure dignity and recognition to the colonised people. They also helped the people by protecting their collective interests. Many nationalist movements were inspired by the goal of bringing justice and prosperity to the nation.

However, it proved almost impossible to ensure that each cultural group, which claimed to be a distinct nation, could achieve political independence and statehood. As a result, migration of people, border wars and violence have continued to plague many countries in the region. Thus we have the paradoxical situation of nation-states which themselves had achieved independence through struggle now acting against minorities within their own territories. Virtually every state in the world today faces the dilemma of how to deal with the movements of national self-determination and raised doubts about the right to national self-determination. More and more people began realising that the solution does not lie in creating new states but in making existing states more democratic and equal. That is, in ensuring that people with different cultural and ethnic identities live and co-exist as partners and equal citizens within the country. This may be essential not only for resolving problems arising out of new claims for self-determination but also for building a strong and united

state. After all, a nation-state which does not respect the rights and cultural identity of minorities within the state would find it difficult to gain the loyalty of its members.

3.5 Is INDIA A NATION STATE?

Many western and oriental writers described that India is indeed a nation state. But some western writers argued that India cannot be called as a nation state. The reason they stated is that India is an amalgam of a number of castes, creeds and communities, languages, religions etc. It is also argued that India was never ruled by a particular common ruler. Even though it was widely known as Hindustan, there prevailed no common religion in India. The uniqueness lies in the fact that India possesses multinational state features.

However, some opined that the above view is not rational. They criticised the notions of above writers as prejudicial. But there are some political writers who whole heartedly assert the unity or homogeneity of Indian nation state.

There are strong reasons to justify that India is a nation.

Indians have a common history and culture. They have demonstrated their distinct qualities of national integration on many occasions. During India's aggression by China and Pakistan, the Indians extended unequivocal support to the government.

Indians have expressed their dedication to make unparallel and supreme sacrifices for the accomplishment of independence. They fought unitedly against the foreign yoke under the leadership of Mahatma Gandhi. Those Indians who suffered under the oppressive British rule cemented the psychological feelings of the Indian masses. Their efforts helped to achieve freedom ultimately. The composite culture, customs and conventions of the Indians have strengthened the nationalist feelings among them. The inherent qualities of patriotism and devotion towards 'Mother India' enhanced their political ideals.

Since times immemorial India is known for its unity in diversity although the people belong to different provinces. They realised the basic fact that they are all first and foremost Indians. Then only, they owe indebtedness to their respective religions and languages.

Indians have stood together as a monolith when the country was caught in the crisis caused by the natural calamities or political bickerings.

Indians believe that “Mother and Motherland are supreme than heaven” (Janani Janma Bhumistcha Swargadapi Gareeyasi). The history of India inspires its people and enthuse them. Some common elements like national anthem, national heritage, culture, constitution and the government inspire the nationalist feelings and inculcate national integration among the people.

In this connection, it must be pointed out that the outbreak of terrorism, religious fanaticism and senseless casteism in many parts of the country unfortunately threatened the unity and integrity of our country in the recent past.

The governments at the centre and in the states governments have been making all efforts for curbing these parochial, narrow and conservative views in order to preserve the integrity of the nation. Whatever may be the pros and cons of India as a nation, it must be fairly said that the commonalities such as constitution, festivals, national celebrations and common goals of the Indians rejuvenate the rich Indian culture and project the Indians as a mighty nation before the world. Therefore, India is considered as a nation.

* * *

QUESTIONS

I. Long Answer Type Questions

1. Define Nationality. Explain the essential elements of Nationality.
2. Discuss the relation between Nation and Nationalism.
3. Write a short note on demand for National Self-Determination.
4. Explain briefly 'whether India is a Nation'.

II. Short Answer Type Questions

1. Briefly explain the essential elements of Nationality.
2. In what way do Nation and State differ from each other?
3. Describe the various phases of Nationalism.
4. Describe the importance of Nation and Nationality.
5. What are the differences between Nation and Nationality?
6. Write short notes on National Self - Determination.
7. Is India a Nation State? Explain.

III. Very Short Answer Type Questions

1. What is meant by Nationality?
2. Define Nation.
3. Write any two differences between Nation and State.
4. Mention any two connotations of Nationality.
5. Mention any two essential elements of Nationality.
6. What is the importance of Nationalism?
7. Write any two merits of Nationalism.
8. Mention any two demerits of Nationalism.

Law

CHAPTER

4

- 4.0 Introduction**
- 4.1 Meaning of Law**
- 4.2 Features of Law**
- 4.3 Sources of Law**
- 4.4 Classification of Law**
- 4.5 Law and Morality**
- 4.6 Law and Liberty**
- 4.7 Rule of Law**



4.0 INTRODUCTION

Law plays a prominent role in the organisation of civilised life of in modern society and state. It serves as a basis to the prosperity of society. It determines and regulates the nature of individual's activities. Law, backed by customs and traditions promotes, benevolent behaviour among individuals. Individual's life, social order, political system, economic transactions, cultural activities etc., remain paralysed in the absence of laws. It is due to the deterioration of legal system that public life, governmental organisations and state activities were affected to a great extent in some contemporary states. Afghanistan, Iraq, Nigeria, Somalia, Soviet Union, Ukraine, Yemen etc., are some examples of such states.

Law is an essential condition which regulates the external behaviour of individuals. Constitutional law, an important type of law, acts as the main basis for determining the relations between individuals, society, government and state. Especially, it has a great impact on the political system.

4.1 MEANING OF LAW

The term ‘Law’ is found in all types of disciplines. In physical sciences, the term is used to explain the relationship between cause and effect. In Social Sciences it is used to regulate the behaviour of men in society. Political Science treats law as the foundation of its subject matter. The term ‘Law’ is derived from the teutonic route (German) “Lag” which means “to lay”, “to set” or something fixed. In other words, law is defined as a rule of conduct imposed by a sovereign political authority. The second dimension is that the word ‘Law’ had its roots in the Latin words “Jus & Jungere” which mean bond or tie. The literal meaning of law denotes that it is a bond or systematic code of conduct which regulates the external behaviour of men by the sovereign political authority. Government on behalf of the state formulates laws with a specific objective.

The word “Law” is used in a variety of senses. Scientific law is the law in which the sequence of cause and effect can be traced. For example, laws of gravitation and motion are universal and eternal. Social laws stand for the customs which guide the individual as a member of society. Moral laws deal with the matters of “intrinsic” right and wrong, good and bad. They deal with the motives of conscience. Political laws regulate the behaviour of individuals as members of the state. On the whole law denotes the external code of conduct. It is enforced by “a system of compulsion.”

4.1.1 Definitions

Political scientists gave several definitions on law. Some of them are mentioned as follows:

1. **John Erskin** : “Law is the command of the sovereign containing a common rule of life for his subjects and obliging them to obedience.”
2. **T. E. Holland** : “Law is a general rule of external human action enforced by the sovereign political authority.”
3. **Krabbe** : “Law is the expression of the judgements of value which the human beings make by virtue of their disposition and nature.”
4. **John Salmond** : “Law is the collection of principles recognised and applied by the state in the administration of justice.”
5. **Woodrow Wilson** : “Law is the portion of the established thoughts and habits which have gained distinct and formal recognition in the shape of uniform rules backed by the authority and power of government.”

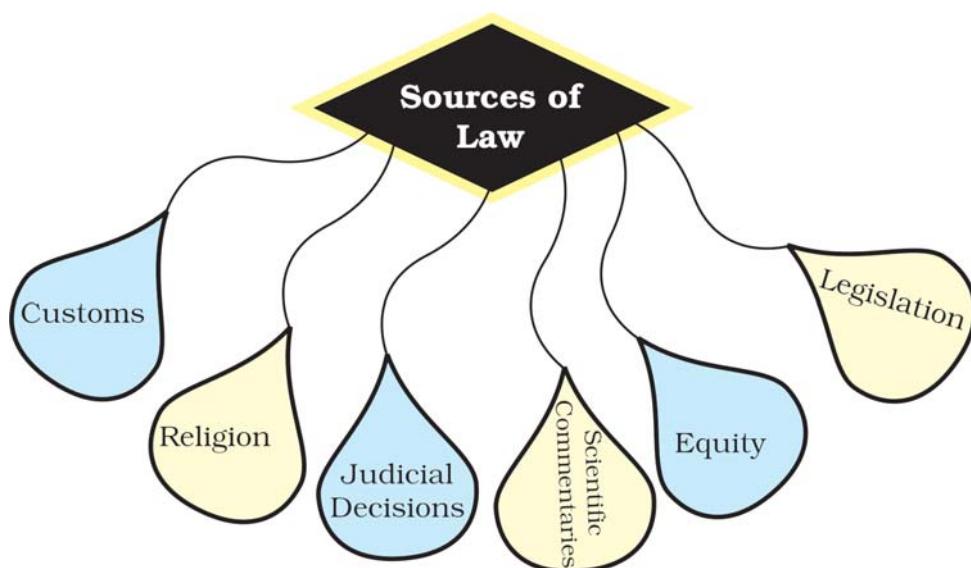
4.2 FEATURES OF LAW

The following are some features of law.

1. Law comprises some rules and regulations which are approved by the sovereign.
2. It is enforced by the state. It is valid because it is sanctioned by the state.
3. It is definite, precise and universal.
4. It reflects the will of the people.
5. Any violation of law leads to punishment.
6. Law is compulsory and cohesive in nature.
7. Law aims at securing and promoting the individual and general welfare.
8. Law is dynamic as it goes on changing according to the needs of the people.

4.3 SOURCES OF LAW

Law is a product of history. It has passed through various stages of development. Several elements have contributed to its evolution. In legal sense, the state is the main source of law. Professor T. E. Holland mentioned six sources of law. They are: 1. Customs 2. Religion 3. Judicial Decisions 4. Scientific Commentaries 5. Equity 6. Legislation.



These may be explained as follows.

1. Customs

Customs are regarded as the earliest source of law. In ancient period disputes between individuals were settled in accordance with the prevailing social customs. These customs, rituals and traditions in course of time became a basis for social life. They have immense utility. They promoted order in society. In due course, practices became usages. These customs were generally accepted by the community because of their general utility. As long as social relations were simple, customs provided the rules for promoting common interests. Marriage laws, social and moral customs are regarded as the by-products of social system at various points of time. Britain is renowned for the customs having great legal sanctity. They believe that “breach of convention is a breach of law”. However, State cannot afford to ignore the deep rooted customs of the land. Even in the United States there prevailed some traditions which became a part of the constitutional frame work.

2. Religion

In ancient period, customs and religion were closely related to each other. The ancient city states were governed on the basis of divine laws. The early priests, kings and magicians played a key role in making laws supported by religion. These laws had the divine and spiritual sanctions. Religion served as the basis of laws in many states. The origin of the Hindu laws in India can be traced in the code of Manu. The origin of Mohammadan law can be traced in Sharieath. The proper sense of divine law is revealed to man from God. God is the ultimate source of divine law. Some states like Pakistan, Afghanistan, Iran and Arab nations have been following religious laws in their respective constitutions. Hindus and Muslims even today have their separate personal laws based on their religious beliefs and practices particularly in the matters of marriage and inheritance.

3. Equity

The term ‘Equity’ stands for the principles of fairness and justice. When the existing laws are inadequate, judges use their common sense and fair understanding to give relief to the party concerned. Equity is derived from the principle of natural justice. It is viewed as judge made law. In this regard Henry Maine stated that equity is born of rules existing by the side of the original civil law founded on distinct principles. It supersedes the civil law in

virtue of its superior sanctity. Equity denotes informal method of making new laws altering the old laws depending upon intrinsic fairness or equality of treatment. Professor Gilchrist emphasised this element as a source of law. He mentioned about the three aspects of Equity namely (a) Exclusiveness (b) Concurrence (c) Auxiliary nature. Law is exclusive when it recognizes certain rights which are not recognized by common law. Law is Concurrent when it recognizes the rights. But law does not provide adequate relief. It is Auxiliary when material evidence cannot be proved.

4. Legislation

Legislation become an important source of law in democracy. Most of the laws are passed by the legislative branch of the government. Legislation is considered as the direct source of law. Legislation became a significant element in enacting laws in modern times. While formulating laws, legislature represents the voice of the general public. The party in power and opposition in the legislature represent the legitimate demands of the people.

5. Judicial Decisions

Judicial Decisions are also considered as the most important source of law. At present social life has become more and more complex. As a result customs and religions could no longer be considered as adequate source of law. The judgements given by the tribal leaders in settling the disputes between the individuals and group in primitive society became a source of law. In a democratic state, legislature makes the laws, executive implements them and judiciary interprets them. The judges settle various disputes and review the constitutional propriety of laws. When a law is silent, judges will express their opinions to deal with such situations, with better arguments and evidences. Due to the complex social, economic and political conditions the existing laws could not give justice to the people. Therefore judicial decisions have become mandatory in delivering justice.

6. Scientific Commentaries

Scientific Commentaries are another important source of law. The views, comments and works of eminent jurists on law help in the formation of laws. Greater importance is assigned to the opinions of judges, jurists and lawyers in the formulation of laws. In the course of their commentaries the jurists points out the drawbacks in law, and suggest the solutions. These are applicable to everybody. In India Yajnavalka, the author of "Neetisaara" occupies a prominent place; Similarly Holebrooke and Blackstone in England are regarded

as eminent jurists whose comments and scientific discussions on law were universally accepted as expositions on law. Great jurists like Kent of the United States and Jeremy Bentham of England have made valuable contributions through their comments on judicial matters.

4.4 CLASSIFICATION OF LAW

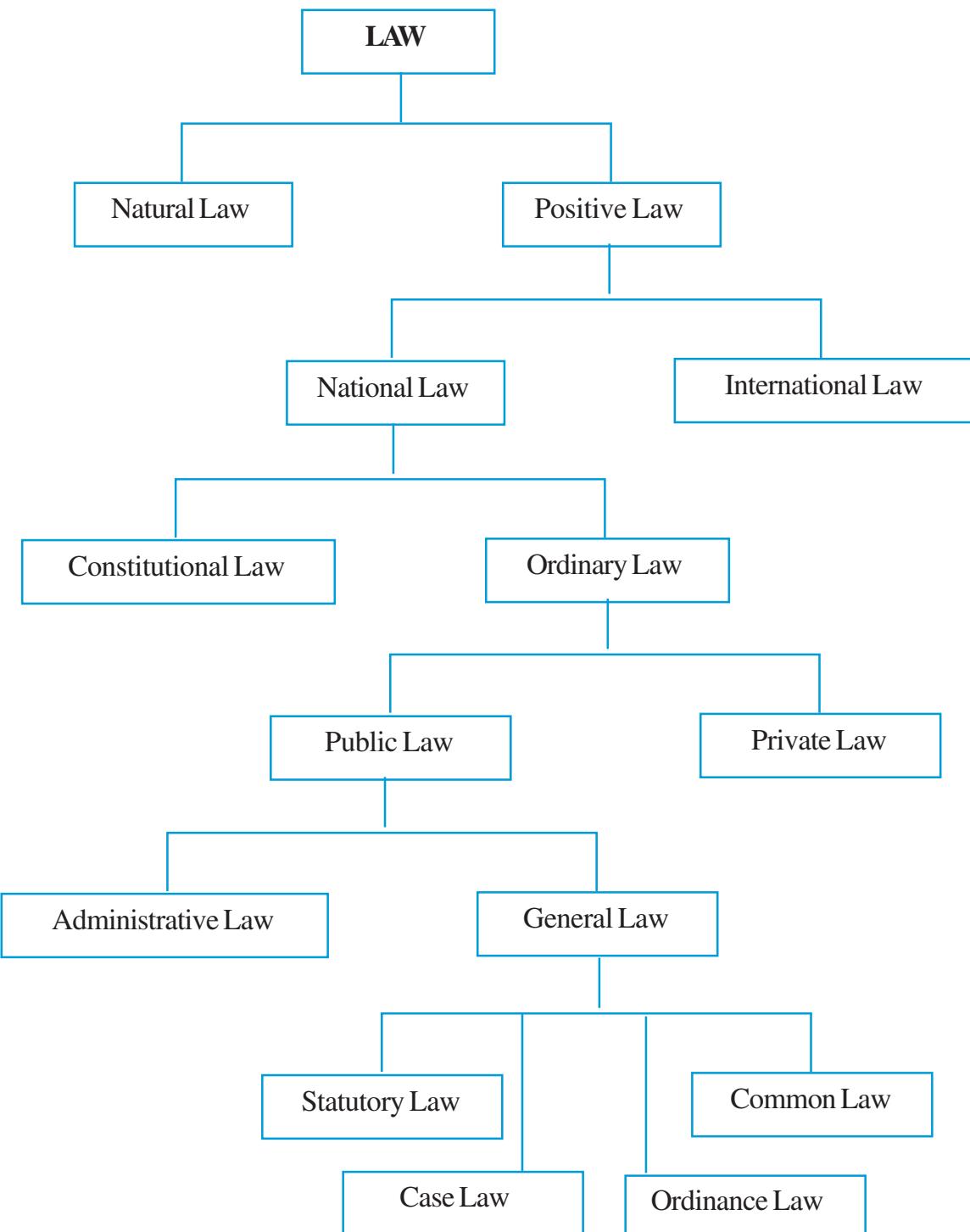
Many political philosophers gave their classifications on laws in different ways. Of them the classification given by MacIver is mention worthy.

Mac Iver classified law into two types, namely, Natural Law and Positive Law. Positive Law is further divided into National Law and International law.

- ◆ National Law is further grouped into Constitutional law and Ordinary Law.
- ◆ Ordinary Law is again classified into Public Law and Private Law.
- ◆ Public Law is further divided into Administrative Law and General Law.
- ◆ General Law is again divided into statutory Law, Case Law Ordinance and Common Law

The above types of laws may be shown in the following table.

Classification of Law



The above classification of law can be explained in the following points:

1. Natural Law

Natural law is also known as divine law. It is abstract. It is not created by any human agency. It is considered as the gift of nature based on metaphysical power. It refers to the use of reason to analyse human nature. It is written in the heart of human beings by the finger of God.

2. Positive Law

Positive law is created by the human agency. It is also known as political law. It is framed on the basis of the existing social and political conditions. It is sanctioned by the sovereign political authority. Violation of positive law leads to punishment. Positive Law is further classified into two categories - National Law and International Law. National Law is also known as Municipal Law or Law of the state. It confines to the territorial limits of the state. It, enforced by the sovereign, is applicable to all the people in a state. International Law is one which regulates the cordial relations among various states. It has no coercive power. International covenants approved by the United Nations are examples of this Law. International Law simply comprises a specific code to be observed by the member states for promoting international peace and security.

National Law is further divided into two categories - Constitutional Law and Ordinary Law.

3. Constitutional Law

Constitutional Law is basically different from Ordinary Law. It is the supreme law of a state. It determines the structure of the government. It explains the relationship among the organs of government. It determines the jurisdiction of these organs. Constitutional Law is mostly written in form. It also explains about the rights and responsibilities of the citizens of a state. It is paramount in democracy. It embodies the will of the people.

4. Ordinary Law

Ordinary law is subordinate to the constitutional law. It is formulated and enforced by the competent authority of the state. It explains the relations of the citizens with society, government and state. It is backed by customs, usages and religion. Legislatures makes amendments to this law. Ordinary law is further divided into Public and Private Laws.

5. Public Law

Public Law regulates the relations between state and individuals. It explains the basic structure and functions of the state. It covers the basic rights of the individuals against the excessive interference of the state. It must be followed by all citizens. Its violation leads to punishment.

6. Private Law

Private Law determines and regulates the relations among the individuals. It prescribes the conduct of individuals in society. It provides guarantee to each for enjoying his rights. It is sometimes termed as civil law. The various judicial organisations hear the disputes in private matters as per the private law. Public Law is further divided into Administrative Law and General Law.

7. Administrative Law

Administrative Law plays an important role in the smooth functioning of administration. It regulates the administrative relations between the authorities and people. It helps the government to bring reforms in the sphere of development and welfare programmes. Many countries achieved rapid progress due to the adoption of administrative laws. Administrative law brings discipline among the personnel in the government.

8. General Law

General Law determines the relationship between ordinary citizens and the state. It deals with the private affairs of individual in relation to the state. It covers the laws relating to marriage, divorce, contract etc. General Law is further classified into statutory law, Common law.

9. Statutory Law

Statutory law is an important part of modern law. It is enacted by the legislature of a state for the day to day administration. For instance, the Parliament in India, the Congress in United States and Parliament in Britain formulate this type of law.

10. Common Law

Common law is a customary law. It is a product of customs and traditions which are popular among the people. The courts accept common law as a part of the legal system.

4.5 LAW AND MORALITY

Law and morality are considered as the basic pillars of social institutions. The two elements play a vital role in the maintenance of peace, security and prosperity in society. They have different versions with common objective. They are interrelated and interdependent. Some political philosophers believed that law and morality are one and the same. In this context R.G. Gettle stated thus: "Law and morality were both identical. Both arise as a result of habits and experience in primitive social life when moral and social lives were not separate." Inspite of certain differences, Law and Morality are meant for common welfare.

Law and morality differ in several aspects. Law regulates the external behaviour of individuals. On the other hand, morality is concerned with the whole life of individual. It covers his inner motives as well as external acts. It controls the internal feelings of individual on the basis of good and bad. Law and Morality became distinct with the advancement of civilisation. At present, they differ in their scope, contents, sanction and precision. Both deal with individual as a moral agent of society. For instance, in ancient India the term Dharma denotes both law and morality. The Greek political philosophers identified the two as same. On the whole the differences between Law and Morality may be illustrated in the following table.

4.5.1 Differences between Law and Morality

Law	Morality
1. Law is concerned with the external behaviour of individuals.	1. Morality is concerned with the entire life of individuals.
2. Law is a concern of the state.	2. Morality is concerned with individual conscience.
3. Law is backed by the coercive power.	3. Public opinion and individual conscience lie behind morality.
4. Law is definite and precise.	4. Morality is vague and uncertain.
5. Law acts within the territory of a state.	5. Moral principles are universal in nature

6. Law is enacted with a specific objective.	6. Moral principles are inherent in society.
7. Laws are sanctioned by the sovereign.	7. Moral principles are sanctioned by the society.
8. Law is the subject matter of Political Science.	8. Moral principles are the subject matter of ethics.
9. Violation of law leads to punishment.	9. Violation of moral principles does not involve punishment.
10. There is a definite agency to make and implement the law.	10. There is no such agency in the case of moral principles.

4.6 Law and Liberty

Law and Liberty are the two fundamental concepts in Political Science. Law serves as a basis to the functioning of Government and State. It gives a solid foundation to the society by prescribing some rules and regulations. These two concepts are interdependent. There is no unanimity of opinion among political philosophers in regard to the relation between Law and Liberty. There are two different schools which gave contradictory opinions. One school of thought believed that Law and Liberty are antagonistic or antithetical to each other. The other school of thought viewed both the concepts as interrelated to each other. Let us explain the two versions.

4.6.1 Law and Liberty are Antithetical

The champions of individual freedom believed that law always restricts the activities of human beings. Law does not allow the individuals to do whatever they like. Individualists like J.S. Mill, Herbert Spencer, David Ricardo, Adam Smith, Marshall and Anarchists like Proudhon, Bakunin and Kropotkin believed that law always infringes on individual's liberty. The state is the principal agency which destroys individual liberties. Law always restricts individual's freedom. It will not allow the citizens to take active part in the affairs of state and government. Similarly, it becomes a hurdle in performing the economic activities of the nation. The recent liberalised economic policies in many countries changed the pace of their economies. These policies enabled the people to freely participate in economic

activities. They provided scope for competition between national and global markets without any stringent economic loss. Therefore, Individualists believed that state is a necessary evil institution. They stated that that government is the best which governs the least. Law imposes restrictions over individual's activities. Individuals cannot develop their personality unless they are free from restrictions. Therefore law and liberty are antithetical to each other.

4.6.2 Law and Liberty are complimentary

The socialists and communists viewed that law and liberty are complimentary to each other. They regarded the state as a welfare agency. The state can ensure a better and just social order through its legal mechanism. Law imposes restraints essential for the social welfare. It is a fact that the capitalist class exploited the working class. The state shall eradicate the evils of exploitation by making necessary laws. Freedom is not absolute. So the state must impose necessary restrictions on the enjoyment of rights of the people. Laski says that "Law comes very close to the world of liberty that demands observance of common rules which bind the conduct of men in their civilized collective life." The Idealists believed that state is a moral agency. The state represents the general will of the community. Hence every law of the state must be observed by the people. Individuals will be free when they obey the laws of the state. The Fascists gave a practical expression of the relation between law and liberty. Mussolini gave a slogan 'Nothing against the state'. Law always protects the interests of the people. Therefore both the concepts of law and liberty are complimentary to each other.

4.6 RULE OF LAW

Rule of law is a unique feature of British Constitution. It at first originated in England. Later many states like India and the United States have adopted this feature. Rule of law is purely based on the principle of common law. It denotes that law should be general in form. It should be uniformly applicable to all the citizens living in a state. There should not be different types of law for various sections of the community. In other words the government must treat all the citizens equally as per the law. The governance and administration in a particular state should be carried on in accordance with the laws. A. V. Dicey in his "Law of the Constitutions" (1885) gave a precise explanation of the rule of law. According to him, rule of law stands for equality before the law. This implies equal subjection of all classes

including the officials or common man. Law makes no discrimination between individuals. A.V. Dicey says that “Every official from Prime Minister to the attender, all are equal before the law”. His main thrust was to protect the fundamental rights of the people against the exercise of arbitrary authority. However, rule of law was subjected to various limitations in view of several changes which have taken place in socio-economic fields.

The main objective of Rule of Law is that government should not act as a mediator. It should conduct and implement proper procedures as authorised by the legislature. Any form of violation of law should be punished in accordance with the procedures. The official status should not protect the interest of the citizens for their personal ends. For instance, in Britain there are no special constitutional provisions for guaranteeing of rights of individuals. Therefore, Rule of Law is helpful to all the citizens in protecting their rights and discharging their responsibilities in a more effective manner. The Constitution of India too recognizes Rule of Law as a basic feature of Indian Constitution. The Supreme Court of India time and again declared Rule of Law as a basic structure of Indian Constitution. Articles 14 to 21 of the Indian Constitution have incorporated the spirit of this concept. However, the scope of this concept is gradually shrinking owing to the over burdening of legislative work with enormous functions. On the whole, the cardinal virtue of Rule of Law is that “All are equal before law and no one must arbitrarily be punished” constitutes the core value of any democratic system in the world.

QUESTIONS

I. Long Answer Type Questions

1. Define Law. Explain its various sources.
2. Explain MacIver's classification of Laws.
3. What is meant by Law?
4. Explain the relationship between Law and Morality.

II. Short Answer Type Questions

1. Define Law and mention the features of law.
2. Explain different kinds of Law.
3. Write about any three sources of Law?
4. Distinguish between Law and Morality.
5. "Law and Liberty are antithetical." – Analyse this statement.
6. How are Law and Liberty complementary?
7. In what way are Law and Morality related to each other?

III. Very Short Answer Type Questions

1. Explain the origin of the term 'Law'.
2. Write any two definitions of Law.
3. What are the features of Law?
4. Define the term "Rule of Law".
5. What is Natural Law?
6. What do you mean by Administrative Law?
7. Write any three sources of Law.
8. What is Constitutional Law?
9. Define Public Law.
10. Define the term Equity.
11. What do you mean by Scientific Commentaries?
12. What is the role of Legislature in making Laws?
13. What is meant by statutory Law?

Liberty and Equality

CHAPTER

5

- 5.0 Introduction**
- 5.1 Meaning of Liberty**
- 5.2 Definitions of Liberty**
- 5.3 Aspects of Liberty**
- 5.4 Characteristics of Liberty**
- 5.5 Types of Liberty**
- 5.6 Safeguards of Liberty**
- 5.7 Threatening elements of individual Liberty**
- 5.8 Introduction to Equality**
- 5.9 Meaning of Equality**
- 5.10 Aspects of Equality**
- 5.11 Essential features of Equality**
- 5.12 Types of Equality**
- 5.13 Various obstacles to Equality**
- 5.14 Relationship between Liberty and Equality**

5.0 INTRODUCTION

The success of a political system depends on the enjoyment of liberty and equality by the individuals. These two elements have great significance in the study of Political Science. Individuals desire liberty for the overall development of their personality. Several wars and revolutions have taken place for securing liberty. Liberty enables the individual to exhibit his talents for improving the social standards. J.S. Mill, Herbert Spencer, Montesquieu, Herald J. Laski and Seeley have made a significant contribution for promoting liberty. The recent crises in Egypt and Syria are the outstanding examples of movements for liberty. J.S. Mill opined that liberty is a constitutional freedom given to the individual to express his opinions frankly.

5.1 MEANING OF LIBERTY

Liberty is an essential condition without which man cannot develop his personality. It is very difficult to give the exact meaning of liberty. It is widely used by various sections in different connotations.

The term Liberty is derived from the Latin word 'LIBER', which means 'free from restrictions'. Ancient Greek political philosophers viewed liberty as a means of the rights and obligations of individuals to participate in political decision making process. The dictionary meaning of the term 'Liberty' shows varied uses to which the term is put. In the Encyclopedia of Columbia, this term is used to describe various types of individual freedoms such as freedom of speech, right of self defence etc. Liberty denotes freedom to do something. As a matter of fact, liberty does not permit anyone to do whatever he likes. Liberty has to be enjoyed by individuals subject to certain social and moral restrictions imposed by the society for leading dignified life. In this context the true sense of liberty is the behaviour of a person which is harmless to others.

5.2 DEFINITIONS OF LIBERTY

Liberty is defined in many ways by different political thinkers. Some of them are cited below.

1. **Mahatma Gandhi** : "Liberty does not mean absence of restraints but it lies in the development of one's personality".
2. **R.G. Gettle** : "Liberty is the positive power of doing and enjoying those things which are worthy of enjoyment and work".
3. **R.N. Gilchrist** : "Liberty is freedom from constraint, captivity or tyranny and freedom to do as one pleases for the unrestrained enjoyment of natural right".
4. **T. H. Green** : "Liberty is not mere absence of restraints. It is the positive power of doing or enjoying things worth doing and enjoying in common with others".
5. **F.A. Hayek** : "Liberty means absence of coercion".

- 6. **H. J. Laski** : “Liberty is the eager maintenance of that atmosphere in which men have the opportunities to be their best selves”.
- 7. **Montesquieu** : “Liberty means the power of doing what individuals ought to will”.
- 8. **J.R. Seeley** : “Liberty is the opposite of over government”.

In modern times, political scientists have devoted much time to the study of the concept of liberty. As a result, this concept has remained dynamic. Patrick Henry, a revolutionary leader in American colonies raised his voice against Britain by saying thus “Give me liberty or give me death”. The french revolutionaries shed their blood for the sake of the magic words “Liberty, Equality and Fraternity”. Their declaration of the “Rights of Man” (1789) stated that “Liberty consists in the power to do everything that does not injure others”.

5.3 ASPECTS OF LIBERTY

Liberty has two aspects – Negative and Positive

- 1. **Negative Aspect:** Liberty, in its negative aspect, implies absence of restrictions. Individuals can enjoy freedom only when there are no restraints on their freedoms. However, some considered this aspect as not realistic. They asserted that unrestrained liberty was possible in a pre-social state. It is neither feasible nor practicable in modern times.
- 2. **Positive Aspect:** Liberty in its positive aspects denotes a situation in which individual is free to do according to his wishes and allowing others the same in his case. To say in other words-liberty is the power which should not cause harm to others. T.H. Green, an idealist philosopher, propounded this aspect of liberty. He stated thus “Liberty is the positive power of doing or enjoying something that is worth doing or worth enjoying in common with others”.

5.4 CHARACTERISTICS OF LIBERTY

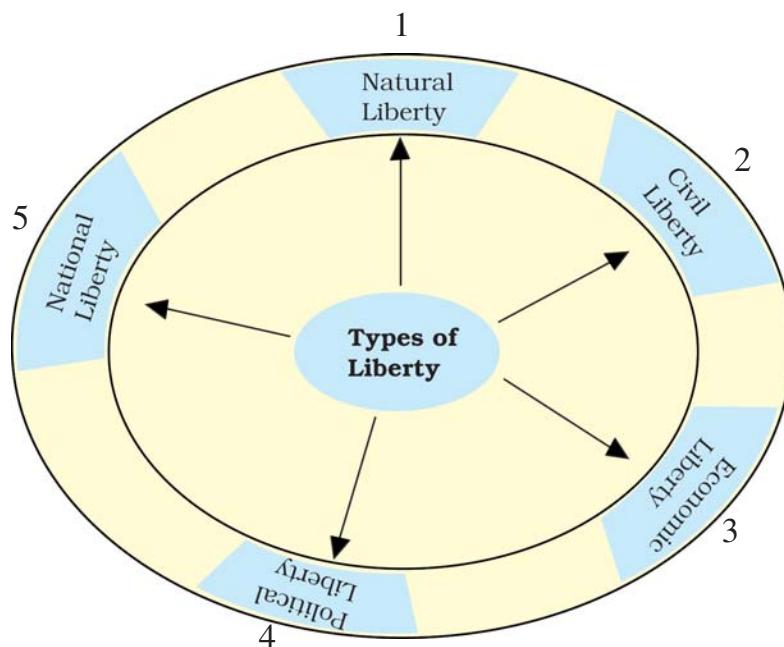
The following are the important characteristics of Liberty.

- 1. Liberty is a dynamic concept. Its interpretation varies according to time, place and popular wishes.

2. Liberty always opposes political, imprisonment and slavery and subjugation.
3. It always aims at realizing the aspirations of individuals.
4. Liberty always means absence of irrational restraints and presence of favourable conditions.
5. It is the product of rights.
6. It is essential for the realization of human personalities.
7. It is found only in democratic states.
8. It is manifest in the form of rights.
9. It does not mean license to do whatever a person wants. It is always subject to some limitations.

5.5 TYPES OF LIBERTY

Liberty is of different types. Some of them may be described in the following paras.



1. Natural Liberty 2. Civil Liberty 3. Economic Liberty 4. Political Liberty and 5. National Liberty

1. Natural Liberty

Natural Liberty denotes unrestrained freedom to do whatever one pleases. It gives no scope for interference or restraint of any type. It prevails when individuals are allowed to

do what they wish. However, unrestrained liberty negates liberties of individuals. Natural liberty is not found in the present day society. It is synonymous with injustice and anarchy. There can be no true liberty when there is natural liberty. At first the roman political philosophers advocated this concept. Some stated that people in the state of nature were absolutely free and enjoyed unlimited freedom. Such liberty existed prior to the origin of state and society. The social contractualists of Europe advocated this concept during the sixteenth and seventeenth centuries. But, on the whole, natural liberty became a thing of the past.

2. Civil Liberty

Civil Liberty is also known as personal liberty. It relates to the individual's freedom in his life as a member of civil society. Barker pointed out that civil liberty is embodied in three things, namely, (i) physical freedom denoting freedom of movement. (ii) intellectual freedom comprising freedom of thought, expression and belief and (iii) practical freedom embodying freedom of choice in daily life. Civil liberty serves as the main basis to other types of liberty. It is the opposite of natural liberty. It is enjoyed by the individuals in the society. It is not necessary for individuals when they are in isolation. Civil liberty becomes real when everyone is allowed to possess and enjoy the worldly things in common with others. Of course, individuals while utilizing this liberty must keep in mind the common good. Civil liberty is the essential pre-requisite to the existence and survival of human beings. It enables them to lead happy, honourable and civilised life in the state. So it is a must to everyone. State recognises the various freedoms of individuals. In this regard Gettle said thus "Civil Liberty is the group of rights recognized and implemented by the state". The constitutions of the United States and India have incorporated civil liberty in the form of Fundamental Rights. Civil liberty allows everyone to maintain cordial relations with his neighbours in the society. It prevails in a state on the basis of law and constitution. Individuals wish to enjoy complete freedoms like freedom to think, speak, move, act and live without any coercion from others in society. Hence civil liberty carries immense value to the individuals.

Civil Liberty is manifested in several rights. These include;

- a) Right to Life b) Right to Work c) Right to Property d) Right to Religion e) Right to Speech, expression, assembly, movement and residence etc.

These rights are given to the individuals without any discrimination. State guarantees the liberties of individuals. Besides the Constitution, Fundamental Rights, Democracy, Rule of Law and Independent Judiciary act as safeguards of civil liberty.

3. Economic Liberty

Economic liberty means the right of everyone to earn his livelihood. Laski described this liberty as the security and opportunity to find reasonable significance in earning one's daily bread. Economic liberty ensures everyone freedom from want and fear, hunger and starvation, unemployment and insufficiency. It denotes freedom from want or insecurity of economic nature. Democracy in the absence of economic liberty is meaningless. Economic liberty is also realised by adopting the following measures.

1. Provision of minimum wages.
2. Guarantee of the right to work.
3. Protecting the workers from unemployment, sickness and other types of insecurity.
4. Providing adequate leisure.
5. Giving representation to the workers in the management of industries.

In a broad sense economic liberty implies freedom of contract and association in economic matters. It is a requisite for the development of individuals. It makes political liberty meaningful and real. The reason is that only those individuals who are economically self sufficient, will be able to exercise their political rights properly. Poor and hungry persons can't act genuinely in times of elections.

4. Political Liberty

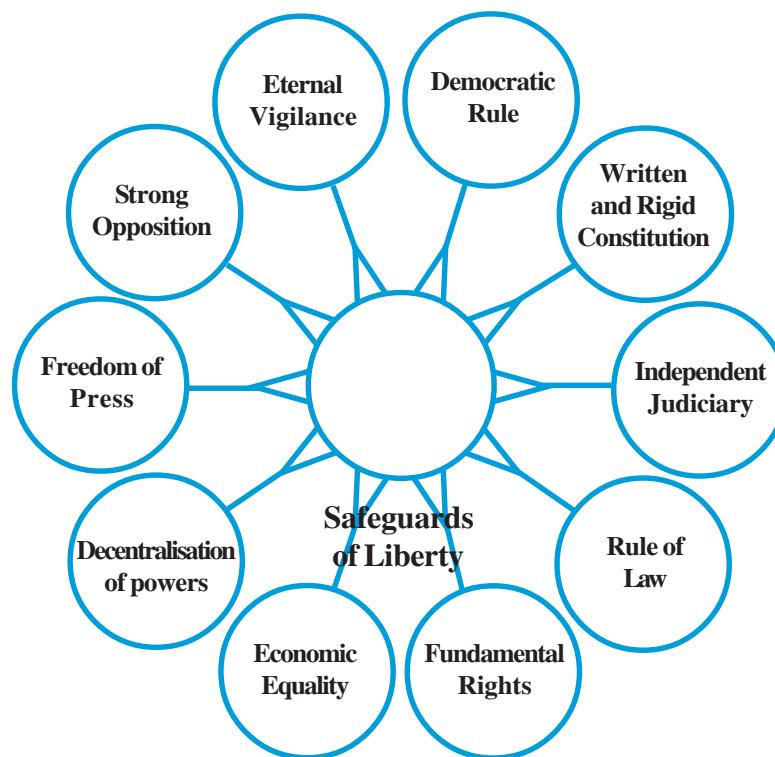
Political liberty facilitates the citizens to take part in the political affairs of the state. Laski regarded political liberty as the power to be active in the affairs of the state. Gilchrist considered that political liberty is synonymous with democracy. Leacock described political liberty as constitutional liberty or liberty to choose one's own government. Political liberty is confined to the citizens alone. It is positive in nature. Political liberty provides several rights in political matters. These include (i) right to vote, (ii) right to contest as candidates in elections, (iii) right to hold public office, (iv) right to criticise the government etc. Laski emphasised that political liberty becomes real when there prevails (i) education (ii) honesty and (iii) impartial press etc. Political liberty will be realized only in a democratic system.

5. National Liberty

National liberty implies the freedom and independence of the state. It also denotes sovereignty of the state. Every state enjoys this liberty and remains free from political domination of other states. This type of liberty is essential for the progress of nation in all spheres. It was manifested in several countries since ancient period. Many countries made efforts for securing this type of liberty. The Greeks fought a war of independence against the Turks. Similarly the Indian masses under the leadership of Mahatma Gandhi waged a non-violent struggle to secure national freedom from the British rule. National liberty is very valuable. Great leaders like Thomas Jefferson emphasised the significance of national liberty.

5.6 SAFEGUARDS OF LIBERTY

Liberty is the most cherished ideal of human beings. So it must be safeguarded in the larger interest of society and state. In this context, the following safeguards of liberty are worth mentioning.



1. Democratic Rule

Democratic rule is considered as a heaven to liberty. Liberty flourishes only in a democratic state as the latter extends protection to individual's liberties through various laws.

It creates a conducive atmosphere to enjoy their liberties freely and impartially. It makes the people to participate in the political process directly or indirectly. It makes the government answerable to the people. It allows the people the right to change a bad and corrupt government through public opinion or ballot. It gives scope for the precedence of popular will in governments affairs.

2. Written and Rigid Constitution

A written and rigid constitution is considered as the most important safeguard of individual liberty. Such a constitution incorporates the various freedoms of individuals in several provisions. It acts as a custodian of people's rights and liberties. It demarcates the spheres of governmental activity. It mentions about the various measures to be taken in case people's freedoms are infringed or confiscated by others including governmental authorities. It also imposes restraints on the political parties by not allowing them to amend the constitutional provisions for furthering their partisan interests.

3. Independent Judiciary

An independent and impartial judiciary is another safeguard of individual liberty. Judiciary will uphold the constitution and keeps the government accountable to the people. It prescribes various safeguards for protecting the fundamental rights of citizens. Judges in higher courts will deliver justice on fair, free and impartial manner. In this context Prof. Laski stated that good governance depends upon the effective functioning of judiciary.

4 Rule of Law

Rule of Law is another safeguard of liberty. It is prevalent in many states like Britain, India, United States etc. Rule of law protects individual liberties in three ways. Firstly, it treats all individuals alike. Secondly, it makes arrangements for the application and enforcement of uniform laws throughout the state. Thirdly, it exercises restraints on the executive against the exercise of arbitrary powers.

5. Fundamental Rights

Provision of fundamental rights will safeguard individuals liberties great extent. Citizens enjoy their liberties without restraints when these rights are enshrined in the constitution. Fundamental rights enable the citizens to develop their talents and realise their personality in various spheres.

6. Economic Equality

Economic equality too acts as an important safeguard of individual liberties. It implies provision of adequate opportunities for the people to come out of the evil effects of hunger, poverty, unemployment etc. Liberty becomes real when there exists economic equality. Economic equality presupposes economic justice. It is guaranteed by the state.

7. Decentralization of Powers

Liberty will be better safeguarded through decentralisation of powers. Individuals will enjoy their liberties when there is decentralization of governmental powers and authority. When the powers of government are allocated among the union, state and local governments, there arises no scope for despotism and infringement of individual liberties. Otherwise people will feel difficulty in enjoying their liberties as enshrined in the constitution.

8. Freedom of Press

Some regarded freedom of press as a safeguard of individual liberty. Individuals could enjoy their liberties when the various agencies of press and other media have autonomy in their functioning. The press will be able to serve as an important agent for creating, consolidating and expressing public opinion. It, through its impartial editorials and honest presentation of news and views, will be able to safeguard individual liberties.

9. Strong Opposition

A strong opposition is a necessary condition for promoting individual liberty. It acts as a watchdog of individual liberty. Whenever the party in power or persons at higher levels of government try to subvert or circumscribe the freedoms of individuals by their oppressive and despotic acts and activities through legislation and execution, the opposition will strongly resist such attempts. It, by moving a no-confidence motion in the last resort, will uphold the liberties of the individuals.

10. Eternal Vigilance

Eternal vigilance is the most essential condition for safeguarding liberty. Vigilant persons (some called them as whistle blowers) will effectively ventilate public grievances and check the authority of the government. They ensure individual liberty on one hand and make the governmental authorities accountable to the people on the other. Plato long back suggested this element to the people of his time. Eternal vigilance could be demonstrated by the people by taking active part in public affairs.

5.7 ELEMENTS THREATENING INDIVIDUAL LIBERTY

The following are some elements which threaten liberty of individuals in modern times.

1. Enhancement of state authority

Modern democratic state in the pretext of welfarism has assumed undefinable powers. As a result, it has been intruding into every activity of the people. Even its interference in family affairs in the name of population correctives became common. So is the case in the sphere of economy, culture, arts, science etc. All this will lead to the encroachment of state into the public domain. This negated individual liberty to a great extent.

2. Too many laws

In modern times people felt the government should come to their rescue for providing various amenities. This prompted the government to intrude into the sphere of individuals. In the process, too many laws have become the order of the day. Extension of laws gradually led to the curtailment of individual liberties.

3. Negative attitude

In democracy, government informs the people about its policies and responds to the public opinion. In the process there is every possibility of distorting public opinion by the concerned persons in the government. We could notice this tendency in several states of the world including India.

4. Tyranny of majority

Individual liberty is restricted by the tyranny of majority. The party in power, through its majority members support in the legislature, makes laws without considering the wishes and aspirations of the people. Such a situation will be dangerous to individual liberties. Citizens must not vote to such a party in power or the opposition.

EQUALITY

5.8 INTRODUCTION OF EQUALITY

The concept of equality, like liberty, is a significant one in the study of Political Science. It originated at first in Europe as a protest against Feudalism. The cruel rule of feudal lords forced the common men to think of equality. The French and American people did not enjoy equality during 17th and 18th centuries. As a result, they waged freedom struggles leading to the adoption of democratic and republican constitutions. For instance, the French National Assembly advanced a scientific meaning to the term 'equality' by approving the famous 'Declaration on Human Rights' in 1789. Earlier, the American declaration of independence in 1776 expressed similar views on equality. During the early part of twentieth century, Russians under the dynamic leadership of Lenin revolted against the despotic Czar rulers for achieving equalitarian society. In course of time several countries have launched freedom movements craving for equality. The constitution of India (1950) too recognized equality as a noble ideal to be realised in practice for the people of India. The preamble of Indian Constitution enshrined this cherished goal 'Equality' along with notions of Liberty, Justice and Fraternity to be assured to the Indians in several spheres.

Some considered equality as the main indicator of democratic polity. They profoundly believed that equality and liberty are two important concepts. They treated the two concepts as the two sides of a same coin.

5.9 MEANING OF EQUALITY

The term 'Equality' implies absolute equality of treatment. But in actual practice it is not possible to have such equality. Many thinkers have opined that Nature created inequality among the living beings in terms of efficiency, appearance and aptitude. In Political science, the term 'Equality' refers to a state which grants its citizens equality before law and equal opportunities to develop their personality. But it may be noted that individuals are not equal in many respects. While some of them are strong, some others may be weak. Similarly some are more intelligent than others. In this way, men differ in many respects. Hence equality of treatment is not possible. In other words, it implies that state should grant to its citizens equality before law and equal protection by law.

Equality has many connotations. They may be explained as below.

Some understood that equality stands for political equality only. While others felt that it is nothing more than equality before law. There are still some others who believed that equality is a comprehensive concept denoting various conditions of individuals in society. In modern times the concept has several implications. People insisted that state must treat all persons equally without making any discrimination.

According to Barker, equality implies “equal rights for all and abolition of special rights and privileges”

Equality fundamentally implies a living process.

Implications of Equality

The following are the implications of equality.

- a) There should not be any special privileges to any individual or group of individuals.
- b) People must be provided with adequate opportunities to develop their personalities.
- c) There should not be any discrimination among the people on the grounds of religion, caste, creed, colour, place of birth etc. However, some discrimination may be made on the basis of reasonable grounds i.e. protective discrimination.

Equality, as Justice Pathanjali Shastri informed, does not mean identical treatment. It means equal treatment under equal conditions. Laski described equality as the most important ideal where “no man shall be so placed in society that he can overreach his neighbour to the extent which constitutes a denial of latter’s citizenship.”

5.10 ASPECTS OF EQUALITY

Equality has mainly two aspects- Positive and Negative. Equality, in its positive aspect, means provision of adequate opportunities for all. However, it does not mean simply identical treatment for all. Since individuals differ in their needs and capacities, they require different opportunities for their personality development. Individuals should be given such opportunities which will develop their overall personality. If the state provides adequate opportunities to all for developing the capacities, their concept of equality could be realised in practice.

Equality in its negative aspect, means no discrimination on some artificial grounds based on caste, colour, creed, descent, domicile, religion, etc. Everyone should get his due share. He should be in a position to realize his best self. Laski says that “whatever rights herein in another by virtue of his being a citizen must be herein, and to the same extent in me also”. Everyone should have an equal access to the avenues of their liberties.

5.11 ESSENTIAL FEATURES OF EQUALITY

The following are some essential features of equality.

1. Equality not given by Nature

Equality is not given by nature. Absolute equality is found nowhere. All individuals are born in the same circumstances. Human beings are not like standard commodities which are coming out of a factory. Every individual has his own point of strength and weakness peculiar to his personality. So no two individuals remain exactly like each other. Practically, individuals are not equal.

2. Equality not Absolute

Equality is not absolute. Absolute equality is neither possible nor desirable. In no movement in the history of the world did individuals claim to have absolute equality. So equality does not mean uniformity and differences does not mean inequality.

3. Essential for Social Justice

Equality is essential for social justice. All over the world, there have been movements aiming at social justice. These movements have laid special attention to the achievement of equality.

4. Connected with Liberty

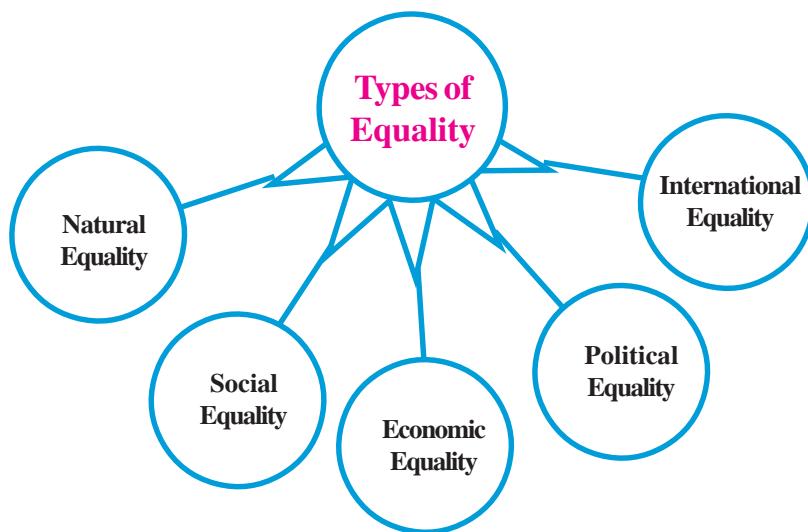
Equality is closely connected with liberty. This is due to the fact that without liberty people cannot have equality. Liberty remains insignificant in the absence of equality.

5. A Condition of Good Life

Equality is a condition of good life. An individual will have good opportunities for developing his personality. He will reap the fruits of a higher life when there is no gap between those who are at the top and those who are at the bottom. Equality seeks to maintain sound relations in the matters of political and economic spheres.

5.12 TYPES OF EQUALITY

There are many types of equality. They may be analysed in the following paras.



1. Natural Equality

Natural equality implies freedom from all restraints and social customs. It means absence of restraints of any type in individual sphere. Natural equality was mentioned in the social contract theory as propounded by Thomas Hobbes. He stated that men led their life in the state of nature prior to the civil society. Civilization led to the occurrence of inequalities and bondage. Earlier this concept was found in the writings of greek and roman political thinkers. These philosophers held that all men were equal according to the law of nature. Later on during the 17th century, natural equality became the bone of contention of many writers. They stated that all men have equal and inalienable rights. In fact nature has made men unequal. It has not bestowed same capabilities on all. However, the present day emphasis is made on the egalitarian principle. This principle held that law treats all in the same way irrespective of natural elements.

2. Social Equality

Social equality denotes presence of equality of status and absence of class distinctions and discrimination. It exists when no individual is made to suffer on account of his caste, religion, class, colour, creed, race etc. For instance, the Constitution of India does not

recognize caste or class distinctions. In fact it has opposed the practice of untouchability. When all citizens enjoy social equality, there will be no discrimination against anyone on the grounds of caste, class, colour, creed, race and place of birth.

Social equality implies presence of harmonious conditions among the people who live in a society. It considers the citizens as equal tangible units of society and no one is entitled to have special provisions. All must enjoy equal social, political, economic and legal rights. Social equality cannot be achieved only through laws. There must prevail a sentiment of equality among individuals. In this context, the following elements help in achieving and maintaining social equality.

1. Special privileges should not be allowed by the state to any citizen.
2. Government shall adopt and implement a uniform policy in the fields of education, employment, administration and legislation.
3. People must have a broad outlook with the qualities of tolerance, sacrifice, honesty etc. in social and religious affairs.
4. Citizens should maintain harmonious relations with their fellow citizens.
5. People should not use name of their caste, sect or religion at the time of forwarding petitions.
6. Inter caste marriages should be encouraged by the government.

3. Economic Equality

Economic equality is considered as the basis of social and political equalities. It serves as the main driving force behind all activities in the modern state. Economic equality means elimination of vast inequalities in income, property and wealth. Earnest Barker viewed that “economic equality is purely a matter of status and partially a matter of property and income”. Lord Bryce viewed “economic equality” as “the attempt to expunge all differences in wealth, allotting every man and woman an equal share in the worldly goods”. Prof. Laski held thus: “Economic equality implies the abolition of unfettered and irresponsible will in the industrial world”. At the same time, economic equality does not mean equal treatment and reward. It

stands for opportunity to work and earn their livelihood to improve their economic status. This can be achieved only through individuals and government. Many socialist states have tried and partially succeeded in achieving economic equality.

4. Political Equality

Political equality implies provision of adequate conditions for the people in the political affairs of the state. It could be achieved by granting various political rights to the citizens. It may be noted that political equality is enjoyed by the citizens only. It is not given to aliens and foreign nationals living in a state. Political equality is indispensable to the citizens to make democracy successful. Citizens enjoy political equality when they are given several political rights. That means political equality is synonymous with political liberties. Political equality is said to be in vogue when all the citizens utilize their political rights. Citizens must utilize their political rights for choosing and electing good and ideal candidates with broad vision, sincerity, and honesty. They should not accept the offers or attractions of any type from others while casting their vote. They should support those candidates who strive for the progress of the nation. They should have minimum education, literacy, economic self sufficiency and political awareness. They should not hesitate to criticize the policies of the administrators, executive authorities and legislators who act against their wishes. Such criticism must be within the limits of the constitutional provisions. They should bring their grievances to the notice of the authorities through peaceful means. Whenever they get a chance of assuming any office in government, they shall exercise powers with great reason, responsibility and reliability. Then only political equality is said to exist in the state.

Political equality prevails only in democratic states. It is not found in other forms of government like monarchy and aristocracy as the latter does not allow equal opportunities to their subjects in political affairs.

5. International Equality

International Equality means that all the states are treated equally irrespective of their geographical, economic or military composition. According to this element all nations of the world are equal whether they are large or small. For instance, the United Nations have extended equal dignity and status to all the nations in its Charter. International Equality

reflects the traits of humanism. It emphasizes peaceful settlement of disputes between the nations. Some cautioned about the occurrence of third world war in the absence of respect to international law. They expressed such apprehensions thinking that human beings will go back to the ancient stone age.

5.13 OBSTACLES TO EQUALITY

The concept of equality resounds noble thoughts and establishment of an ideal society which is quite different from the present society. However, it is difficult to establish a society based on equality. This is due to the fact that this concept has remained inoperative owing to the following obstacles.

1. Gap between law and practice

In modern times, the concept of equality has been widely accepted all over the world. Law upholds the principle of equality in democratic states. Equality is said to be prevalent when there is no gap between the theory and practical application. In South Africa and the United States, Negros are treated badly. Inequalities have been prevalent in states like South Africa, United States and India.

2. Equality an ideal

Equality is more manifest in legal sphere. However, it was not found in the social and economic spheres. Many evil practices like untouchability, bonded labour, caste discrimination etc., act as some obstacles against the realization of equality.

3. Social obstacles

Equality is not found in social sphere in almost all countries of the world. This is due to the narrow outlook, selfish attitude, superstitions etc.

4. Monopolization of political power

A few persons will monopolize political power in democratic countries. They will act as an obstacle for bringing out equalitarian society. Political power is vested in a few hands through party system. They try to occupy the offices in political sphere by dint of their vast

network. They have been able to influence the cabinet deliberations and decisions at the national levels. So unless their dominance is contained, equality is difficult to be achieved.

5. Economic elements

Economic elements also constitute a great obstacle to equality. As many states in the world are facing several economic inequalities, equality remained a mirage in these countries. Moreover poverty, squalor, hunger, private entrepreneurs, domination, multinational companies' entry liberalization etc have led to inequalities in many states.

5.14 RELATIONSHIP BETWEEN LIBERTY AND EQUALITY

Political philosophers expressed two different opinions in regard to the relationship between Liberty and Equality. They agreed that Liberty and Equality are two important concepts in Political Science. While some of them advanced the notion of affinity between the two, Others considered that the two are incompatible to each other.

The first school of thought includes political philosophers like Rousseau, Tawney, Laski and G.D.H. Cole. The second school of thought includes Lord Mathew Arnold, Lord Acton, DeTocquaville and others. Let us analyze the argument of the two in the following paras.

Liberty and Equality are opposite

The propounders of this school held that liberty and equality are opposite in nature. Lord Acton said that the desire to have equality destroyed the possibility of full liberty. Whenever the government passes a law to bring equality, liberties of some persons are restricted. Similarly, when all individuals are allowed freedom to acquire wealth, only a few talented persons will be able to receive the advantages. This leads to inequalities of wealth. When equality is maintained, liberties of some efficient persons will be curtailed. Industrial revolution (1760-1840) symbolized this type of exploitation in society. It led to capitalism which is characterized by free and cutthroat competition. On the other hand, socialist countries forced the people to practice the principles of duty, discipline and devotion towards the state. Such a policy destroyed the initiative and incentive of the people. The supporters of this view argued that the concepts will not go together. Unrestrained liberty will destroy

equality. Nations can achieve the goal of either liberty or equality at a time. Both cannot be realized simultaneously. For instance, in socialist states people enjoy equality but they were deprived of liberty.

Liberty and Equality are complementary

It is said that liberty and equality are complementary to each other. The proponents of this school argued that liberty can be enjoyed by the people only with some degree of equality. A large measure of equality is essential for the enjoyment of liberty. Tawney, a supporter of this school, pointed out that a large measure of equality is essential for the enjoyment of equality. Polard, another supporter, hinted out that there is only one solution to the issue of liberty; it lies in equality. Indeed both the concepts have a common end, namely, promotion of human personality and spontaneous development of one's capacities to the greatest heights.

It may be noted that the above two arguments are not completely real. The fact lies in between the two. Liberty and Equality are neither completely complementary nor anti – thetical in nature. In this context the real relationship between the two concepts may be explained as below.

Liberty is essential for Equality

- a) Liberty does not mean absolute freedom. It has some limitations. It is available to all for achieving social welfare under certain conditions.
- b) Liberty cannot be treated as the monopoly of a person or group of persons.
- c) Enjoyment of liberty by a person does not affect the same of others. If one recognizes this principle, he has to respect the principle of equality. It means that the fruits of liberty are found in the branches of the tree of equality. So liberty and equality are complementary to each other. When liberty is extended to all the people on the principles of equality, the goal of liberty could be fulfilled in the true sense.

Equality is essential for Liberty

Equality does not mean identical treatment of all persons in a civil society. It means equality under similar conditions. In a civil society, some persons may not have equal status with others. But it is necessary to provide some conditions and opportunities for the people to develop their status and personality. It may be said that when all people are equal, the fruits of liberty is available to all.

In this way liberty and equality are complementary to each other. These two concepts are so interrelated that they have common objective. If liberty disregards equality, it would lead to anarchy and dictatorship. In the same way, if equality keeps itself away from liberty, it would lead to slavery. Both the ideals are essential for the betterment of the individual and the society.

QUESTIONS

I. Long Answer Type Question

1. Define Liberty and describe various types of Liberty.
2. What do you mean by Liberty? What are the safeguards of Liberty?
3. What do you mean by Equality? What are its types?
4. Explain the relationship between Liberty and Equality.
5. Define the term Equality. Write about Social and Economic Equalities.

II. Short Answer type Questions

1. Define Liberty and describe any three types of Liberty.
2. Explain about any three safeguards of Liberty.
3. What are the characteristics of Liberty?
4. Describe the different aspects of Liberty.
5. What do you mean by Civil Liberty?
6. Point out two elements that threaten individual's liberties.
7. What is meant by Equality?
8. Describe any three aspects of Equality.
9. What is Equality? Explain any three types of Equality.
10. Write about Political Equality.
11. Discuss the importance of Economic Equality.

III. Very short type questions

1. Give any two definitions of Liberty.
2. What do you know about positive aspect of Liberty?
3. List out any four characteristics of Liberty.
4. Mention the names of four types of Liberty.
5. What is Civil Liberty?

6. Write about Political Liberty.
7. Is it possible to achieve complete Economic Equality?
8. What is Economic Liberty?
9. What do you know about National Liberty?
10. Mention any four safeguards of Liberty.
11. Write about independent Judiciary as a safeguard of Liberty.
12. What is Equality?
13. Mention the different implications of Equality.
14. What are the aspects of Equality?
15. Write about any two features of Equality.
16. Mention the different forms of Equality.
17. Explain Natural Equality.
18. What do you mean by Social Equality?
19. What is meant by Political Equality?
20. Mention the measures adopted for achieving Economic Equality.

Rights and Responsibilities

CHAPTER

6

- 6.0 **Introduction**
- 6.1 **Meaning of Rights**
- 6.2 **Definition of Rights**
- 6.3 **Features of Rights**
- 6.4 **Classification of Rights**
- 6.5 **Important Civil Rights**
- 6.6 **Important Political Rights**
- 6.7 **Important Economic Rights**
- 6.8 **Fundamental Rights**
- 6.9 **Safeguards of Rights**
- 6.10 **Human Rights**
- 6.11.0 **Responsibilities**
- 6.11.1 **Types of Responsibilities**
- 6.11.2 **Important Responsibilities of a Citizen**
- 6.12 **Relationship between Rights and Responsibilities**

6.0 INTRODUCTION

The concept of rights occupies an important place in the study of Political Science. Rights are the essential conditions of social life. They are considered as instruments of social welfare. Citzans can realise their best selves only with the provision and utilization of rights. They require rights for their overall development in society and state. H.J. Laski pointed out that every state is known by the rights it maintains. Normally every state confers a list of rights to the citizens in several spheres.

Rights are the basic conditions and opportunities which are recognised by the society and state. They are safeguarded by the various laws of the state. Modern states have made several arrangements for providing opportunities to the citizens through the constitution and laws. Rights and responsibilities are indispensable for the comprehensive development

of the individuals. Hence, every individual is expected to recognise and respect the rights of the fellow individuals. The theory of Natural Rights stated that rights are natural. It advocated that everyone enjoys rights in order to live and lead life in a respectable way. Rights are inherent in human nature. They are the products of human groups. Social Contractualists like Thomas Hobbes, John Locke and Jean Jacque Rousseau stated that people have natural rights even prior to the origin of society and state. For instance, John Locke pointed out that Nature has made all men free and rational. It gave men certain rights like right to life and liberty. Herbert Spencer viewed that men have the right to freedom to do what they like. He felt that such a right descended from Nature itself. State and other human agencies were not considered as the source of right. The above theory led to the proposition of the legal rights theory. The advocates of this theory stated that rights are created and maintained by the state. This theory got prominence and acceptance in modern times.

6.1 MEANING OF RIGHTS

Rights are the essential conditions for the development of the personality of individuals. They are upheld by the laws of the state. They are regarded as a power or privilege which the law invests in a person. They are treated as the sum total of the opportunities meant for enhancing one's personality. Individuals can not achieve progress in the absence of the rights.

6.2 Definitions of Rights

Political scientists have defined the term 'Right' in several ways. Some of their definitions are explained below:

1. **Earnest Barker:** "Rights are the external conditions necessary for the development of the capacities of the personality of the individual."
2. **Beni Prasad:** "Rights are nothing more and nothing less than those social conditions which are necessary for the development of personality of individuals."
3. **Bosanquet:** "Right is a claim recognised by the society and enforced by the state."
4. **T.H. Green:** "Rights are those powers claimed and recognized as contributory to the common good."
5. **H.J. Laski:** "Rights are those conditions of social life without which no man can seek in general to be himself at his best."

6.3 FEATURES OF RIGHTS

Rights have the following features.

1. Possible only in society

Rights originate in society. They denote human social behaviour. They do not exist outside of the society.

2. Social in nature

Rights are the claims of individuals. These claims can be established only when society or state recognises and maintains them. So they are social in nature.

3. Inherent in nature

Rights are inherent in the social nature of men. Social contractualists stated that rights are inherent in nature. Their views are accepted to some extent in modern times.

4. Enforced and protected by the state

Rights are enforced and protected by the state. The various judicial organisations act as the custodians of the rights of individuals. In other words, rights are protected by the courts of law. Individuals enjoy several rights fully only in a democratic state.

5. Not absolute

Rights are not absolute. Society and state impose some restrictions on the enjoyment of rights by the individuals. These restrictions are meant for maintaining peace and order in society. Further rights are meant for contributing social welfare and security.

6. Every Right having a corresponding responsibility

Rights and responsibilities are interdependent. Every right has a corresponding responsibility. It is the responsibility of every individual to see that his neighbours enjoy the same rights. Rights without responsibilities or responsibilities without rights cannot exist. Both are essential to individuals for leading a peaceful social life.

7. Universal

Rights are universal in nature. They are applicable to all in the state. They are given to all without any discrimination.

8. Vary

Rights vary from time to time according to the needs of the people. They also grow with the changes in time and conditions. Some rights which were not found in the past may exist now. The socio economic, political and cultural conditions will have an influence over the rights.

9. Precede the state

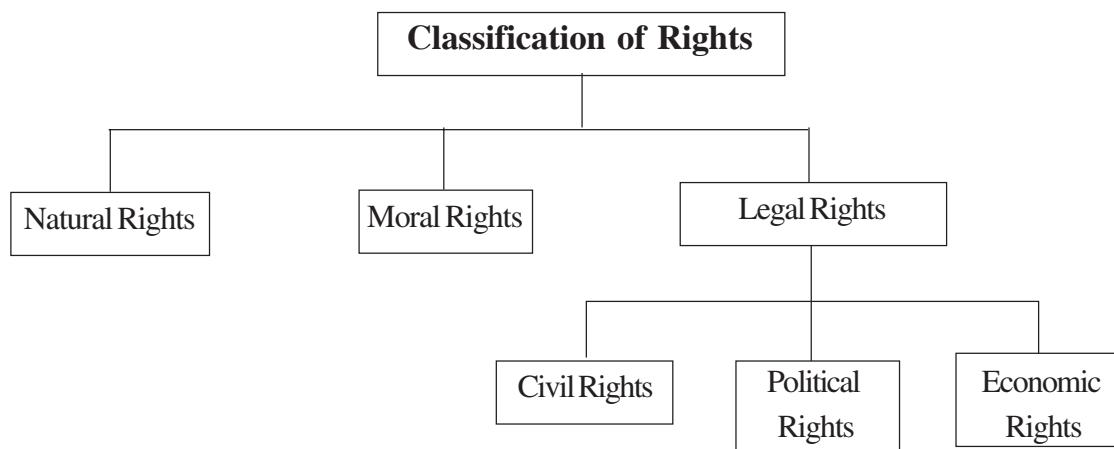
Rights are the products of history. Rights originated in course of time. They were prevalent even before the origin of the state. However, they were guaranteed only after the origin of state.

10. Common good

Rights always exist and flourish as long as they are meant for common good. Only those rights which promote common good of the people are recognised by society and state. They are essential for leading a prosperous life by the individuals.

6.4 CLASSIFICATION OF RIGHTS

Rights are broadly classified into three categories namely, (i) Natural Rights (ii) Moral Rights and (iii) Legal Rights.



(i) Natural Rights

Natural rights are those rights which are enjoyed by men by birth. Men enjoyed these rights even before the origin of civilised society. Society and state recognized and respected these rights. John Locke, who propounded the theory of natural rights, claimed that rights are pre-social and pre-political in nature. He cited the right to life, right to liberty and right to property as the basic natural rights. The state cannot deprive men of these rights.

(ii) Moral Rights

Moral rights denote claims based on the 'moral' code of the community. These rights are morally prescribed to men in society. Ethical or moral principles act as the basis of moral rights. Customs, traditions and usages are regarded as the basic source of these rights. Men enjoy these rights in a civil society. These rights are based on the moral conscience of the people. They don't have legal support. However, they are backed by society. So violation of these rights is not considered as a crime. Individuals could not be punished for their violation. Moral rights are indefinite and vague. But they are popular in nature. State cannot ignore these rights for a long time.

(iii) Legal Rights

Legal rights are recognized by State and protected by law. The various judicial organizations extend protection to these rights. They do so on the request of the aggrieved persons. These rights are backed by the coercive power of the state. They are applicable to all sections of society without any discrimination on the basis of the caste, religion, race etc. Legal rights are classified under three sub-categories, namely, a) Civil Rights b) Political Rights and c) Economic Rights. These may be explained as below.

a) Civil Rights

Civil rights aim at providing basic conditions for individuals to lead a happy and dignified social life. These rights are considered vital for a civilized society. Social life becomes impossible in their absence. The constitution of a state grants and guarantees these rights to the citizens. Aliens too enjoy some of these rights. It may be noted that civil rights are not absolute. They are enjoyed by the individuals subject to some reasonable restrictions. Judiciary protects these rights against the encroachment by other individuals, institutions or government. These rights aim at preserving and promoting the life, liberty and property of individuals. It may be

pointed out that all states do not provide identical civil rights to their citizens. It all depends upon the structure and nature of organisation of state and government, policy of the party in power, economic and political philosophy of the government etc. Civil rights are described as the gift of democracy. Democracy flourishes when citizens are provided these rights. Right to life, Right to liberty, Right to religion, Right to property, Right to education, Right to equality, Right to family etc are some examples of civil rights.

b) Political Rights

Political rights enable the citizens to participate in the political affairs of the state. They help the citizens to manage the political affairs including the organization of the government. They empower the citizens in the political affairs of the state. Citizens can freely participate in the administration of the country. A unique feature of these rights is that they are enjoyed by the citizens only. Aliens do not possess these rights.

Political rights are considered as an essential condition of democracy. In fact the working and success of democracy depends to a great extent upon the proper exercise of rights. These rights play a vital role in the formation and progress of the political society as they provide several opportunities to the citizens in the affairs of the government. These rights are enjoyed to their full extent by the citizens of democratic states only. Right to vote, Right to contest as candidates in elections, Right to hold public offices, Right to petition, Right to criticize the government etc., are some examples of political rights.

c) Economic Rights

Economic rights relate to the engagement of individuals in economic activities. These rights enable them to have a reasonable and legal source of livelihood. They enable the individuals to overcome their daily issues of food, clothing, shelter etc. They provide economic security to the individuals. They got prominence in the 21st century all over the world. Right to adequate wage, right to work, right to leisure, right to basic amenities in working places, right to trade unions, right to relief etc are some examples of economic rights.

6.5 IMPORTANT CIVIL RIGHTS

Individuals in a civilized society enjoy the following civil rights. These are mentioned as below.

1. Right to life

T.H. Green considered this right as the most fundamental civil right. This right provides security to the individual's life. Individuals can not lead their lives in the absence of this right. This right is based on the premise that life of an individual is valuable not only to himself, but also to the society and the state as a whole. Hence it prescribes the state to extend protection to the life of individuals. However, it empowers the state to impose some reasonable restrictions upon individuals. State can insist any person to sacrifice his life for the sake of the nation. This right also includes the right of self-defence.

2. Right to Liberty

This right enables individuals to have freedom in various walks of life. It makes their life worth living. It enables them to develop their personality in various spheres. It includes various freedoms such as freedom of movement, speech, expression, thought, residence etc.

3. Right to Equality

This right implies that individuals are equal before law. It forbids discrimination on the basis of one's caste, colour, creed, education, region, race, religion, wealth etc. It enables equal treatment of all persons. It provides scope for uniform application of laws. It provides equal opportunities to all persons in social, economic and political fields.

4. Right to Property

This right enables every individual to acquire, enjoy, donate or inherit the property. It is essential to the individual for securing higher standards of living. It is crucial for the growth of individual's personality.

5. Right to Family

Family is a fundamental social institution. This right enables individuals to maintain family relations in society. Consequently, individuals will have freedom to marry persons of their choice. They will have choice to procreate children and rear their offspring. However, the state can impose certain restrictions upon this right keeping in view the national interests. For example, until recent times China imposed several restrictions against their citizens in the size of their families. Recently it has made some amendments in this regard.

6. Right to Religion

This right allows individuals to have freedom to practice, propagate and profess any religion of their choice. Every individual is at liberty to preach or practice the religious doctrines as he like. Secular states provide religious freedoms to their citizens.

7. Right to Contract

This right provides freedom to every individual to enter into contract or legal arrangements with others regarding his life, property and work. It regulates the two parties in carrying their contracts in letter and spirit. In this regard state recognizes only those contracts which are helpful to the common well-being of the people.

8. Right to Education

In the modern era education is regarded as vital to every individual. Uneducated and innocent individuals cannot play an active role in public affairs. Similarly, illiterate persons cannot fully make use of their abilities. So education and literacy enable the people to understand the problems of the society and policies of the government. This right guarantees a minimum level of education to every citizen in democratic states.

9. Right to form Associations and Unions

This right enables individuals to form associations and unions for realising some specific objectives. Individuals may join, continue or keep away from the membership of associations according to their will and pleasure. The State is empowered to impose restrictions against those associations which ignore the welfare of the nation.

10. Right to constitutional remedies

Civil rights are meaningless in the absence of this right. This right is essential to every individual for safeguarding his rights. This right empowers a person (who is deprived of his liberty due to the intervention or manhandling by others including the government) to seek justice and relief from the concerned judicial organizations. The affected persons are authorised to approach an appropriate court for correcting such imbalance. In this regard higher judicial organizations issue several writs and effectively check such tendencies. These writs are in the form of Habeas Corpus, Mandamus, Prohibition, Quo-warranto and Certiorari etc.

6.6 IMPORTANT POLITICAL RIGHTS

a) Right to Vote

Right to vote is the most important political right enjoyed by the citizens will have several political both of them the family are important citizens in modern democratic states. It serves as a powerful weapon for adult citizens in choosing their representatives to various legislative bodies. It makes them real sovereign. All adult citizens are entitled to this right without any discrimination based on caste, creed, colour, language, race, region, religion, sex etc. However, persons such as aliens and minors are deprived of this right.

b) Right to Contest as candidate in Elections

This right empowers the citizens to contest as candidates to various legislative bodies in the state. Especially it enables our political sagacity, enthusiastic and dynamic citizens, to actively participate in the political affairs of the state. As a result, it increases political awareness among them. It is considered as a main base of democratic polity.

c) Right to hold Public Offices

This right provides opportunities to the citizens to hold various public offices for a definite period. It gives no scope for exclusion of citizens or conferring special privileges to some at the cost of others. It helps them to exercise authority in a dignified manner.

d) Right to Petition

This right enables citizens to forward petitions to the government denoting their requirements or grievances. It is considered as a vital political right in the modern state. Citizens could be able to find solutions to their immediate or long pending issues by bringing them to the notice of the government through this right. It also helps public authorities to know the grievances of the people and attend to them properly and promptly.

e) Right to Criticism

This right gives opportunity to the citizens to criticize the various public policies and programmes. It enables them to highlight the omissions and commissions of the leaders and administrative personnel at various levels. It also gives scope to render positive and constructive criticism about the on goings in the government. Ultimately, it keeps the administrative authorities and policy makers to be vigilant in discharging their obligations.

6.7 IMPORTANT ECONOMIC RIGHTS

Citizens in modern states enjoy several economic rights. These rights are meant for satisfying their basic needs. They help the citizens to lead a smooth and happy life. They enable to overcome economic problems like poverty, hunger, unemployment etc. In this context many states have conferred on their citizens some economic rights. They may be explained as below.

a) Right to Work

Right to work enables individuals to earn their livelihood. It is the utmost obligation of the state to provide some sort of work to all the citizens. The state provides various opportunities to them to utilise their physical and mental calibres for earning adequate livelihood. In this regard some prominent socialist and communist states legally conferred this right to their citizens.

b) Right to Adequate Wages

This right is a corollary to the right to work. People must be provided with this right for securing reasonable wages. This right is based on the notion of “equal pay for

equal work.” It means that the state should not make discrimination between men and women in determining their salaries and emoluments.

c) Right to Reasonable Hours of Work

This right aims at determining rules and regulations in regard to the working hours, adequate leisure, recreational facilities etc. It is an essential economic right to be possessed by the workers in a state. It enhances the efficiency of the workers.

d) Right to Compensation

This right provides economic security to the employees working in various fields. According to this right whenever an employee falls sick or dies in an accident during the service, his immediate dependents will be given employment on compassionate grounds.

e) Right to Self-government in Industry

This right implies workers participation in the management of the industries. It makes the workers responsible, active and committed in their work. It injects initiative among the workers in a factory thereby increasing the productivity and output.

6.8 FUNDAMENTAL RIGHTS

Fundamental rights are essential for developing of the personality of individuals. They are by and large incorporated in the constitution. Several factors like (i) democracy (ii) individual freedoms (iii) minority interests (iv) greater emphasis on human life, liberty and properties, are responsible for incorporating fundamental rights in the constitution.

Characteristics of Fundamental Rights

Fundamental rights have the following characteristics.

- (i) Fundamental rights are clear definite and specific.
- (ii) They are constitutional and legal in nature.
- (iii) They are coercive in nature.
- (iv) They are given to the citizens only.

- (v) They vary from state to state.
- (vi) They are not absolute.
- (vi) They can be amended under certain conditions.

6.9 SAFEGUARDS OF RIGHTS

Individuals enjoy their rights only when they were fully protected or safeguarded by the state. In this regard, the following elements act as the safeguards of the rights of individuals.

1. Democratic Rule

Democratic rule safeguards the rights of the people to a great extent. People can enjoy their rights perfectly in democratic states only. This system formulates constitutional and legal provisions for safeguarding the right of the people.

2. Written and Rigid Constitution

A written constitution clearly defines the powers and functions of the government. It also explains about the various limitations of governmental authority. Besides, it will guarantee the rights of the people by making it difficult for the rulers and legislators to make amendments on flimsy grounds.

3. Incorporation of Fundamental Rights

Incorporation of fundamental rights in the constitution will prevent the encroachment of individual rights by the government. Such an arrangement protects the rights of individuals to a great extent.

4. Separation of Powers

The powers of government should be separated among the three organs of the government. Such a measure would act as a check against other organ. Ultimately, it serves as a safeguard of individual liberty.

5. Decentralisation of powers

Individuals enjoy their rights when powers are decentralised among the governmental institutions. This involves allocation of powers at various levels – national, provincial and local-either on functional or territorial basis.

6. Rule of Law

Rule of law implies equality before law. It also denotes equal application of laws to the citizens. It gives no scope for discrimination between citizens on the grounds of region, religion, caste, colour, community etc.

7. Independent and Impartial Judiciary

Independent and impartial judiciary is another safeguard of rights. Judges in higher judicial organisations will deliver judgment with impartial and independent outlook. In the process of delivering justice, they issue certain writs for immediate protection of the rights.

8. Independent Press

Independent press is another essential safeguard of rights of individuals. Such an agency will be able to disseminate news and views impartially and without fear or favour to any body. In this regard the state should not try to threaten and silence the press. Then only individuals enjoy their rights to the maximum extent.

9. Social and Economic Equalities

Social and economic equalities are essential for enjoying one's rights. People will be able to utilize their rights properly and positively when there are social and economic equalities in the state. These equalities include absence of casteism, communalism, linguism, wide spread economic inequalities, exploitation etc.

10. Eternal Vigilance

Eternal vigilance is said to be the most important safeguard of rights of individuals. Individuals must be vigilant and cautious about the policies of the government. They should oppose the despotic tendencies of the government through democratic and constitutional methods. Under no circumstances they should allow the selfish politicians to acquire power. Besides several other elements like judicial review, recall, strong opposition etc are considered as the safeguards of rights.

6.10. HUMAN RIGHTS

Human Rights are the amenities required for the basic existence of human beings. They are available to all persons irrespective of caste, creed, community, religion, region, language etc. The constitutional and ordinary laws in democratic states recognize these rights. The various governments in democratic states will take appropriate steps for providing human rights to their people.

Ronald Darwin felt that human rights serve as the protective shield to the individuals whenever the state attempts to interfere with the civil liberties of individuals. John Dowski described human rights as the new standards of civilization.

6.10.1 Origin of Human Rights

At one time in ancient and medieval societies only a few sections enjoyed human rights. As a result, the majority people who were denied these rights, had to make relentless attempts for securing these human rights.

The credit for showing interest on human rights and their application to human beings goes to greek rulers. They recognized the need and importance of health and strength in the development of human personality. They also identified the fact that human rights will play a crucial role in the development of nation. But unfortunately religious fundamentalism began to spread its influence on people due to the selfish attitude and oppressive policy of some rulers. This led to the disappearance of human rights in reality.

Historians felt that Magna Carta (1215 AD) in England is the first step towards the realisation of human rights. Magna Carta gave life to the freedoms and independence of the people. They described it as the Bible of the English Constitution. The cultural renaissance which shook various countries in Europe gave strength and succor to the civil rights movements. Later John Locke popularized the doctrine of Natural Rights as a part of his proposal for the spread of human rights. Rousseau mentioned several times about the importance of human rights in his concept of Social Contract. He declared that 'Man is born free but every where he is in chains'. John Stuart Mill, a prominent british political philosopher, propounded Individualism. He stated that every individual is sovereign over himself, his body and mind and all organizations including the state shall not interfere in the

affairs of individuals. Jeremy Bentham, a doyen on Utilitarianism, emphasized the concept of human rights. The writings of above philosophers profoundly influenced the people in American colonies and France. Several freedom movements have been organized in these countries. Magna Carta (1215 AD), Bloodless Revolution (1688), American Declaration of Independence (1776), French Revolution (1789) etc led to the creation of favourable atmosphere for enjoying human rights. These movements also enabled the people of the world to think about realising certain basic ideals like liberty, equality, fraternity and justice. The Soviet Revolution of October 1917 gave impetus to the economic and social aspects of human rights. However, the spirit of human rights did not last for a long time.

Human rights were affected during the second world war due to the imperialist and aggressive attitude of despots like Hitler and Mussolini. Again they got prominence after the establishment of the United Nations in 1945. The Charter of the United Nations assigned priority and significance to the dignity, values and rights of human beings. The Universal Declaration of Human Rights came into force on December 10, 1948. Since then, that day is celebrated as the Universal Human Rights Day. The U.N. Declaration is considered as the most prominent human rights document of the 20th century. It became the corner stone of international human rights law emerging in subsequent years. It included several political and civil rights for addressing various economic, social and cultural issues. It provided moral and intellectual base for subsequent international covenants and conventions on civil and political rights. The United Nations reaffirmed that the people and governments of every state must strive for respecting individual freedoms and human rights. The concerned authorities and agencies of the United Nations held several international conferences and invited internationally acclaimed intellectuals, jurists and heads of states for eliciting their valuable opinions on extending human rights to every section of human communities throughout the world.

As a result, several covenants like international economic, social and cultural rights, civil and political rights (1966) came into being. The above covenants made obligatory for the international community to provide favourable conditions for enjoying the various human rights by the people of the world. All the member states of the United Nations gave assurance to have full faith in human rights. They assured their cooperation for observing and promoting human rights.

6.10.2 Objectives of Human Rights

The following are the various objectives of human rights.

1. Provision of independence to the people against discrimination
2. Freedom from poverty
3. Freedom for availing the latent abilities of individuals
4. Freedom from fear
5. Freedom of protection
6. Freedom from injustice
7. Freedom of speech and expression
8. Freedom of association
9. Freedom for carrying one's activities on dignified lines
10. Freedom against exploitation

The United Nations General Assembly declared 1995-2005 as the international decade of human rights. The ultimate objective of human rights relates to the provision of human rights to all people of the world.

6.10.3 Features of Human Rights

There are some common features of human rights. They may be mentioned as follows.

- (i) Human rights are enjoyed by all the people without discrimination.
- (ii) These rights are universal.
- (iii) They treat all people alike.
- (iv) They regard individuals basically as human beings.
- (v) They encompass some fundamental principles of humanity.
- (vi) They have no geographical limitations

Almost all members of the United Nations have affirmed to follow the human rights in theory.

6.10.4 Classification of Human Rights

Human rights are broadly classified into two categories (i) civil and political rights (ii) economic, social and cultural rights. In the first category, civil rights occupy a prominent position. Civil rights include right to life, liberty and security of individuals, freedom from slavery and torture, equality before law, protection against arbitrary custody etc. They assure the individual for a right to fair trial, right to own property, right to marriage etc. Besides they comprise several freedoms like freedom of speech, expression, association, assembly, movement, residence etc. Political rights include right to vote, right to contest as candidates in elections to various offices, right to assume power, right to criticism, right to petition etc.

The second category of human rights include several economic, social and cultural rights. Economic rights include right to work, right to equal payment of salaries to equal work, right to form and join in trade unions, right to adequate standard of living etc. Social rights include right to education, right to health, right to entertainment etc. Respecting the civilization, arts, culture etc., are included in the category of cultural rights.

6.10.5 Human Rights in India

India, being the largest democratic state in the world, is renowned for the provision of human rights to its people. Unfortunately there has been severe criticism in recent years against the various state and union governments in regard to the violation of human rights. Human rights activists and human rights associations attributed that public authorities, in the name of implementing welfare schemes and promoting the well being of common men, have curtailed the freedom of people in many aspects. Lack of commitment and responsibility among some authorities also led to the spread of the above allegations. In order to avoid the attempts of violating human rights and to create awareness among the people on human rights, some efforts have been made in making legal provisions. Indian Parliament approved Human Rights Preservation Act in 1993. The said Act was modified in 2006 with some changes in its provisions. It provided for setting up of the National Human Rights Commission (NHRC).

6.10.6 Indian Constitution and Human Rights

The Constitution of India incorporated many of the human rights mentioned in the U.N. Declaration of Human Rights. Especially Articles 19 to 28 of Chapter III on Fundamental

Rights are in consonance with the human rights of individuals. They relate to the life, liberty, equality and dignity of individuals. Article 19 of Indian Constitution guaranteed freedoms of speech, expression, association and assembly. It also conferred freedoms of occupation, settlement, movement etc. Article 20 provided protection to the personal life of individuals. Article 21 declared that no one could create obstacle to the personal life of individuals against the due process of law.

Article 22 guarantees individuals against arbitrary arrest and custody.

Article 23 prohibits bonded labour and human trafficking.

Article 24 banned the employment of children below fourteen years of age in dangerous activities. Articles 25 to 28 sanctioned religious freedom to the Indian citizens.

6.10.7 National Human Rights Commission (NHRC)

National Human Right Commission is a multi –member body. It comprises a chairman four other members. It is headed by the former Chief Justice of the Supreme Court. There will be a Supreme Court judge (or Former Judge), a High Court judge (or Former high court Chief Justice) and two other members who actively participated in the human rights activities. The Chairman as well as members of the Commission are appointed by the President of India. In this regard, the President is bound to consult the Minister for Union Home Affairs, Lok Sabha Speaker, Rajya Sabha Chairman and opposition party leaders in Parliament. The chairman and members shall hold their office for five years or until the super annuation age of 70 years whichever is earlier. The Chairmen of Scheduled Castes, Scheduled Tribes, Minorities Commission, Chairperson of National Women Commission act as the ex-officio members of the Commission. There will be a General Secretary having the status of Secretary General in the Commission.

The following are some of the important functions of National Human Rights Commission.

1. The National Human Rights Commission makes enquiry into the cases of violation of human rights by the public authorities.
2. It enquires into the cases of human rights violation as permitted by the judicial organizations.

3. It reviews the various legislative measures in regard to the implementation of human rights.
4. It makes suggestions for averting terrorist operations affecting human rights.
5. It makes research into the matter of human rights.
6. It takes steps for creating awareness of human rights among the people.
7. It gives encouragement to voluntary organizations in the matters of preserving human rights.

6.11.0 RESPONSIBILITIES

Responsibility is an obligation of an individual towards other individuals residing in the society. It is regarded as an obligation or duty towards others. The term 'Responsibility' denotes what one is bound to do. Every individual must abide by certain rules of behaviour in society for his own good and for the good of others. These include some do's and don'ts. Responsibilities are both positive and negative in nature. Everyone in society must perform these responsibilities in the larger interests of society and state. Everyone must behave in such a way that promotes common good and social welfare. Responsibilities in turn contribute to the public good. They establish peace and order in society. Responsibilities always precede rights.

6.11.1 TYPES OF RESPONSIBILITIES

Responsibilities are broadly of two types: moral and legal.

i. Moral Responsibilities

Moral responsibilities are those which bind the individuals together on moral grounds. They may not be upheld and supported by the laws of State. They are based on the moral beliefs of the people. They are sanctioned by the community basing on some customs, traditions and usages. Any violation of moral responsibilities does not lead to punishment. Helping the needy and the sick is regarded as an example of moral responsibilities.

ii. Legal Responsibilities

Legal responsibilities are implemented through the courts and with the support of the statutory laws. They carry statutory significance. They are very clear and precise. They are compulsory and coercive in nature. So those who violate these responsibilities will be punished. Obeying laws, paying taxes, assisting the administrators in the maintenance of law and order etc., are some important legal responsibilities of a citizen.

Legal Responsibilities are further classified into positive and negative.

1. Positive Responsibilities

When a citizen fulfills his responsibilities to strengthen the social progress and welfare, they are known as positive responsibilities. Obedience to the laws of state, defending the country, paying taxes etc are some examples for positive aspects of legal responsibilities. These responsibilities aim at extending co-operation to the government in realizing the objectives of state.

2. Negative Responsibilities

When a citizen abstains from doing an activity as prohibited by the laws, it is said to be an example of negative responsibility. Negative responsibilities keep the people from not doing certain activities. The government, on behalf of the state, makes several regulations in this regard.

6.11.2 IMPORTANT RESPONSIBILITIES OF A CITIZEN

The following are the most important responsibilities of a citizen.

1. Loyalty to State

Every citizen owes allegiance to the state to which he belongs. So it is his responsibility to defend the state on all occasions and especially in times of threatenings to its independence, sovereignty and security. Citizens must unequivocally show loyalty to the state in this regard. In other words, every citizen should be ready to lay down his life in defending the state. For instance, the constitution of erstwhile Soviet Union prescribed compulsory military service as an honourable responsibility of its citizens.

2. Obedience to Laws

It is the basic responsibility of the citizens to obey the laws of State. Citizens must also respect its institutions. They must obey the orders and directives of the state. Every citizen must follow the provisions of the constitution. They must oblige the orders of the government. Under no circumstances they should not violate the rules and regulations of the constitutional bodies. Such activities promote obedience among citizens towards the law and social welfare.

3. Payment of Taxes

Money plays a vital role in the matters of the society, government and state. The State undertakes several activities which require huge financial resources. It can not implement its programmes in the absence of financial resources. In this regard, it is the responsibility of every citizen to pay taxes promptly and properly.

4. Honest exercise of Franchise and holding Public Office

In a democratic state, all adult citizens, subject to certain qualifications, enjoy franchise for choosing their representatives. Performing such an act is considered as a fundamental responsibility of citizens. Citizens must realize that their presence and exercise of franchise during the election day will create a strong base for the formation and success of the government. In this context, they must avail their franchise with discretion, sincerity and wisdom. Only those who wish to serve the people will hold various public offices. They must act according to the popular wishes.

5. Cooperation in Law and Order Matters

It is the primary responsibility of the citizens to render cooperation to the administrative authorities in the maintenance of law and order. Such an attitude enables the government to function in a smooth and effective manner. Especially, citizens must be ready to assist the authorities in times of emergency.

6. Other responsibilities

Citizens should be responsible and responsive in several other matters. They should assign priority to the common good. They should also act as whistle blowers against those who misuse the power. They should be active for rendering their services as members of public committees, organizations, local bodies etc.

6.12 RELATIONSHIP BETWEEN RIGHTS AND RESPONSIBILITIES

There is a close relationship between rights and responsibilities. The two are considered as the two sides of a same coin. Rights are incomplete in the absence of responsibilities. Rights imply responsibilities and responsibilities are entitled to rights. The two are inseparable. They are compared to the life and breath of living beings.

Essential conditions of social life

Many political writers described that rights and responsibilities are the two essential conditions of social life. They are like the shield and soul of the people in the state. Every right will have a corresponding responsibility. Similarly, every responsibility has a corresponding right. The two propositions when put together will help to a great extent the individuals to lead a happy, honourable, harmonious and prosperous life in society. For instance, the right to religion allows every individual to embrace a religion of his choice. It also enables him to preach, profess and propagate his religious beliefs in society. At the same time that person has a corresponding responsibility in religious matters. He has to avail this right to religion in consonance with the religious beliefs of his fellow citizens. He has the responsibility of not interfering in the religious matters of others under any circumstances. He must refrain himself from such activities which others expect from him in religious matters. He should not act in such a way causing harm or injury to the religious feelings of others in society. In other words, every person must understand that he receives respect from others only when he gives respect to others. Hence rights and responsibilities are inter-twined. One cannot expect rights, without performing some corresponding responsibilities.

Social Progress

It is imperative that everyone should enjoy his rights in such a way that his activities contribute to social progress. He should be aware of his rights and perform his responsibilities in a judicious manner. His actions should always be carried on with the ultimate aim of promoting social progress.

Another postulate regarding the affinity between rights and responsibilities relates to the order in the state. One should utilize his rights in such a way that his actions should in no way disrupt the peaceful atmosphere in society. Similarly, he should abide by rules and regulations imposed and implemented by the government authorities from time to time. He

should always carry on his activities in various spheres of life without affecting the rights of others in society. It implies that he must oblige and respect others in the enjoying their rights. He should not interfere in others affairs under any circumstances.

Rights and Responsibilities do not have separate or distinct goals. They are always present together like shadow and man.

One's right automatically becomes other's responsibility and vice versa. The two - rights and responsibilities - together make a person a good citizen.

Responsibilities lack meaning in the absence of rights. The reason is that there will be no responsibilities without rights. Similarly, there will be no rights without responsibilities. Unrestrained rights make individuals arrogant, disobedient, undisciplined and violent in many aspects in relation with others in society. Unlimited responsibilities without rights make the people slaves and subject them to exploitation. Hence, rights and responsibilities go hand in hand. Together the two concepts enable the peace, progress and harmony in human society. They bring discipline in human behaviour and afford a respectable position in society.

QUESTIONS

I. Long Answer Type Questions

1. Define Rights. Describe various Civil and Political Rights.
2. Identify the safeguards of Rights.
3. Write an essay on Human Rights.
4. "Rights and Responsibilities are inter related". Analyse.
5. Write an essay on National Commission on Human Rights.

II. Short Answer Types Questions

1. What are the features of Rights?
2. Explain Political Rights.
3. What are the features of Human Rights?

4. Write the objectives and classification of Human Rights.
5. Discuss the various types of Responsibilities.
6. What are the features of Fundamental rights?

III. Very Short Answer Type Questions

1. Define Rights.
2. Classify Rights.
3. What are Civil Rights?
4. Natural Rights.
5. Moral Rights.
6. What are Political Rights?
7. What are the objectives of Human Rights?
8. How many types of Human Rights are there? Name them.
9. Significance of Human Rights.
10. Classification of Responsibilities.
11. Moral Responsibilities.
12. Give two examples of Responsibilities.

Justice

CHAPTER

7

- 7.0 Introduction**
- 7.1 Definitions**
- 7.2 Major concepts of Justice**
- 7.3 Connotations of Justice**
- 7.4 Aspects of Justice**
- 7.5 Evolution of Justice**
- 7.6 Sources of Justice**
- 7.7 Types of Justice**
- 7.8 Social Justice**
- 7.9 Achievement of Social Justice**



7.0 INTRODUCTION

Justice is a dynamic concept in the contemporary society. It has received the attention of several political philosophers, social reformers, economic thinkers and psychological experts. They have considered the basic instinct of individuals belonging to the various sections residing in several parts of the world. Besides, almost all states irrespective of their political and economic doctrines have been striving to achieve justice and to establish a society based on justice.

The word ‘Justice’ is derived from a Latin word ‘Justitia’ which means ‘to bind’. It refers to the formulation and implementation of rules and regulations endorsed by the Constitution and the judicial organisations in a state. It also stands for just conduct, fairness or exercise of state authority for maintaining of individuals rights.

7.1 DEFINITIONS

We may advance some of the definitions of Justice in the following lines.

1. **Plato**: “Justice is giving to everyman his due. It is a combination of reason, courage, appetite and will in terms of the state”.
2. **Aristotle**: “Justice is no other than each and every individual in society discharging his moral duties.”
3. **Caphalous**: “Justice means speaking truth and paying one’s debts”.
4. **Polymarchus**: “Justice means to help friends and harm enemies”.
5. **Barker**: “Justice means a combination and coordination of political values.”

The concept of justice is as old as the political theory itself. Different interpretations have been offered on this concept from time to time. While some writers regarded justice as ‘virtue’, others understood it as ‘equality’. Many others considered it as ‘the rule of law’. Justice is an integral part of political science, ethics, law and philosophy. Justice like love, is difficult to define. It has intrinsic value. Both justice and love evoke passionate and strong responses from the advocates. Nobody hates justice. Everyone desires justice for themselves. Unlike love, it is innate in our relationship with only a few persons of close affinity. Justice concerned with our way of living in society. It symbolizes public life. It serves as the basis to the principles meant for allocating social obligations.

7.2 MAJOR CONCEPTS OF JUSTICE

There are two major concepts of justice. They are

1. Numerical concept

Numerical concept of justice regards that everyone has equal share. The ancient greek city states adopted this concept in public matters. The rulers of city states filled up various offices with as many persons as maximum possible to demonstrate equality. They have not considered special knowledge, qualifications etc., for holding public offices. Jeremy Bentham, a famous british political philosopher, advocated this concept in modern times. He stated thus: “Everyone is count for one, nobody for more than one.” Many modern liberal democratic states have been functioning on the basis of this concept.

2. Geometrical concept

Geometrical concept is based on the notion of proportionate equality. It advocates equal share to equals and unequal share to unequals. It means that distribution of power and patronage in public offices should be allocated in proportion to the worth or contribution of the individuals. Plato and Aristotle favoured this concept. Aristotle stated this concept in the following words: "If flutes are to be distributed, they should be distributed only among those who have the capacity of flute playing." Efforts were made for allocating benefits and responsibilities on equal basis keeping in view the worth of recipients.

7.3 CONNOTATIONS OF JUSTICE

The concept of Justice has different connotations. Normally it implies virtue or righteousness. It is equated with truthfulness and morality. Hence its regarded as a norm to assess the good and bad in the conduct of men. It denotes rules of society and various social institutions. It aims at synthesising various values. It also provides for a just system of human relations, being the products of liberty, equality and fraternity.

Justice implies establishment of statusquo. It seeks to protect one's life, liberty and property. This is known as Conservative Justice. Justice also implies keeping the general order of society as a whole. Further it protects the interests of the individuals. It is concerned with the relationship between individuals and various groups.

7.4 ASPECTS OF JUSTICE

Aristotle mentioned two aspects of justice. They may be explained as below.

1. Distributive Justice

Distributive justice implies distribution of goods and wealth of citizens by the state on merit basis. Aristotle stated that justice is a sort of distribution. He regarded it as the most powerful instrument against revolutions. But modern writers like John Rawls denied Aristotle's view. He pointed out that inequalities are inherent in society. He remarked that inequalities must be balanced by some restrictive arrangements in the political system.

2. Corrective Justice

Corrective justice comprises restoring each person the lost rights due to the infringement of his rights by others. Aristotle viewed this justice as essentially negative which is concerned

with voluntary commercial transactions like hire, sale and furnishing of property. In brief, corrective justice embodies moral excellence of individuals.

7.5 EVOLUTION OF JUSTICE

In ancient India, Justice, being associated with dharma as enunciated in Hindu scriptures, was considered to be the duty of the king. The king used to maintain a just social order based on dharma. Confucius, the famous Chinese philosopher, argued that it was the primary duty of the king to maintain justice by punishing wrong doers and rewarding virtuous persons.

Justice normally means giving each person his due. However, its understanding differs from person to person. Justice is viewed from the human aspect of every individual. Immanuel Kant, a german philosopher, stated that human beings possess dignity. When all persons are endowed with dignity, they will be entitled to adequate opportunities for developing their talents and for pursuing their goals. Thus, Justice demands that each individual should be given equal consideration.

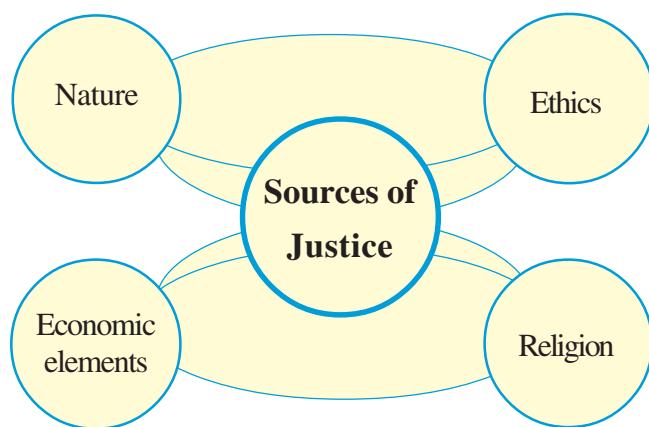
In Medieval age St. Augustine derived the concept of Justice from Plato. He emphasized on the proper relations between individuals for the harmonious working of society. Thomas Aquinas was considered as the first political philosopher who separated Justice from religion. By 16th century, this concept got completely secularized. The social contractualists like Thomas, Hobbes identified Justice with the orders of the sovereign. His successors John Locke, Rousseau, Emmanuel Kant and others regarded Justice as a synthesis of liberty and equality. The advocates of natural law developed the idea of individual justice. The socialists conceived justice from economic point of view. While the conventionalists explained the concept of justice from individual perspective, the modernists viewed it from social perspective.

There is no single precise definition to the concept of justice. It was defined, and discussed by various writers in different ways basing on the place, time, context, culture etc. It is considered as the sum total of the principles and beliefs advanced for the survival of the society. These principles and beliefs in turn led to the making of rights, freedoms and laws.

7.6 SOURCES OF JUSTICE

Earnest Barker gave four sources of Justice. They are mentioned as below.

1. Nature
2. Ethics
3. Religion
4. Economic elements



These may be explained as follows.

1. Nature

The greek stoics perceived nature to be a source of justice. Their perception of nature was a combination of moral philosophy and religious beliefs. For them nature, God and reason were inseparable entities. They pointed out that men who lived according to nature shared similar views of reason and God. They viewed that nature embodies three things. They are

1. Man should be free, 2. Man should be treated equally, 3. Man should be associated with his fellow beings by the common element of reason. These three things in turn have remained as a basis for liberty, equality and fraternity in society in course of time.

2. Ethics

Idealist thinkers like Plato, Emanuel Kant, Thomas Hilly Green, Earnest Barker and others propounded that justice originated from ethical practices. They pointed out that values

accepted by the society over a period of time have in turn become the impersonal source of positive Justice. State enforced this positive justice in course of time.

3. Religion

Religion is regarded as another source of Justice. This source has been in force since medieval age. The church authorities held the notion that it was God who propounded the notions of justice, right and wrong. God, through church, initiated the concept of justice as the rule of the theory of might. Thomas Aquinas, a philosopher turned saint, believed that the Church is the manifestation of religion. According to him, human life based on laws is the best one. The king must lead the people in right directions. He must exercise his authority in compliance to the church authority.

4. Economic elements

Economic elements are also treated as a source of justice. These elements attained significance with the advent of industrial revolution which led to glaring economic disparities between different sections of society. Industrial revolution, inspite of its tremendous achievements, led to the growth of miseries, poverty and immorality in society. It forced the people to have a strong zeal of enterprise. Adam Smith, David Ricardo, Thomas Robert Malthus and other classical economists analysed justice in terms of economic factors. Later, revolutionary thinkers like Karl Marx and Frederick Engels strongly advocated the role of economic elements as a basis to the justice. These thinkers began to prove the deficiencies in capitalist society. They argued that justice prevails only when economic equality is achieved through a classless society. But their views are condemned by the modern political philosophers by advancing the notion that economic elements do not comprise the source of justice. Thus the interpretation of justice on economic grounds has a long historical background.

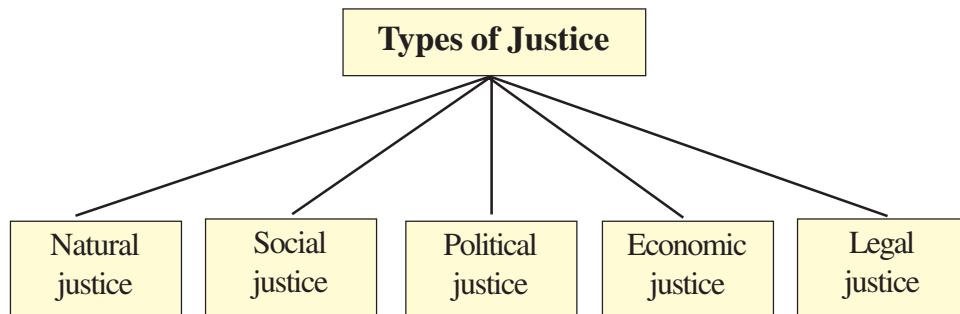
7.7 TYPES OF JUSTICE

There are different types of Justice. They relate to natural, social, political and legal spheres. These may be given in the following chart.

1. Natural Justice

Natural Justice is based on the notion that every person in the world possesses some rights for availing the natural resources. Natural resources provide support to the life of

each and every creature on earth. As the human beings are the only rational creatures, it is their responsibility to see that natural resources have to be judiciously exploited. Human beings must keep in mind the requirements of future generations in this regard.



2. Social Justice

Social Justice envisages a balance between rights of individuals and social control. It facilitates the fulfillment of the legitimate expectations of individuals under the existing laws. It ensures several benefits and extends protection to the individuals against the interference or encroachment from others in society. It is consistent with the unity and the integrity of the nation. It fulfills the needs of the society.

Social justice enforces the principle of equality before law. It ensures eradication of social evils like poverty, unemployment, starvation, disease etc. It also extends protection to the downtrodden and weaker sections of society. Ultimately it provides those conditions essential for the all round development of individuals.

3. Political Justice

Political Justice symbolises political equality. It implies provision of political rights to all the adult citizens in a state. It facilitates free and fair participation of the citizens in the governance of the country. It is manifested to the full extent in times of elections. It allows citizens for their active participation in day-to-day administration. It is based on the premise that everyone is counted as one and none for more than one. It may be noted that political justice prevails in the state when the following conditions are prevalent 1. Rule of law 2. Independent Judiciary 3. Elections to the representative bodies 4. Political parties 5. Freedom of press and assembly 6. Democratic rule etc.

4. Economic Justice

Economic justice refers to the absence of economic discrimination between individuals on irrational and unnatural grounds. It stands for equal treatment of individuals irrespective of differences in income, money, property, wealth etc. In its positive aspect, it implies payment of adequate emoluments to the workers strongly abhorring disparities in the distribution of wealth and incomes. It does not allow exploitation of weaker sections. It sees that nobody is deprived of the basic necessities of life. It hints out that everyone must be provided with adequate food, clothing, shelter and other minimum needs. It conceives just economic order in society. It supports the principle “from each according to his ability, to each according to his needs”.

Economic justice is viewed as a vital concept of the modern age of industrial and technological advancement. It proposes the notion that freedom is meaningless when it fails to provide economic justice in society to all. It advocates civil freedom to all basing on human dignities. Hence this concept occupied a prominent place in the present day society.

5. Legal Justice

Legal Justice is manifested in the laws of state. It is supplemented by they customs of society. It is embodied in the Constitution and legislative enactments in a state. It determines the legal contours of Justice. Legal Justice basically has two implications. Firstly, it implies that there is just application of laws in society on the basis of rule of law. There will be no discrimination between individuals in the application of laws. Secondly, laws are made in consonance with the principles of natural justice. They cater to the welfare of the community. However, Legal Justice itself is not justice. Earnest Barker maintained that legal Justice is ‘law according to Justice.’ It may be noted that it aims at providing justice.

7.8 SOCIAL JUSTICE

Social Justice is generally equated with the notion of equality. Equality is an indisputable and inherent element of social justice. The term ‘social justice’ has wider meaning. ‘Social justice’ connotes fairness, mutual obligation and responsibility in a society. It firmly believes that everyone is responsible to others. Everyone must be provided adequate opportunities.

Social Justice, in brief, aims at achieving a just society by eliminating injustice. It prevails when people have the belief of sharing the things in society. They must be entitled to equitable treatment, human rights and fair allocation of common resources.

In this context modern political scientists like John Rawls and David Miller gave two prominent statements.

John Rawls advanced the theory of social justice commonly known as “Justice or Fairness”. To him, social justice implies equal access to the liberties, rights and opportunities as well as taking care of the interests of the deprived and disadvantaged sections of the society. He maintained that what is just or unjust in human activities is determined on the basis of utility of such activities. He stated that social justice enables human beings equal access to civil liberties and human rights for leading a happy and healthy life. He emphasised that disadvantaged groups in society will be taken care of through the extension of social justice.

John Rawls' concept of social justice is built around the idea of a social contract whereby all people sign a covenant for following and obeying certain rules for the betterment of the society. These rules or principles specify the basic rights and obligations involving the main political and social institutions. They regulate the allocation of benefits arising from social cooperation.

David Miller pointed out that social justice is concerned with the distribution of good (advantages) and bad (disadvantages) in society. He further analysed more specifically how these things are distributed in society. According to him, social justice is concerned with the allocation of resources among people by social and political institutions. People, through social justice, receive many benefits in the fields of education, employment, wealth, health, welfare, transport etc. However social justice has some negative repercussions. These relate to the interference of government in the private life and prescription of compulsory military service to individuals.

Miller's theory applies to both public and private spheres. His theory regards social justice as a social virtue that speaks of what a person possesses and what he will owe to others in society.

7.9 ACHIEVEMENT OF SOCIAL JUSTICE

Social justice remains a mirage in a society having glaring disparities between different sections. Social justice can't be understood in absolute terms. Social justice along with equality is a strong desire of every one in modern society. A society dominated by unjust relations between different sections cannot achieve progress. In such a society the disadvantaged and deprived sections develop frustration in their day to day life. This leads to mutual conflicts between the majority poor and a few affluent persons. Hence a just society which ensures basic minimum facilities to all to lead happy and secured life is a must. In such a society adequate opportunities will be provided to various sections for realizing their goals.

In regard to the meaning of minimum facilities, various methods of evaluation are conceived through public programmes. In this regard some international organizations like World Health Organisation play an indirect role. The various governments in a democratic polity will strive to provide basic necessities to the people. These governments confront formidable challenges in providing social justice to the people.

Though many agree with the view that State should lend a helping hand to the disadvantaged sections of the society to attain some degree of parity with others, there remains a disagreement over the methods pursued for achieving the goal. Extensive debate has taken place in the contemporary society. Such a debate revolved on the topic of inviting open competition through free state organisation or private enterprises. But the fact lies in between the two. Both state and private involvement are necessary for achieving social justice in the state.

Free Market Mechanism versus State Intervention

An important debate has taken place among scholars in regard to better option between free market mechanisms and state intervention. The advocates of free markets maintained that individuals should be allowed to have complete economic freedoms like freedom of property, contracts and agreements in economic matters. They professed free competition

between various factors of production in the economy. They strongly felt such a competition would bring uncountable benefits. They also contended that absence of state intervention would ensure smooth market transactions leading to large scale amenities and benefits to various sections. Meritorious and talented persons would receive rewards and awards from all quarters.

However, many supporters of state mechanism do not subscribe to the above view. These scholars insist upon imposing certain restrictions in the larger interests of society. They argued that state should step into the economic operations in order to ensure a basic minimum standard of living to all the people irrespective of their social and economic status. They further pointed out that state must provide basic amenities as a prelude to the free play of market forces in the fields of healthcare, education etc. State must encourage competition for rendering better services to the people. In other words, state should act as a facilitator for providing a congenial atmosphere for the participation of young and dynamic private entrepreneurs. It should create a strong foundation for implementing regulations for liberalising the economic system.

Another argument made on behalf of the free market mechanism is that it provides wider choices than one wish in the matters of education, health, transport, communications etc. It also enables freedom to people to adopt their own ways in the productive activities of society. Besides, it paves the way for the provision of qualitative goods and superior services which the people can afford at convenient and fair prices. Otherwise the services rendered by the state (in the absence of free market mechanism) could not satisfy the hopes of the wide spread consumers in the State.

Another argument advanced in favour of free market mechanism refers to the quality of services offered. Normally services and expertise rendered by the free market forces always remains better, if not best, when compared to the state aided or state sponsored authorities.

It may be noted that the above two arguments of free enterprise and state mechanism have utility to some extent only. So a clear blend or combination of the two systems would be appropriate. But it all depends upon the political sagacity of the leadership and economic conditions prevalent in and around the state. On the whole, the concept of social justice could be viewed as a combination of private and public participation in economic and other operations.

It may be noted that democracy and social justice always carry the elements of discussion and deliberations at different levels. Similarly the two elements provide scope for dissent, assent and consent among legislators and executive authorities. So in states like India where coalition governments have been holding and maintaining power and authority in both the centre and provinces, there prevailed both public and private sectors with a tilt towards public –private participation in all spheres.

QUESTIONS

I. Long Answer Type Questions

1. Define Justice and describe various types of Justice.
2. What is meant by Justice? How is it evolved?
3. Write an essay on Social Justice.

II. Short Answer Type Questions

1. Explain the major concepts of Justice.
2. How is justice evolved?
3. Describe any three types of Justice.
4. Point out any three sources of Justice.
5. How is Social Justice pursued?

III. Very Short Answer Type Questions

1. Define Justice.
2. What is Distributive Justice?
3. What is Corrective Justice?
4. How are economic elements considered as a source of Justice?
5. What is meant by Political Justice?
6. What is meant by Social Justice?
7. What are the implications of Legal Justice?

8. What are the views of John Rawls on Social Justice?
9. Point out the views of David Miller on social justice?
10. In what respect religion is considered as a source of Justice?

Citizenship

CHAPTER

8

- 8.0 Introduction**
- 8.1 Definitions**
- 8.2 Aliens**
- 8.3 Methods of acquiring Citizenship**
- 8.4 Loss of Citizenship**
- 8.5 Qualities of a Good Citizen**
- 8.6 Hindrances to Good Citizenship**
- 8.7 Ways for overcoming the hindrances to Good Citizenship**
- 8.8 Types of Citizenship**
- 8.9 Significance of Citizenship**

8.0 INTRODUCTION

Citizenship is a privilege of individuals residing in democratic states. Individuals feel it prestigious and proud to have citizenship in their native state. Infact citizenship differentiates citizens from other categories of persons in a state. People feel that citizenship enables them to lead a happy, honorouble and harmonious life in the state. To say in a word, citizenship instills the feelings of patriotism, sacrifice, broad outlook etc. among the people.

Citizenship denotes status of a person recognised under the custom or law of a state. Persons who possess citizenship are known as citizens. Citizens participate in the affairs of the political organization, i.e., state. According to Salmond Citizens, as members of state, will have personal and permanent relations with the state. They enjoy several rights and privileges. State bestows several rights and privileges on the citizens. These include rights to vote, property, residence in the state etc. Besides every citizen has certain responsibilities like paying taxes, rendering military service etc.

Etymologically speaking 'Citizenship' denotes element of residence in a city-state in ancient period. A 'citizen' is one who resides in a city - state. The concept of Citizenship was traced back to the ancient greek city-states which had small population and less territory. In ancient Greece, citizenship was a privilege conferred upon a selected few. Women, manual workers, slaves and children were not entitled to the privileges of citizenship.

Aristotle stated that "a Citizen is a person who will have a direct and active role in the administration of the state."

The position of citizens was same in ancient Rome. However in medieval Europe, the place of slaves was taken up by the serfs. In the present modern nation- states, which have a large population and extensive territory, the concept of citizenship is quite different.

Citizenship privileges at present are granted to all persons without any discrimination. However, it is not possible for all citizens to have a direct share and active participation in the affairs of modern states. Citizenship is granted for meeting the legal requirements of a nation state or local government.

8.1 DEFINITIONS

The Social Contractualists regarded citizenship as the provision of rights and responsibilities. In this sense, citizenship was described as a bundle of rights by which citizens will participate in the activities of the political community. Citizenship entitles them the right to vote and the right to receive protection from the community.

Several political writers gave definitions on citizenship. Some of them are mentioned as below.

Prof. Laski: "Citizenship is one's contribution of instructed judgment to the public good".

T.H.Marshall: "Citizenship is a status bestowed on those who are full members of a community. All who possess this status are equal with respect to the rights and duties with which the state is endowed."

Laski assigned more importance to the Citizenship. He contended that a citizen must contribute his might towards the material and moral advancement of the society. A citizen performs certain responsibilities towards the state for promoting the well-being and progress of the society.

It may be noted that the main conception of citizenship has not changed materially since ancient period. But in course of time it became more positive, constructive and comprehensive. Citizenship denotes possession of civil and political rights by the citizens. These rights are vital to the civilised life. Citizens owe allegiance to the state. They have to sacrifice their personal likings, property and other things for the sake of the state. They should defend the State at all times and on all occasions.

The value of Citizenship varies from state to state. In some states, Citizenship means citizen's possession of right to vote, right to hold government offices, the right to receive unemployment relief etc. In some other states, citizenship means privilege of a citizen to have participation and share either directly or indirectly in the affairs of state.

8.2 ALIENS

All persons residing in a state are not considered as citizens. Sometimes some of them may reside in other states. Then they are known as aliens. Aliens are entitled to such rights and obligations which are incorporated in the covenants of the foreign state. For instance in the United States, aliens must obey the laws and pay taxes just like the american citizens. They must register their names with the american government to secure legal permission to stay for a prescribed period of time.

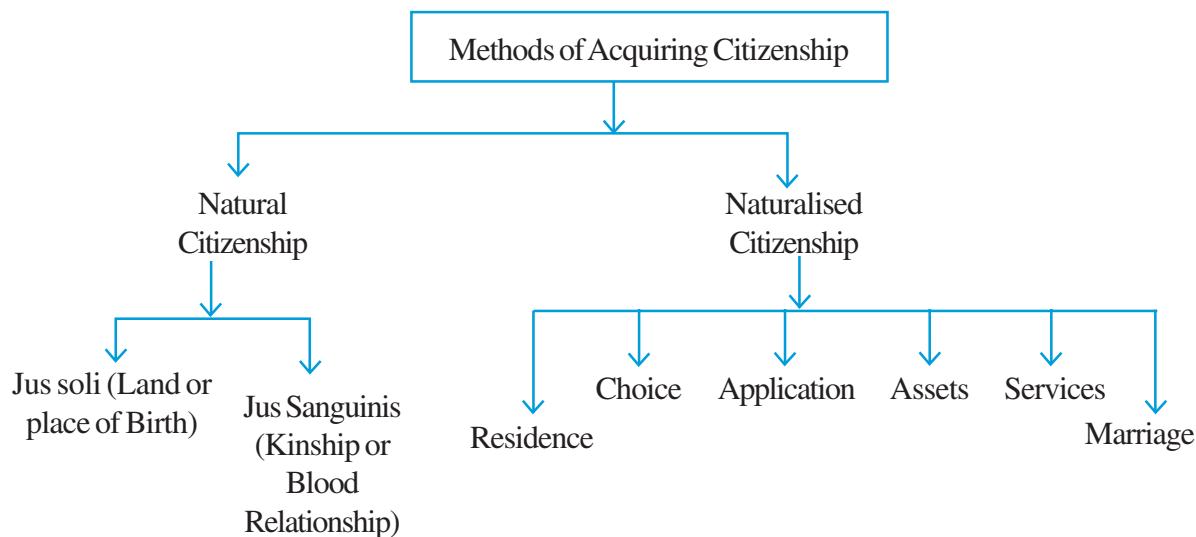
Some of the aliens are entitled for protection under the existing laws. They can own property, carry on business and attend public schools. However, they do not enjoy franchise and assume public offices. In some states they are not even allowed to practice certain professions until they become citizens.

Differences between Citizen and Alien

Citizen	Alien
1. A citizen resides in a particular state on permanent basis.	1. An alien resides in a state on temporary basis.
2. A citizen owes loyalty to the state in which he resides.	2. An alien owes allegiance to the State to which he belongs.
3. A citizen is entitled to enjoy civil and political rights.	3. An alien will have civil rights only.
4. A citizen can criticize the policies and programmes of the government.	4. An alien has no right to criticize the policies and programmes of the government
5. A citizen will have both the rights and responsibilities.	5. An alien has more responsibilities than the rights.

8.3 METHODS OF ACQUIRING CITIZENSHIP

There are two methods of acquiring citizenship. They are (i) Natural (ii) Naturalization. The two methods may be studied as follows.



(i) Natural Citizenship

Natural Citizenship is one which is acquired by the persons without specific application or request to the authorities. It comprises three elements. They are

- (A) soil (Jus Soli)
- (B) blood relationship (Jus Sanguinis) and
- (C) mixed principle.

(A) Jus Soli – (Land or Place of Birth)

Jus Soli means acquisition of citizenship by the principle of land or place of birth. According to this principle, citizenship is determined by the place of birth and not by parentage. It is the place of birth which determines citizenship. This method is more popular since a long time. It was popular in the Middle Ages when citizenship was associated with land. At present, however, this practice is observed exclusively in Argentina.

(B) Jus Sanguinis - (Kinship or Blood Relationship)

This type of citizenship denotes acquiring citizenship by kinship or blood relationship. Under this principle blood relationship within the territory of a state entitles a person to have citizenship. Every person is treated as a citizen of the state where he has relationship. According to Jus Sanguinis, a child acquires citizenship of the parents irrespective of its place of birth. Here blood relationship alone determines the citizenship. For example, a child born to the Indian parents will be treated as Indian citizen irrespective of its place of birth. This principle of Jus Sanguinis was very popular in ancient period. Even today, this principle is followed by many states in the world. It is considered as natural and logical. It is exclusively observed in several states like Germany, Norway, Italy, Sweden etc.

(C) Mixed Principle

Under this method citizenship is granted by following either of the two principles of jus sanguinis and jus soli. Many states adopted both these principles. For example in Britain, France and United States, the above two principles are employed

simultaneously. In this context there may arise duplication of citizenship. For example, a child born to British parents in the United States becomes an American citizen according to the practice of *Jus Soli*. The same child becomes a citizen of Britain according to the principle of *Jus Sanguinis*. In such a case, the child is given the option to choose one of its citizenship, after becoming a major.

(ii) Naturalised Citizenship

Citizenship may also be acquired through naturalization. According to this method, an alien will become a citizen in a state after fulfilling certain conditions. These conditions vary from state to state. Some of them are summed up as follows.

- 1. Residence:** An alien who resides in a state for a prescribed period automatically becomes its citizen. Residence in any part of the state is a must for an alien. The period of residence varies from state to state. For instance it is 5 years in Britain and United States and 10 years in France respectively.
- 2. Choice:** The children of alien parents could receive citizenship of the state according to their option and choice.
- 3. Application:** An alien in a state may apply for the citizenship of that state. Then the government of that state considers his application on its merits. It grants citizenship to him with or without some conditions. These prescribed conditions refer to a minimum period of residence, good moral character, financial capability and knowledge of one of the national languages. Besides, an alien must take an oath of allegiance before he assumes the citizenship of another state.
- 4. Fixed Assets:** An alien who buys some portion of land or acquires some fixed property can acquire citizenship in a state.
- 5. Service (Public or Private):** An alien who serves in the government of a state or in a private recognised enterprise could become the citizen of that state. He is entitled for such citizenship if he serves in the public or private authorised departments. He may also be given citizenship if he renders meritorious service in another state.

6. Marriage: An alien woman acquires citizenship of a state when she marries the citizen of that state. In some countries when a person marries an alien, Citizenship of either of the husband or wife is acquired. For instance, a British lady will acquire Indian citizenship if she marries an Indian citizen. Japanese women do not lose their citizenship even if they marry persons of alien states. The alien person on the other hand, acquires the citizenship of Japan if he marries a Japanese lady.

In this context it may be noted that an alien who receives citizenship of the new state, he will have to forego his native citizenship. In other words no one is allowed to have dual citizenships simultaneously.

Differences between Natural and Naturalised Citizenship

Natural Citizenship	Naturalised Citizenship
1. Natural citizenship is acquired by the native citizen of a state in his own right.	1. Naturalised citizenship is conferred by a state on the aliens.
2. This is acquired on the basis of birth or descent.	2. This is conferred on the individuals subject to certain conditions like stipulated period of residence, job, property, marriage etc.
3. It is irrevocable in normal conditions.	3. It can be revoked any time by the state under certain circumstances like treason.
4. This is more a right of a citizen than a privilege.	4. This is more a privilege than a right.
5. Here the citizen enjoys all the constitutional rights.	5. Here the citizen enjoys limited rights.

8.4 LOSS OF CITIZENSHIP

Citizens loose their citizenship under the following conditions:

1. Renunciation

A person is deprived of his citizenship, if he wishes to become the citizen of another state. One will lose the citizenship of one's parent state and may become the citizen of a foreign state by naturalization. In India, the constitution prescribes that a person who voluntarily acquires citizenship of any other state will no longer be an Indian citizen.

2. Marriage

Generally a woman loses her citizenship when she marries an alien. However some states allow retention of citizenship. For instance in Britain, there is an option to retain British citizenship who marries an alien.

3. Accepting Foreign Service

A person may lose his citizenship when he enters into the service of another state. If a person accepts a permanent job in the government of a foreign state, he foregoes the citizenship of his native state.

4. Obliging Foreign Decorations or Titles

When a citizen obliges to receive foreign decorations or titles without the consent of the native state it may lead to the forfeiture of his Citizenship.

5. Prolonged Absence

Prolonged absence in the native state beyond a certain period may lead to the loss of citizenship. In some states like France and Germany citizens who are absent themselves from their native country for more than ten years will loose their citizenship.

6. Treason

Involvement of a citizen in a serious crime and subsequent evidence of his action will also lead to the loss of citizenship. Especially those persons who directly or indirectly participate or extend assistance to anti-state activities, will loose their citizenship by a special notification.

6. Desertion from Army

Desertion from army thereby jeopardizing the security of a state leads to the forfeiture of citizenship.

8.5 QUALITIES OF A GOOD CITIZEN

According to Aristotle good citizens make good state. This is due to the fact that good citizens imbibe many noble qualities. Lord Bryce cited three qualities of a good citizen, namely, conscience, intelligence and self control. On the whole, a good citizen will have the following qualities.



1. Good Character

Good character is essential for a good citizen. A good citizen should be courageous, just, helpful, kind-hearted, sympathetic, truthful and virtuous in letter and spirit.

2. Sound Health

A good citizen should have good health and strength. Healthy citizens make healthy nation. Only a sound body will have a sound mind. Sound body and mind of a citizen paves the way for the progress of the state in many spheres.

3. Intelligence and Education

Intelligence and education is another quality of a citizen. The citizen should be well-enlightened, fully aware and informed of his rights and responsibilities. He must be intelligent enough to identify good and bad. He will not be emotional in examining the events. In this regard proper education enables him to play a proper role in society. An intelligent citizen will be able to understand the issues of the state in a proper way.

4. Self control

A good citizen will have moderate temperament. He will have self-control in public activities. Self control and self confidence make him to lead a disciplined life. Similarly he will not indulge in inhuman activities.

5. Public spirit

A good citizen should have broad and liberal outlook. He should be ready to take active part in public affairs. He should be intelligent in enjoying his rights and responsibilities. He should actively participate in the social service activities. He should have public-spirit and ready to offer his services for the collective well-being of the society.

6. Self-sacrifice

A good citizen must possess self sacrifice. He must subordinate self-interest to the interests of the community. He must be imbued by the spirit of service and devotion to the society, government and state.

7. Honest exercise of franchise

Honest exercise of one's franchise is another essential quality of a good citizen. A good citizen must cast his vote without considering self interest or sectional interest casting vote in terms of class, religion or community is considered as a hurdle to good citizenship.

8. Sincere performance of obligations

A good citizen performs his obligations sincerely and faithfully. He extends co-operation to the authorities in the discharge of their obligations. He pays his taxes to the various governmental organizations promptly and properly.

9. Right ordering of loyalties

A good citizen brings about right ordering of his loyalties to the family, class, caste, club, trade union, region and nation. He avoids conflicts between various associations by assigning priorities. He sacrifices his self interest for the sake of wider purposes. When there arises a conflict between the interests of the family and the locality, one must sacrifice the interests of the family for the sake of the locality.

8.6 HINDRANCES TO GOOD CITIZENSHIP

There are various hindrances to the growth of good citizenship in a state. These relate to caste system, communalism, ignorance, illiteracy, poverty, social discriminations etc. The main hindrances to good citizenship are discussed as below.

1. Laziness

Citizens in many states do not prefer to work hard. They remain narrow minded. They have little interest in working for the progress of the nation. They create havoc on many occasions in the state. Many of them are affected by apathy, inactivity, indifference and indolence. Laziness leads to the neglecting of civic duties. Ultimately it makes citizens indifferent in public affairs.

2. Ignorance and Illiteracy

Ignorance and illiteracy are regarded as the greatest obstacles to the good citizenship. Ignorant and illiterate citizens do not understand their rights and responsibilities properly. Laski rightly stated that citizenship consists in the contribution of one's instructed judgment to the public good. Ignorant and illiterate persons are unable to make any such contribution. They don't have an enlightened interest in public affairs in the absence of education. Democracy degenerates into a mob rule in the hands of ignorant and illiterate persons.

3. Poverty

Poverty is the root cause of all evils. Good citizenship cannot develop in a country where vast inequalities of wealth exist. Poverty leads to apathy and indifference in public life.

4. Ill health

Ill health is another hindrance to the good citizenship. Because unhealthy citizens cannot carry on their services to the good of the state and society.

5. Narrow Political Interests

Political parties, which are essential in democracy, play a crucial role in promoting the ideals of good citizenship. But many members of these parties work for the party and not for the society or the nation. Leaders of various parties keep their attention only on capturing power. They show least regard to the promotion of people's welfare. Some political parties even create rivalries and hostilities among the people. Sometimes interests of the community are sacrificed for the sake of the party.

6. Communalism and Casteism

Communalism and casteism are two important handicaps in the path of good citizenship. Caste system and class distinctions are especially responsible for bringing out a discord among the people. These distinctions hamper social and political solidarity of the state.

7. Selfishness

Selfishness and good citizenship cannot go together. Selfish citizens will confine their thoughts and actions to their own private benefits. They spare no time and energy for the wellbeing of others including their mother land.

8. Indifference

Indifference is another great obstacle which makes citizens indolent and lazy. Such citizens are least bothered about the contemporary happenings. They do not participate in the dynamics of the state mechanism. They ignore the evil effects of backwardness, dirt, disease and poverty. Lastly, they lack the character of good citizens and suffer from total aversion to public work.

8.7 WAYS FOR OVERCOMING THE HINDRANCES TO GOOD CITIZENSHIP

In order to remove the hindrances of good citizenship, efforts should be made by the parties, people, press and state. Laski said that good citizenship implies “contribution of one’s instructed judgment to public good”. The following are some ways to remove hindrances to good citizenship.

- 1. Solving People’s Grievances:** Government should address the basic grievances of the people. Issues of poverty and unemployment should be tackled with great commitment. Good citizenship can’t be realized when people’s basic needs are not fulfilled.
- 2. Education and awareness:** Education, which is the most important need of the hour, should be given top priority. Steps should be taken to spread education and awareness among the people. Citizens must be provided with such instructions which make possible the understanding of human life. They must be trained for expressing their wishes and aspirations which they come across in their life.
- 3. Efforts of Leaders:** Citizens should always feel that government itself cannot provide succor and rescue them on every occasion. Leaders at various levels should come forward and co-operate with government in promoting good citizenship.

On the whole, Lord Bryce suggested two types of remedies for overcoming the hindrances of good citizenship. They are: 1. Mechanical and 2. Ethical. The first relates to laws of the state and second relates to character of the citizens.

Mechanical Remedies improve the machinery of the state to make it more useful to the public. The entire social structure has to be built up on the principles of equality, justice and democracy. Citizens should be allowed to utilise their civil and political rights to their maximum extent.

Ethical remedies enhance the general character of citizens in the state. Ignorance and narrow party interests must be avoided. On the other hand, honesty and literacy would induce the citizens to take active role in public life. A vigorous programme of social reforms must be undertaken. A good citizen should always keep thinking of what he owes to the state instead of seeking state aid.

8.8 TYPES OF CITIZENSHIP

There are three types of Citizenship. They are (i) Single Citizenship (ii) Dual Citizenship and (iii) Global or Universal Citizenship.

(i) Single Citizenship

Single Citizenship implies possession of one type of citizenship, identical rights, privileges and immunities by the citizens in the state. Citizens enjoy this type of citizenship without any discrimination. It is prevalent in many modern states. For instance the constitution of India provided for single citizenship to every Indian citizen irrespective of his place of birth, residence etc.

(ii) Dual Citizenship

Dual citizenship means possession of citizenships in two States. It is in vogue in some developed and developing countries. For instance, children born to american citizens in other states acquire natural citizenship in both the states - one in their parent american State and another in the state where they are born. However, persons having dual citizenship are not entitled to the special privileges. They are subject to the laws of both countries. Dual citizenship applies to the children until they attain adulthood. Later they have to choose citizenship of one of the two States.

(iii) Global or Universal Citizenship

Global or Universal Citizenship is the latest phenomena in the contemporary national and international politics. The dramatic events that took place after 1980s and 1990s created a great awareness among the people all over the world. The advancement in communications, science, technology and other spheres transformed human life in a miraculous way.

Even the commonest of common men feel comfortable, convenient and economical in availing the various devices of sophisticated technology. The results of Liberalization, Privatization and Globalization (LPG) have become a boon to them. The various governments in both the advanced and third world states have shifted their priorities ranging from defence to the welfare and well being of common men. As a result, intellectuals belonging to different walks of life have been given encouragement to go abroad and reap ample benefits.

It is in the above circumstances that large number of citizens have gone abroad for educational, commercial and research purposes. Thousands of them have either settled in foreign states or remained there on work permits. They have earned a lot of money. They remain instrumental in bringing their income to the native states. In the process they have been seeking citizenship in their native state and in the states where they are rendering services. Some states have contemplated the idea of conferring dual citizenship to their citizens in other states. Such an idea became a basis of global citizenship. Use of internet, availing online services etc became useful for the citizens as well as the rulers. Some Nobel Prize awardees and human rights activists popularised the notion of global citizenship. They felt that such a citizenship would ease out tensions between states and peoples of the world on various issues. They expressed the view that governments could spend their budgetary allocations on human progress instead of spending on war operations. Hence, global citizenship has become a prominent concept and ideology in recent times.

8.9 SIGNIFICANCE OF CITIZENSHIP

Citizenship remains significant when fundamental rights enshrined in the constitution are available to all the citizens. Further, Citizenship ensures the citizens many political rights. Citizens could exercise their vote in elections to the various representative bodies. They could also contest for the membership of legislative bodies. Above all, citizens alone are eligible for appointment to the highest offices in the executive like President, Vice – President, Judges of the Supreme Court, High Courts etc., Along with the above rights, citizens also owe certain responsibilities towards the state such as payment of taxes, defending the country as and when required etc.

Questions

I. Long Answer Type Questions

1. Define Citizenship. Describe the methods of acquiring Citizenship.
2. Explain the various qualities of a Good Citizen.
3. Describe the various hindrances to Good Citizenship.
4. How many types of Citizenship are there? Elucidate.

II. Short Answer Type Questions

1. Write about the two methods of acquiring Natural Citizenship.
2. What are the differences between Citizen and Alien?
3. How is naturalized Citizenship acquired?
4. How Citizenship is lost?
5. Explain any three conditions for securing Naturalized Citizenship.
6. Briefly describe about Global or Universal Citizenship.
7. Point out the ways for overcoming the hindrances to Good Citizenship.

III. Very Short Answer Types Questions

1. Define Citizenship.
2. What is meant by Jus Sanguinis?
3. What do you mean by 'Jus Soli' mean?
4. Who is an Alien?
5. Write about any two conditions for acquiring Natural Citizenship.
6. List out two conditions of loss of Citizenship.
7. Mention any two qualities of a Good Citizen.
8. Explain the significance of Citizenship.
9. In what way do ignorance and illiteracy act as hindrances to Good Citizenship?
10. What are the suggestions of Lord Bryce for overcoming the hindrances of Good Citizenship ?
11. Write short notes on Dual Citizenship.

Democracy

CHAPTER

9

- 9.0 Introduction**
- 9.1 Origin**
- 9.2 Definitions**
- 9.3 Evolution and growth of Democracy**
- 9.4 Features of Democracy**
- 9.5 Types of Democracy**
- 9.6 Merits of Democracy**
- 9.7 Demerits of Democracy**
- 9.8 Essential Conditions to the success of Democracy**
- 9.9 Importance of Democracy**
- 9.10 Working of Democracy in India**
- 9.11 Devices of Direct Democracy**
- 9.12 Future of Democracy in India**

9.0 INTRODUCTION

Democracy is not only a form of Government but also a way of life. It is a combination of several elements such as political ideals, economic policies, social practices and ethical norms. Modern Governments have been mainly classified into two types, namely (i). Democracy and (ii). Dictatorship. For many, democracy guarantees freedom, equality and justice. Democracy is understood in several ways. For instance, the Athenians in ancient Greece celebrated democracy as the best form of government. While Plato viewed democracy as a rule of ignorants, Aristotle believed it as the government by many perverted persons. Abraham Lincoln, the American President, gave a very simple and popular meaning for democracy as a government ‘of the people, by the people and for the people’.

9.1 ORIGIN

The term ‘Democracy’ has originated from two Greek words ‘demos’ and ‘Kratos’. The two words mean demos (people) and Kratos (Power/ government). Democracy normally means power vested in the people. Democracy to the Greeks was direct in nature. It was in Athens Assembly that democracy had its origin as the citizens voted directly on various laws of the city state for the first time.

9.2 DEFINITIONS

Democracy is defined in several aspects. Democracy in its political perspective implies allocation of a share to every one a share in the government. In its economic aspect, democracy stands for the abolition of exploitation. In its social angle it seeks to eliminate all distinctions between individuals based on caste, colour, creed, language, religion etc.

Democracy is not an easy word to define and understand. The reason is that it has numerous connotations. So there could hardly be a single definition of democracy. However, some of them are given below.

1. **Abraham Lincoln:** “Democracy is a government of the people, by the people and for the people”.
2. **Lord Bryce:** “Democracy is that form of government in which the ruling power of the state is vested not in a particular class but in the members of the community as a whole”.
3. **A.V. Dicey:** “Democracy is a form of government in which the governing body is comparatively a large fraction of entire nation”.
4. **MacIver:** “Democracy is a way of determining who shall rule and how”.
5. **J.S. Mill:** “Democracy is that form of government in which the whole people, or some numerous portion of them, exercise the governing power through deputies periodically elected by themselves”.
6. **J.R. Seeley:** “Democracy is a government in which everyone has a share”.

The above definitions clarify that in democracy a majority people will have a share in power. People influence the policy and legislation of the government. However, some of the above definitions point out a pure form of democracy. Such definitions are not based on practical cases as there has been no such government where everybody has a share. Hence democracy is not a pure form of government. It is more educative, more responsive and more responsible. It is more people friendly and less prone to revolutions and violence. Its significance lies in the fact that it is based on equality, liberty and welfarism.

It may be noted that despots may rule in the interest of the people. However their rule will not reflect democratic ideas. Their rule will not be people's rule in general or through their representatives. They may not grant substantial liberties to the people. They least bother about the popular needs. Similarly an oligarchical rule, which existed all through the history, can not be described as democratic. On the democracy embodies the elements of popular participation, popular representation, popular control, popular accountability etc.

9.3 EVOLUTION AND GROWTH OF DEMOCRACY

The idea of democracy had its roots in ancient Greece. It is surprising to note that prominent greek philosophers like Plato and Aristotle viewed democracy as a perverted form of government. In ancient roman empire, the idea of good government and sound administration were given priority. But democratic element was nominal during that period. In the Republican period, it was nonexistent in many kingdoms. Middle ages gave no scope for democratic elements. Some important factors like dominance of faith over politics, kings and the feudal lords over myths, of extinct quality over dead liberty etc made democracy and democratic institutions a far cry in the whole period of the medieval age. Renaissance and Reformation movements paved the way for the present form of democracy in the west. Way back in England the Magna Carta had voiced some of the freedoms. The Bill of Rights curtailed the absolute power of the kings. The Glorious Revolution followed by the Bill of Rights cut short the unlimited powers of the rulers. The American war of Independence and French Revolution emphasized on the rights of man towards 'Liberty, Equality and Fraternity.' Democratic institutions began to grow in England since 17th century. With the decline of absolute monarchy, democracy as a concept of government gained currency from the writings of John Locke, Rousseau, Thomas Paine, J.S.Mill and others.

In the liberal democratic world of the west, democracy was a latter addition in their liberal ethos. In the Socialist-Marxist world the order was welfarism first, participation later, and control thereafter. In the developing societies, these three features of democracy were introduced simultaneously. All of them were incorporated in their constitutions, consequent to the attainment of national sovereignty.

Democratic waves swept across the world during 1970's. But representative elements of democracy were instituted in the latter part of 1980's in the nations of southern, central and Eastern Europe. Much of Latin America, Southeast Asia, Taiwan, South Korea and some Arab and African states notably Lebanon and the Palestinian Authority moved towards greater liberal democracy in 1990's and 2000's. An analysis by Freedom House observed that there was not a single liberal democracy with universal suffrage in the world in 1900. But by 2000, 120 of the 192 world nations adopted democracy.

9.4 FEATURES OF DEMOCRACY

Democracy is not only a political doctrine but also a social and economic way of life. It has the following essential features.

1. Popular government

Democracy is basically a government by the people. In democracy people act as the rulers and the ruled. While voters assume ultimate sovereign authority, their representatives are considered as immediate masters over the rulers in government. Both voters and their representatives play a decisive role in public affairs of course with some minor degree of variations.

2. Popular control

In democracy, citizens will have control over political affairs. Citizens regulate the affairs of government by expressing their opinion on various policies and programmes of the latter. They support the wise, honest and welfare oriented programmes. At the same time they never hesitate to oppose the unconstitutional legislative measures. As a last resort they can remove those leaders who defy or ignore people's wishes.

3. Individual's dignity

In democracy individual's dignities are honoured by the government. Even the ordinary persons living in distant and remote places are given various opportunities to express their opinions.

4. Elections

Democracy and elections are closely related. Democracy gives scope for holding elections at regular intervals as per constitutional norms. Adult citizens participate in elections for choosing the members of various representative bodies. Citizens regard elections as a golden opportunity for unseating the selfish and narrow minded leaders and for selecting the efficient and honest persons as their representatives.

5. Public accountability

Democracy is characterised by public accountability. The various governments functioning in democracy owe accountability immediately to the legislators and ultimately to the voters at large. The persons assuming and exercising power will exercise their authority with great care, caution and reliability. They continue in office until they enjoy public confidence. Otherwise they step down when citizens are angry, impatient and serious against the former.

6. Fundamental freedoms

A noble feature of democracy relates to the enjoyment of fundamental freedoms by the people. Democracy gives scope for civil, political, economic, cultural and other freedoms. As a result, people enjoy several fundamental freedoms in the matters of assembly, employment, education, entertainment, movement, residence, property etc. Democracy guarantees its people with several fundamental freedoms by including them in the constitution.

7. Independent Judiciary

Independent Judiciary is another essential feature of democracy. In some countries like United States and India judicial organizations enjoy the power of judicial review. The higher courts in these countries act as watchdog of the people's freedoms. They issue

several writs for preserving and upholding fundamental freedoms. They serve as the custodian of people's rights.

8. Equality

Democracy is based on the concept of equality. Equality is the basic postulate of democracy. Democracy allows no special privileges to some thereby affecting the rights of others. It is based on the equal application of laws and equal provision of opportunities.

Besides the above, democracy has some features like Rule of Law, Freedom of Press, Decentralisation of powers, Community welfare etc.

9.5 TYPES OF DEMOCRACY

Democracy is mainly classified into two types, namely (1) Direct or Pure Democracy (2) Indirect or Representative Democracy. These two types are explained as below.

1. Direct or Pure Democracy

Direct or Pure Democracy existed in ancient Greek and Roman city states. In ancient India, this system prevailed during the buddhist period. Some considered that it has become a thing of the past. In this system, people directly participate in the administrative affairs of the government. They assume all powers of legislation. They formulate laws in the meetings attended by the people. People participate directly in the affairs of the state. Direct democracy is suitable to small states having by a few thousand people residing in a small territory. They hold deliberations and formulate public policies. So direct democracy is impossible and impractical when the geographical area of the state is very large. Similarly, it is not workable for those states having heterogenous population. However, some devices like referendum, initiative, recall and plebiscite will help to a great extent in rectifying the defects in legislation in this system. This is manifest in some cantons of Switzerland and some states of the United States.

2. Indirect or Representative Democracy

Modern states are generally huge in size and population. Hence direct democracy is inconceivable in these states. People living in these states govern indirectly through their elected representatives. The will of state is formulated and expressed not by people but indirectly through their representatives. Indirect democracy rests on the principle that

sovereignty belongs to people and it is their representatives who will exercise it. Representatives, elected for a determinate period, are responsible to the people. People in the exercise of their obligations can remove them (in times of elections) if they fail to act according to their expectations. Hence, representatives govern the people as their trustees. They respond to public opinion.

Indirect or representative democracy is again classified into two types namely, 1. Presidential 2. Parliamentary. In presidential system all executive powers are exercised by a single executive head. For e.g., In United States where there is Presidential system all executive powers are concentrated in the office of the President. On the other hand, in parliamentary system, executive powers are exercised by some ministers under Prime Minister's leadership and in the name of the President. The ministers along with the Prime Minister are responsible for their acts to the Parliament. Eg. U.K, India, Australia etc.

9.6 MERITS OF DEMOCRACY

Democracy received overwhelming popularity in the contemporary world. Almost all the leading states have opted for democracy. Democracy has the following merits.

1. Efficient government

Prof. Garner described that democracy is an efficient and effective government. In this system government carries on its activities efficiently and effectively both in normal times and emergencies. The two World Wars and their repercussions proved well in this regard. Democratic principles such as "popular election, popular control and popular responsibility" ensure a greater degree of efficiency than other forms of government. Democracy encourages self-government and self discipline among the people. It inculcates a sense of responsibility among them.

2. Upholds individual liberties

Democracy is the only government which upholds individual liberties. It guarantees rights of individuals by providing several constitutional safeguards. J.S. Mill defended democracy on this basis. He stated that democracy assures its people certain civil rights like freedom of speech, expression, press and association. Besides, democracy gives recognition to the meritorious and worthy people by providing adequate opportunities for

them in various capacities in the government. This contributes a lot for the social progress, political enlightenment and economic development of the people.

3. Assures equality

Democracy assures equality of individuals in political and economic spheres. In the political sphere, it bestows several political rights like right to vote, right to contest as candidates in elections, right to hold public office etc., without basing on one's caste, colour, creed etc. It opposes special privileges to a few persons by ignoring other sections in society. In economic sphere, it ensures several economic rights such as right to property, right to work, right to recreation, right to leisure etc. Hence every section of society in democracy gets satisfaction in the matters of basic amenities and social security.

4. Educates the masses

Some described that democracy serves as a laboratory for large scale experiments in public education. Elections to various representative bodies at different times and the corresponding campaigns make the citizens educated. Various burning issues are brought to the public notice by the candidates and leaders during elections or by-elections. Meetings are held for communicating the people about the policies and programmes of various parties. These make the people enlightened in casting their votes. The voters indicate their preference for the party and the candidates after a close scrutiny.

5. Instills patriotism

Democracy instills patriotic feelings among the people. People get several opportunities in selecting and electing the members representatives to the various representative bodies. They feel conscious and proud in participating in the perfect working of the democratic institutions. They show enthusiasm by extending their co-operation and support to the nation in times of crisis. This is evident in the case of Indians during the Chinese and Pakistani invasions at the borders on several occasions.

6. Ensures stability

Democracy is immune from the dangers of revolution due to the presence of elected government. People in this system can change the government by a negative vote during elections. They need not resort to hatching conspiracies against the party or coalitions in

power. Another significant point is that democracy strives for the elimination of economic inequalities. It gives no scope for discontentment among the people. Democracy tackles any possible discontent and makes a society free from revolution.

7. Simultaneous order and progress

Dictatorship assures order and ignores progress of the nation. As against this democracy assigns importance to the maintenance of peace and order through constitutional rule. It also strives for the prosperity of the people in various walks of life. This is evident in the case of Indian democratic polity. Benevolent leaders and statesmen like Jawaharlal Nehru, Sardar Vallabhai Patel, Maulana Abdul Kalam Azad, Dr. B.R. Ambedkar and others made sincere efforts for transforming the nascent democratic state into a vibrant and viable state in domestic and international spheres.

8. Makes people responsible

Democracy recognises worth of the individuals. It creates a congenial atmosphere for developing initiative among the individuals. It cultivates a sense of responsibility among them. This cannot be found in other forms of government. Moreover, democracy makes easier self-realisation of individuals thereby enhancing their dignity and confidence.

9. Training school for citizenship

Another merit of democracy is that it serves as the best training school for citizenship. It assures the citizens with the right to vote and the right to contest in elections as candidates. These rights, along with other political rights, make the citizens politically trained in citizenship and other matters.

10. A rational government

Democracy is based on the principle that no man is infallible. It adopts a process of discussion and criticism which serve as necessary correctives to the abuse of power. Besides they safeguard the rational nature of the political system.

To conclude, democracy is described as the protector of the rights of the people. It serves as a stimulant to their mental make-up. It also checks abuse of power and brings in an era of stability, security and prosperity.

9.7 DEMERITS OF DEMOCRACY

Inspite of the above merits, democracy has the following demerits.

1. Rule by ignorants

Aristotle considered democracy as a perverted form of government. He viewed that it is a sort of mob rule. Plato, his teacher, called it a rule of ignorants. It is criticised that votes in democracy are only counted. Decisions on various matters are arrived at by the consent of majority legislators and cabinet members. As a result, wise and honest persons are isolated thereby giving importance to ignorant and foolish persons. Moreover, many of the legislators elected by the people and ministers nominated by the executive head may tend to be incompetent, inexperienced and amateur. They lack administrative skill and political experience.

2. Favours the rich

Most of the modern democracies are capitalist oriented. The Governments in this system favour the propertied classes. Elections will become a farce. Voters, who are treated as God in democracy, are wooed by the contesting candidates on the pretext of caste, colour, community, creed, region etc. They are also offered with material and non material things. Even the audio-visual communication and information media deliberately influence the mindset of voters. Industrialists, retired senior administrative personnel and disgruntled politicians enter the election arena and try their luck for stepping into the legislative and executive power corridors. That is why Marxists publicly criticised democracy as pro-capitalist, pro-religious and pro-regional in nature.

3. Majority rule - a myth

At one time during 1980s, democracy was treated as a rule by majority. But things have changed swiftly owing to the dramatic events that swept the domestic and global scenario. Education, literacy, enlightenment, press, radio, news channels, face book, twitter and other social media revolutionised several states in the political sphere. Coalition governments became the order of the present day. Even in the so called centuries old parliamentary democratic states like Britain, coalition governments have been found in recent times. Coalition became a regular feature in many developing states like India, Bangladesh, Pakistan, Nepal etc. This is due to the fact that no single party secured majority seats in their respective

legislative bodies. Consequently, coalitions comprising a single largest party (not the majority party) in collaboration with other splinter groups and with a common minimum programme (CMP) have formed the governments. Such governments lacked majority support thereby deteriorating the parliamentary standards. Eg. United Front (UF), National Democratic Alliance (NDA) I. United Progressive Alliance (UPA) I & II etc in India. In the case of above coalitions, a small committee, i.e, National Advisory Council, in the name of forming, coordinated and implementing of public policies occupied prominence in the entire gigantic political edifice. So majority rule is considered as a myth.

4. Representative principle - Doubtful

Democracy is based upon the principle of territorial representation. This presupposes every legislator to represent the views of every body in his constituency. But the actual situation is quite different. The reason is that legislators are elected not by the whole constituency but only by the majority of it. When several contestants are there, that majority surely comes down. Then every elected member represents only a fraction of the constituency. Moreover in democracy it is highly difficult for any legislator to represent all sections. At best he will represent only one or few sections of society of his constituency. As a result representative principle in democracy becomes doubtful.

5. Abuse of equality principle

The principle of equality, a major democratic premise, is many a time abused by everybody in the governmental process. Some criticized that democracy is based on the false premise that every man, whatever his real worth or intelligence, is equal to others in holding public offices. As a result everyone is given the privilege to cast vote in the formulation and implementation of policies in legislative, executive and judicial bodies. Such equality is harmful to the interests of society. The underestimation of special training and expert knowledge turns democracy into a government by the ignorant, the untrained and the unfit persons.

6. Democracy - a process of false education

Critics contended that democracy leads to wrong and faulty civic education. Election campaigns are quite often considered as falsification campaigns. Facts are often hidden, exaggerated or distorted. Voters will not be given a chance to go into the true picture about

programmes of parties and qualities of the leaders aspiring a berth in legislature or cabinet. In fact, they are deceived by the clever leaders with catchy phrases to induce them during the campaign period.

7. Impedes progress

Democracy impedes progress in arts, literature and science. This is due to the fact that people in the grass roots level do not show interest in the affairs of the government. The masses that have conservative outlook are hostile to the scientific progress of the country. They never show enthusiasm in the development of literature, art and architecture. As a result democracy tends to be conservative and unscientific.

8. Lacks ethical values

Some accused democracy as a government lacking ethical values. They proclaimed that democracy debases the morality of individuals. It gives every scope for the falsification and vilification campaigns. Political parties in democracy create a bad environment by encouraging corrupt, dishonest and unethical notions and practices. They make the leaders unscrupulous and turn the masses into robots. Money power will have a profound influence on voters, legislators, administrative authorities and even on judges.

9. Opposes individual freedoms

Democracy strangles free thought and chokes reason. An original thinker is made fool in a democratic polity. For instance Socrates was forced to sip a cup of hemlock (poison) at the instance of the rulers of Athens. Therefore, it is obvious that people do not tolerate persons with individuality.

10. Expensive one

In democracy, electioneering and propaganda require huge funds. As a result only wealthy and affluent persons could stay and come out successful in election arena. As a result poor, worthy and service oriented persons can't bear the expenditure. Even the party leadership gives priority to the wealthy industrialists and other influential persons. Besides, composition and maintenance of second chambers drain away the existing limited financial resources of the nation's exchequer. Payment of salaries and allowances to the various legislative and executive authorities also cause a great burden on the people in the form of more taxes.

Besides democracy has the following demerits. Democracy results in mob rule. It is highly unstable. It encourages class struggle. It makes decision making very complex. It assigns importance to local interests thereby ignoring the national priorities.

9.8 CONDITIONS ESSENTIAL TO THE SUCCESS OF DEMOCRACY

The following conditions are essential to the success of democracy.

1. Sound system of Education

The success of democracy requires adequate education for the citizens. Ignorance, innocence and uneducation prevent them from adopting right attitudes and large-scale reforms. Education sharpens the intellect of individuals. It develops a proper understanding of various things. It makes the citizens vigilant. Besides, it enables them to assess and criticise the policies of government.

2. Enlightened Citizenship

Enlightened citizens are an asset to the democratic state. Such citizens can exercise proper vigilance. They can actively participate in public affairs and help their fellow citizens in the exercise of their rights and discharge of their responsibilities. They extend cooperation to the government in all its good programmes.

3. Independent Press

An independent press is a prerequisite of democracy. It enables the people to receive accurate and unbiased information regarding the governmental activities. It not only keeps the people in touch with government activities but also ventilates their grievances. It strives to promote harmonious relationship between the people and the government.

4. Strong Opposition

The success of democracy depends to a great extent on the strong and effective opposition. Such an opposition will act as a check against the government by pointing out its lapses. In this regard, opposition's role in some advanced states like Australia, Britain and United States is laudable. In India too the opposition performed Himalayan task in highlighting the scandals committed by the various parties or persons in power in the recent past. The party in power in the above states has taken the advice of the opposition in

overcoming the stalemates on various issues. This will be seen as a healthy sign of democracy in the developing as well as advanced states.

5. Decentralization of powers

Decentralization of powers and establishment of democratic institutions at the grass roots level is indispensable for the healthy organisation of democratic institutions. Representative bodies at the grass roots level (as known as Panchayat Raj Institutions (PRIs) in India will act as mini legislatures. Residents of local areas will be able to know how to exercise their franchise. Citizens, especially some of them, will be able to receive training in the local bodies in democracy. Such a training enables them to assume various offices and hold the reigns of power in a responsible and dedicated manner. Hence decentralized power and authority from national to gross roots level contributes to a great extent for the success of democracy.

6. Absence of economic disparities

Democracy can not function smoothly when there are economic disparities in a country. When a country comprises a large number of poor people and a few wealthy persons, democracy could not work successfully. Enlightened and intelligent citizenship is possible only when citizens are relatively free from worldly desires and enjoy a certain amount of leisure to participate in public affairs. Hence, every effort must be made by the government to reduce economic inequalities in the society.

7. Social Equality

Social equality is another pre-requisite of democracy. Caste, class and racial distinctions will impede the healthy working of democracy. Such elements encourage people to assign greater importance to the narrow interests thereby negating common good. Similarly, linguistic or provincial differences hamper the successful operation of democratic polity. To be successful, democracy must open its doors to everybody on equal basis by providing equal opportunities to all in social sphere. Social equality must not only be proclaimed but also be practiced.

8. Faith in Democracy

Certain democratic beliefs and values like individual's worth, need for tolerance of differences, decisions through discussions etc should be inculcated among the people. Government must see that the spirit of fellow feeling, compromise and due regard for the feelings and opinions of others are given importance in public life.

9. Agreement on Fundamental Issues

Democracy for its success presupposes agreement on fundamental issues. Otherwise, there prevail sharp differences between individuals. Such differences cannot be sorted out through discussions. Then democracy will be in crisis and can hardly survive. Hence it requires that all the major sections or classes in society have a strong belief in the democratic process. They must be willing to settle their differences through discussions.

10. Sagacious Leadership

Sagacious leadership is another essential condition to the success of democracy. Sagacious leaders, by virtue of their administrative acumen, political propriety, social commitment and economic perspective, will be able to lead the democratic state to greater heights of glory. Besides they can make a distinction between noble ideals and from evil practices. They will also be ready to act and respond to the various incidents cutting across narrow feelings and through sound judgment.

11. Honesty and Transparency

Honest persons belonging to various walks of life, when entrusted with major responsibilities of the government, will be able to strive for the success of democracy. Similarly transparency in administration acts as a basic ingredient to the success of democracy. Otherwise, democracy becomes hollow and shallow when persons at higher levels in government resort to dishonest, obscene and immoral practices. Similarly maintaining hidden agenda with self seeking, power mongering and deceitful ideas will boomerang at anytime thereby causing irreparable loss to the nation as a whole.

12. Absence of Militarism

Democracy functions successfully in countries which are relatively free from militarism. It rules out the use of force and believes in individual's worth. It provides adequate opportunities to the people basing on ability, dedication and worth. Militarism, on the other hand, demands concentration of authority and favours despotism. Militarism exists due to certain features in the relations of races and nations inherited from the desire of want and conflict. Unless favourable conditions are created, it is not possible to nurture a healthy democracy.

9.9 IMPORTANCE OF DEMOCRACY

Democracy is an important device from several aspects. It is the way of modern life. It is the only system of government where the personal dignity of individuals is ensured. Though democracy has been continuously adopted since the greek city states, it became popular only after the out break of first and second world wars. At present, democracy is considered as an important device in the organisation and management of many institutions like state, government and society. Above all, many viewed democracy as a moral, ideal and a noble way of life. It is the only system where the rulers as well as the ruled play a key role. Its greatest significance lies in the fact that commonest of the common men and poorest of the poor are adored by the supreme rulers and administrators. Political heads, administrative bosses and the legislators at various levels treat the average citizens with great respect and honour in democracy.

Democracy envisages a society devoid of social discrimination. People in democracy enjoy several rights. At the same time they owe several responsibilities. Democracy is a convenient form of government at all times. Even at the height of political tensions and social compulsions, it offers peaceful and constitutional solutions.

Democracy creates a congenial atmosphere where the diverse socio-political forces interact harmoniously. In this context-Lord Bryce aptly observed that people in democracy are friendly, harmonious and adjust with others irrespective of their wealth and social status. To say in a single sentence democracy provides accommodation even to the dissidents- opponents or negative viewers in arriving at decisions through C⁴ i.e., Consultation, Conciliation, Compromise and Consensus.

9.10 WORKING OF DEMOCRACY IN INDIA

The working of democracy in India could be analysed from two angles – a) constitutional and b) operational. From the constitutional angle, democracy is said to be functioning well. The evolution and functioning of Indian political system after Independence bears testimony to this. Periodical elections, functioning of representative bodies, operation of the political process etc., are in conformity with the provisions of the constitution. Above all, judiciary is able to rise to the occasion by providing justice to the people. It enjoys independence in upholding the ideals of the constitution. In India the successful organization of sixteen general elections by the independent Election Commission also bears a testimony to the above. However, inspite of the working of Indian democracy for past about seven decades, it is astonishing to note that it is not completely successful in meeting the aspirations of the people due to various reasons like casteism, regionalism, communalism, influence of money power in politics, corruption in public life, profit motive, power mongering, nepotism, violence etc.

India, after a long freedom struggle, attained independence on August 15, 1947. Thereafter, it adopted a unique democratic and republican constitution. A critical appraisal of working of democratic institutions in India makes it evident that democracy still has not been successful to its full extent due to the lack of certain prerequisites. As a result, one gets a dismal picture of working of democracy in India.

A large majority of Indians are still illiterate and uneducated. Glaring disparities between the rich and the poor, instead of decreasing under planned economy, continue to exist. Political stability and economic progress have become dreams until recent times. Food scarcity, appalling poverty and rampant unemployment are the order of the day. Equality of opportunities remains an illusion. Eventhough Indian Constitution abolished untouchability, it still continues in many parts of the country. Caste and class differences too raised their heads. Provincial and linguistic differences created animosity and distrust among the people. Healthy and effective opposition does not exist. Freedom of press is monopolised by a few rich persons. The nation faced formidable challenges and problems at home and abroad. In spite of the above maladies, Indians are marching ahead with confidence and courage in their capacity to build genuine democratic society where everyone will have ample opportunities of development.

9.11 DEVICES OF DIRECT DEMOCRACY

Direct democratic devices prevailed and practiced in some ancient greek city states. At present they are not found. However, some states like Switzerland and the United States have adopted these devices. The main reason for adopting these devices is that the makers of the constitution in these states felt that these devices are required for overcoming the defects in the present electoral system, representative institutions and political parties. Further they emphasised that these devices would enable the governmental authorities to render their obligations without yielding to the political pressures. On the whole direct democratic devices affirm the ultimate sovereignty of the people.

There are four devices of Direct Democracy. They are Referendum, Initiative, Recall and Plebiscite. These are discussed below.

1. Referendum

The term ‘referendum’ literally means “refer to”. Referendum is a device whereby the opinion of the people is ascertained through a direct reference to the people. It denotes a process of knowing which the verdict of the people is an ordinary or constitutional measure. According to R.C.Brooks, “Referendum is a device whereby the electorate may veto an act which a legislative body has already passed.”

Types of Referendum

Referendum is of two types, namely, (1) Compulsory or Obligatory, and (2) Optional or Facultative. Compulsory referendum implies eliciting the opinion of the electorate on a legislative measure without fail and as a strict principle. It is prevalent in the case of all constitutional amendments in some cantons of Switzerland and Australia. For instance in some Swiss cantons, there is a provision for compulsory referendum even for ordinary bills. When a law passed by the legislature is submitted to the people for their final verdict consequent to the demand of a specified number of citizens, it is known as “Optional Referendum”. For instance in Switzerland, 30,000 citizens or the legislators of eight cantons may demand for such a referendum.

Merits of Referendum

Referendum has the following merits.

1. Referendum upholds sovereignty of the people.
2. It safeguards the political system against the despotism of majority party.
3. It lessens the excessive involvement of political parties exhibiting partisan attitude.
4. It, by acting as a final veto on legislation, educates the masses politically.
5. The laws passed through referendum have greater acceptance and moral compliance.
6. It is an excellent device for solving conflicts between the two houses in bicameralism.
7. It enables political stability. This is possible due to the conservative outlook of the people.
8. It facilitates occasional participation of the people in legislation.
9. It increases a sense of responsibility of legislators.
10. It acts as a guarantee against unpopular laws.

Demerits of Referendum

Referendum comprises the following demerits.

1. Referendum undermines the position and authority of the legislators.
2. Legislation is often a complicated business which is beyond the comprehension of laymen. So popular legislation under referendum may lead to several loopholes in the laws.
3. It does not truly reflect public views as people as a whole do not participate in legislation.

4. It leads to unnecessary delay in legislative matters of vital national importance.
5. Its moral efficacy is doubtful when bills are passed through narrow margin majorities.
6. It may not reflect people's wishes as they are often misled by catchy phrases and cheap slogans.
7. It retards national progress due to the conservative outlook of the people.
8. It is an expensive device. Lot of money is wasted away on canvassing and publicity.
9. It is not suitable to large states. If employed frequently in a large state like India or United States, it leads to many complications.
10. It accentuates the evils of party system as the leaders tame the voters for their personal and political ends.

2. Initiative

The advocates of direct legislation were not satisfied with mere referendum. So they pleaded for Initiative for enabling the people to propose legislation. For instance, in Switzerland, 50,000 citizens may sign a petition hinting out a measure which they desire to be enacted. Subsequently, the proposal will be submitted to the opinion of the people. If it is approved by the majority citizens, it becomes a duly enacted law. Initiative is practiced both for ordinary and constitutional measures in Swiss cantons. However, the number of signatories needed for such a proposal varies from canton to canton in Switzerland.

Types of Initiative

Initiative is of two types: (i) formulated (ii) unformulated. Formulated initiative refers to a bill embodying all provisions in all respects. In this case, Legislature is bound either to accept the measure proposed by the people or submit it to the popular vote for a decision. If the demand is not properly drafted or is made in general terms, it is termed as 'unformulated initiative'. For instance, the Swiss legislature approves the proposal and prepares the draft and submits it to the people for voting. In case the Swiss Federal Assembly does not approve it, the matter will be referred to the people for their preliminary verdict.

If majority of the citizens approve it, the Federal Assembly must draft the proposed measure and submit it to the people. The procedure in the case of a demand for a total revision of the constitution is a bit different.

In this case, a popular vote decides whether such a revision is needed. When the majority of the Swiss citizens favour a total revision, the Federal Assembly will be dissolved. The newly elected Assembly then drafts the constitution on the proposed lines, and after passing it submits it to the vote of the people. If a majority of the people as well as the majority of cantons approve it, the constitution then stands amended.

Merits of Initiative

Initiative carries the following merits.

1. Initiative avoids the scope for people's disobedience or rebellion.
2. It removes the danger of sectionalism as the people themselves initiate and pass a law. Party interests become secondary. The welfare of the people will have priority.
3. It rectifies the omissions in legislation done by the legislators due to their apathy towards people.
4. It makes the legislature more responsible. Initiation of legislative measures by the people keeps away the legislators who are indifferent to the needs of the people. Such measures make legislators responsible and strive for the welfare of the people.
5. It ensures popular sovereignty.
6. It also avoids interference of selfish private persons or bodies.

Demerits of Initiative

The following demerits are inherent in Initiative.

1. Initiative may supersede the legislature and also undermine its authority to a great extent.

2. Modern legislation requires technical expertise which obviously is not found in the bills initiated by the general public. As a result it may lead to unsound legislation.
3. It provides immense opportunities to demagogues and manipulators who exploit the situation by playing upon the ignorance and selfishness of the masses.
4. It makes difficult to fix responsibility in the case of unpopular laws.
5. It poses impediments to progressive legislation when people have conservative outlook.
6. It neutralizes the advantages of a rigid constitution. At a time of popular excitement, changes are initiated and made without much thought and proper consideration.

3. Recall

Recall is an important direct democratic device which allows the voters to call back an elected officer or representative when he fails to carry out his obligations faithfully or properly. It prevails in some states of the United States like Arizona, Montana, Louisiana, Kansas, California, Nevada, Oregon etc.

Merits of Recall

The merits of Recall may be listed out as follows.

1. Recall enables the people to enjoy sovereignty for removing their representatives.
2. It keeps alert the legislative and executive authorities in their functioning by preventing their high handed behaviour.
3. It prevents political corruption by not allowing dishonest, incompetent and power mongered persons in decision making and implementation process at higher levels. It also helps in weeding out undesirable elements from the position of power and influence.

Demerits of Recall

Recall is not free from criticism. The following demerits are found in this device.

1. Recall gives scope for injustice as people do not act with wisdom. Quite often they tend to give wrong judgment against honest officers. Besides they consider the legislators and executive heads as hostile groups.
2. It discourages honest persons to get into the arena of public administration.
3. The authorities will cease to be independent in enhancing the best interests of the people.
4. Recall in judicial sphere may usher in a reign of incompetence, ignorance and superstition.

4. Plebiscite

The term Plebiscite has French origin. It is derived from two Latin words namely 'plebis' and 'scitum' which means people (plebis) and decree (scitum). It is a democratic method used for ascertaining the opinion of the people on an important public policy. It is not concerned with regular lawmaking activity. An important feature of plebiscite is that people's decisions are final and no alterations can be made upon them. According to Leacock, this device is used for any kind of popular legislative enactment. According to C.F. Strong, it is taken on a matter of political importance, chiefly in order to create some more or less permanent political condition.

In the modern times, plebiscite was used by Napoleon in 1804 to avoid the then constitution. Since then, it has been frequently adopted. In recent times, after the First World War, it was employed to ascertain the appeal of people or a section of them in connection with the right of national self-determination. In the Indian sub continent, there was a tussle between Pakistan and India in employing this device over Kashmir issue.

9.12 FUTURE OF DEMOCRACY IN INDIA

The noble principle of democracy is that power is innate in the people. Democracy facilitates free participation of the people in the political process. It accommodates the ideas of consensus, discussion, dissent and toleration on various issues. It embodies freedom and equality of individuals in striving for common good. It enables them to choose their own means and goals without threatening other's interests in society. It stands for the right to self-determination of nations and organization of inter-state relations on the basis of justice and reason.

By now it is evident that democracy is a government with sovereign powers (on behalf of the state) lying in the people. Democracy is treated not only a form of government but also a way of living itself. It promotes social, economic, political and cultural wellbeing of people. It ensures equal opportunities to all and enables them to pursue the goals related to their life, liberty and property. Democracy is completely different from other governmental forms in terms of liberty, equality, fraternity and social justice.

In modern times, stress has been made on bringing several reforms. Appropriate changes are brought in the working of democratic institutions so as to make them more acceptable and people oriented. The future of democracy totally depends on how citizens perceive and play their role in public affairs. People should appreciate and abide by their rights and responsibilities in order to make democracy a big success. They must advance constructive criticism against the erratic policies of government. At the same time they should not hesitate to extend cooperation in performing their responsibilities. The machinery of the state in this regard, must make sincere and untiring efforts for imparting education on proper lines. Such a step will bring awareness and make the citizens as good citizens who

QUESTIONS

I. Long Answer Type Questions

1. Define Democracy and explain the essential features of Democracy.
2. Explain the merits and demerits of Democracy.
3. Suggest the conditions required for the successful functioning of Democracy.
4. What do you mean by Democracy? Write about the direct democratic devices.

II. Short Answer Type Questions

1. What are the different aspects of democracy?
2. Describe the various types of Democracy?
3. Write briefly about Representative Democracy.
4. Briefly explain about Direct Democratic Devices.
5. Define Democracy and explain its significance.
6. Explain any three merits and demerits of Democracy.
7. Define Democracy and explain its merits.

III. Very Short Answer Type Questions

1. Write two definitions of Democracy.
2. What do you know about Direct Democracy?
3. What do you understand by Representative Democracy?
4. What are the features of Democracy?
5. Write any four conditions essential for the success of Democracy.

6. List out the devices of Direct Democracy.
7. What do you know about Referendum?
8. What is meant by Initiative?
9. What do you mean by Plebiscite?
10. What is meant by Recall?

Secularism

CHAPTER

10

- 10.0 Introduction**
- 10.1 Origin of Secularism**
- 10.2 Meaning and definitions of Secularism**
- 10.3 Interpretations on Secularism**
- 10.4 Types of Secularism**
- 10.5 Factors that led to the spread of Secularism**
- 10.6 Conceptions of Secularism**
- 10.7 Dimensions of Secularism**
- 10.8 Secularism Vs Theocracy**
- 10.9 Meaning of Theocracy**
- 10.10 Differences between Secular State and Theocratic State**
- 10.11 Merits of Secularism**
- 10.12 Meaning of Secular State**
- 10.13 Features of Secular State**
- 10.14 Importance of Secular State**
- 10.15 Secularism in Indian context**
- 10.16 Suggestions for making India as a Secular State**

10.0 INTRODUCTION

Secularism is an important social and political phenomenon. Many states of the contemporary world have adopted secularism as their policy in public matters. Secularism is essentially an advocacy of independent, separate or distinct ideologies separate from religion. It is a view of life based on the principle that morality, education and government should not be related to the religion. It contends that ethical standards of society and norms of governance should be determined exclusively on the basis of the present life and world, not of the divine. Secularism does not aim at repudiation of religion. It merely affirms that church and state are two separate entities.

10.1 ORIGIN OF SECULARISM

At one time there existed theocratic states in the ancient and medieval period. Religion played a crucial role in the affairs of the state during this period. Rulers began to recognize and honour the religious sentiments of the people. Religion ensured peace, stability and order in society by regulating the relations among individuals. It helped political obedience as a pre requisite to the maintenance of the state.

However, unrest in society began increasing due to the clashes between religious priests and radical thinkers. Whenever spiritual and religious heads tried to establish their supremacy over people in the name of religion, secular rulers made attempts to foil their strategies. These (political and secular) rulers tried to separate religion from state affairs. The ancient roman emperors denied recognition to the christianity. In the medieval period social and religious reformers like Martin Luther-Calvin Zwingli and others challenged the spiritual monopoly of religious heads. They advocated that religion and spiritual matters are purely personal and private. Their speeches marked a breakthrough in religious matters. In modern period, political thinkers like Machiavelli and Jean Bodin emphasized the need for separating religion from politics. John Locke and other liberal thinkers advised the people to follow religious tolerance. In course of time, the writings of the above thinkers influenced the people who began to treat religion as a private and personal affair. In the United States, President Thomas Jefferson explained the real meaning of secularism by stating that there exists a wall of separation between state and religion.

10.2 MEANING AND DEFINITIONS OF SECULARISM

The term ‘secular’ in latin language means ‘this world’. It denotes the meaning ‘the opposite of religion’. In modern times, the term was used at first by George Jacob Holyoake, british writer in 1851. The term Secularism has been defined by various writers in various ways as denoted below:

1. **G.J. Holyoake:** “Secularism is an idea of promoting a social order as separate from religion without actively dismissing or criticising religious beliefs”.
2. **Eric S. Waterhouse:** “Secularism is an ideology which provides a theory of life and conduct as against one provided in religion”.

10.3 INTERPRETATIONS ON SECULARISM

Prominent scholars like Donald E. Smith, Jawahar Lal Nehru, P.B Gajendra Gadkar and others interpreted secularism in different ways. D.E. Smith mentioned the following three connotations of secularism.

- (i) Liberty and freedom of religion
- (ii) Citizenship and the right to equality, non – discrimination and neutrality, and
- (iii) Separation of state from religion.

Jawaharlal Nehru, the first Prime Minister of India, described that secularism has three elements, namely:

- (i) There will be freedom of religion for all.
- (ii) State will honour all faiths equally.
- (iii) State shall not be assign to one faith or religion as official religion.

P.B. Gajendra Gadkar, the former Chief Justice of India interpreted secularism under six points. They are mentioned as below.

- (i) State does not owe loyalty to any one religion.
- (ii) State is neither religious nor irreligious.
- (iv) State gives equal freedom to all religious.
- (v) Religion of citizens has nothing to do with secular matters.
- (vi) Religion of citizen has nothing to do with socio – political issues of the people.

10.4 TYPES OF SECULARISM

Secularism is of two types, namely (i) Subjective and (ii) Objective. Subjective secularism involves gradual separation of religious feelings from everyday transactions of the people. It considers religion as a private matter between individuals and their gods. Objective secularism connotes elimination of religious rituals and institutions from public life and governmental activity.

10.5 FACTORS THAT LED TO THE SPREAD OF SECULARISM

The following factors have led to the spread of secularism in many parts of the world.

- (i) People's negative attitude towards superstitions
- (ii) Spread of rational thinking
- (iii) Spread of democratic values and institutions
- (iv) Advancement in science and technology
- (v) Awareness about the evils of religion
- (vi) Impact of social legislation
- (vii) Need for secular approach
- (viii) Social and economic betterment of individuals
- (ix) Influence of secular political leadership
- (x) Importance to international peace and order

10.6 CONCEPTIONS OF SECULARISM

Secularism has many conceptions. Some of them may be explained as below

1. Humanistic and atheistic philosophy

Secularism has several personal, cultural, political and social implications. It was humanistic in nature as it seeks the well being of human beings. It assigns importance to the saying that man is the measure of all things. It neither supports nor opposes religion. It allows individuals with the discretion of choosing and following their religion.

2. Political and social dimension

Secularism has certain political and social dimensions. It stands for the achievement of autonomous political and social order having naturalistic and materialistic perspectives. It allows religious freedom in the matters of family, association and society.

3. Liberty and democracy

Secularism serves as a beneficial element of liberty and democracy. It also acts as the basis of liberal democracy. It strongly opposes the existence, continuance and survival of authoritarian religious leaders and institutions. It advocate decentralisation of governmental powers.

4. Opposition to religion

Secularism is vehemently opposed to the supporting of religion in public matters. It condemns the presence and dominance of ecclesiastical authorities. It relegates religion to unimportant matters of life. It considers that people could follow their rituals without affecting the peace and order in society. Individuals must carry on their religious activities without causing harm, hatred and ill-will among the followers of other religious denominations. They must consider the noble aims and aspirations of the makers of the constitution.

10.7 DIMENSIONS OF SECULARISM

Secularism is both an idea and ideal of men since a long time. As an idea, secularism denotes the social and psychological attitude of the people in religious and spiritual matters. As an ideal, secularism aims at establishing a society and state in which people will enjoy complete religious freedoms. Secularism implies faith rather than reason on which individuals rely in religious matters. It pre supposes some rational and non authoritarian elements in human behaviour. On the whole, secularism can be analysed under the following dimensions

1. Social dimension

Secularism stands for eschewing or ignoring superstitions in social life. It didn't allow individuals to think and act in terms of caste, colour, creed etc. It desires individuals to abstain untouchability, bonded labour and other evil practices in their day to day activities while dealing with their neighbours. It advises them to treat others on equal and respectable manner. It cautions them against the practice of caste disparities, colour differentiations, racial bigotry etc. At the end, it prescribes harmonious relations between individuals in society.

2. Economic dimension

Economic dimension of secularism relates to the freedom of individuals to embrace, practice and propagate an occupation which they like best. It restrains them against the practice of religious discrimination between individuals in utilizing natural, human and economic resources in productive operations. It did not allow the authorities to observe discretion in sanctioning permits and licenses to the entrepreneurs on religious grounds. It assigns significance to elements like merit, talent, enterprising spirit etc., while allocating industrial licenses and other operations among individuals in the economy.

3. Political Dimension

Secularism has some political dimensions. It allows the citizens to have complete freedom in political affairs. It believes that politics, administration, legislation, and execution of public policies are entirely different from religious matters. Accordingly citizens in a secular state are conferred with several political rights and freedoms in choosing the candidates and exercising their franchise during elections. It gives scope for any citizens to hold any public office within the state irrespective of religious considerations. It will not consider religion as a pre-requisite for granting political rights. It will pave the way for democratic aspirations and freedom of the people. To say in brief political dimension of secularism is synonymous with the democratic functioning of modern states.

10.8 SECULARISM Vs THEOCRACY

The word 'theocracy' was first coined by a famous Jewish historian, namely, Josephus. He coined this word to denote a government as envisaged by Jewish religious text, the Torah.

It is interesting to note the exact meaning, relations and differences between secularism and theocracy. Of the two, theocracy preceded secularism due to the fact that it prevailed even in the ancient period in many countries of the world. In this regard a question has to be answered. It relates to the meaning, origin and growth of theocratic states in the world.

10.9 MEANING OF THEOCRACY

Theocracy technically means rule by God. Theo means 'God' and 'cracy' means 'Rule'. In practice, it implies rule by priests. It originated from the theory that all legitimate powers emanate from God. It found expression in the priestly order having the sole right to interpret laws as was the case in ancient judaism and hinduism. It is also exhibited in the present day Islam. The revolution in Iran (1979) brought about a theocratic state that was directly ruled by the religious leaders. However, Ayatullah Khomeini, a prominent Islamic philosopher of Iran, propounded the theory of 'theocratic guardianship' where the government itself would be secular. Religious institutions provided solutions to social and moral issues. Political will of the state is aligned with God's will. States founded on theocratic basis of religion Israel and Pakistan are not like necessarily theocratic since priests do not formulate the policies of government.

10.10 DIFFERENCES BETWEEN SECULAR STATE AND THEOCRATIC STATE

Secular state and theocratic state are not same and identical. Eventhough both arise in human political organizations like state, they completely differ from one another in several aspects. This may be demonstrated with the help of the following table.

Secular state	Theocratic state
1. Secular state is based on elements other than religion	1. Theocratic state is based primarily on religious elements.
2. There will be no official religion in a secular state	2. There will be a particular religion which is declared as official religion in a theocratic state.
3. Citizens belonging to all religions enjoy religious freedom without any discrimination.	3. Citizens of a particular majority religion will have priority and privileges over those of other religious denominations.
4. Rule of law prevails in a secular state.	4. Religious diktats take precedence over the ordinary laws.

5. All citizens will enjoy equal opportunities in legislative administrative, educational, religious, economic and cultural spheres.	5. Only citizens belonging to the state religion will have priority and precedence in all spheres of society, government and state.
6. Religious priests and spiritual heads do not have special significance on the political matters.	6. Religious priests and spiritual heads are given special significance in all spheres.
7. Secular state is based on the principle of religious equality.	7. Theocratic state is based on the premise that some men belonging to a particular religion will be more important in public affairs.
8. Religion is not a criteria or basis for the imposition of taxes.	8. Religion will be treated as the basis for imposing taxes or for extending tax concessions.
9. State will be neither religious nor irreligious	9. State is pro-religious as showing special favour to a particular community in several matters.
10. Education is imparted on secular model in the fully aided or partially state aided institutions of the state.	10. Educational curriculum comprises some pro-religious topics.
11. Judicial organizations do not attach special significance to religion while hearing cases or delivering judgments.	11. Judicial organizations take into consideration the religious texts and sentiments of the people while hearing cases and delivering judgments.

10.11 MERITS OF SECULARISM

Secularism became a prominent philosophy in modern states in tackling the various social, economic and political issues. It is viewed as a rational idea and ideal for analysing various events that took place in and influence the modern states. The following are some important merits of secularism.

1. Equality

Secularism forms as the basis of equalitarian society. It treats the people belonging to all religious denominations as equal. It gives no recognition to the man made inequalities and discrimination based on caste, colour, community, region, religion, language, race etc. People will have a strong favourable impression towards nation.

2. Religious freedom

Secularism enables individuals to enjoy complete religious freedom. State will not interfere in the religious affairs of individuals. The constitution and various laws provide individuals with complete freedom to embrace, profess, propagate and practice any religion as they like. Besides state will not forbid individuals to participate in religious matters or contributing in various ways for the propagation of their spiritual and divine feelings, beliefs and practices.

3. Law and Order

Now a days one can observe unhappy, miserable and pro-religious movements that are organized by different sections of government, state and other departments. Maintenance of communal harmony became a challenging task for the state in pacifying the feelings of the people belonging to various religious denominations. Secularism avoids communal clashes and religious bigotry and animosities in society. This is due to the fact that secularism ultimately promotes religious harmony among the people.

4. Rule of Law

Secularism accords recognition to the concept of Rule of Law. Secular state enacts, laws and implements them keeping in view the interest of not a particular religious

denomination but the people belonging to all religious denominations. It will not take into account the religious dogmas while making laws. Similarly, it makes no discrimination between individuals on the grounds of religion in the matters of formulation, enforcement and adjudication of laws. As a result, people will have self contentment in a secular state.

5. Tolerance

Secularism preaches tolerance and kindness. It believes in universal brotherhood of man and fatherhood of God. It professes, propagates and practices the noble principles of charity, kindness, love, magnanimity, non-violence etc. As a result, secularism is characterized by the peaceful co-existence of people and smooth working of the polity and social institutions in the state.

6. National Integration

Secularism serves as the best means for fostering national unity and integrity feelings among the people. It is also considered as the best device for achieving unity in diversity. It brings unity among the people of various religious beliefs and practices.

7. Protection to the minorities

Secularism treats all alike. It makes no discrimination between the people of majority and other sections of society. At the same time it extends special facilities to the minority sections for preserving and promoting their interests against the dominance of majority religious group. It teaches the people about the significance of religious tolerance towards minority sections.

8. Overall progress

The greatest merit of secularism relates to the achievement of overall progress of the people. This is possible due to the prevalence of rule of law, religious tolerance, neutral attitude of the government etc. Especially the government will make all efforts for achievement of the people of all religious denominations in the spheres of welfare, social justice, protecting the interests of disadvantaged sections etc.

10.12 MEANING OF SECULAR STATE

Modern states are classified into secular and theocratic states. Political scholars made this classification on the basis of the relations between religion and politics. Theocratic states were prevalent in many states in the past. Today Nepal, Iran, Iraq and few other states have been following theocratic principles in the organization of their polities. In many Arab states, governments have been functioning according to religious principles and wishes of a few spiritual leaders and religious heads. While a theocratic state carries on its administration on religious grounds, a secular state will not bother about religious principles in the administration. So there is a great difference between the two states.

D.E. Smith defined a secular state as “one which guarantees individual and corporate freedom of religion and which treats with the individual as a citizen irrespective of his religion”. Further, a secular state, according to him, does not patronise constitutionally a particular religion nor does it seek either to promote or interfere in religious matters.

A close perusal of the above definition reveals the nature of a secular state. Secular state is neither religious nor anti-religious. It is also not pro-religious. It will not concern with any particular religion. It does not profess, propagate or patronize any religion irrespective of its numerical strength. The governments in a secular state formulate and implement laws without prejudice or favour towards the people of a particular religion. To say in other words, state and government carry on their activities without bothering the religious principles of the people. They maintain neutrality and keep away from interfering in the religious affairs of the people. They treat religion as an outside matter purely related to the private and personal life of individuals. On the whole, a secular state will have equal attitude towards all religious denominations.

10.13 FEATURES OF SECULAR STATE

Secular state comprises the following features

1. No place for religion

Secular state does not assign significance to a particular religion. It will not make or implement laws on religious grounds.

2. Equal status

Secular state accords equal status to its people. It makes no differentiation between individuals on the grounds of their caste, colour, community, language, race, region, religion etc. As a result, people will have satisfaction and extend co-operation to the government in the implementation of various policies and programmes. They live together with the fellow members of other religious denominations.

3. No state religion

Secular state does not recognize any particular religion as the state religion. It adopts neutral policy in religious matters. It implements various laws and social welfare measures without basing on the religious feelings of the people. It will not assign special role to any particular religion in public affairs. All public places like educational institutions, government offices and judicial organizations carry on their activities without aligning to a particular religion.

10.14 IMPORTANCE OF SECULAR STATE

The concept of Secular state became more important in recent years. Factors like democratic spirit, science and technology, transport and communication facilities, rational thinking, welfarism etc., led to the growing importance of secular state. On the whole, importance of secular state may be explained with the following points.

1. Secular state strengthens non – religious forces in different spheres.
2. It drives away the social evils and superstitions from the minds of the people.
3. It contributes to social reformation by driving away the communal bigotry and religious fundamentalism.
4. It promotes scientific temper and helps intellectual progress of the people.
5. It gives priority to reason over faith, logic over magic and fact over fiction.
6. It provides security to religious minorities.
7. It accommodates every individual with his personal religious beliefs.

10.15 SECULARISM IN INDIAN CONTEXT

The British government initiated several educational reforms in India. It gave emphasis to science. At the same time, it implanted the seeds of communalism among the two major sections - Hindus and Muslims by allocating special seats to the latter in legislative bodies. As a result communal conflicts became an enduring feature of Indian Politics. Historians expressed their agony over the above situation. They advanced different explanations in this regard. They accused the British authorities for the pathetic religious conditions in India. The British authorities gave weightage to the size of population of various communities especially the Hindus and Muslims. They instigated one against the other on communal grounds. As a result, minorities in India felt insecure. In course of time communal riots and religious bigotry became a regular feature in India. This ultimately led to the proposition of 'two nation theory' by some prominent leaders, like Mohammed Ali Jinnah. On the other hand, organizations like Hind Mahasabha championed the cause of Hindu community. They conceived India as predominantly Hindu oriented. Political conditions became so worse that they ultimately led to the bifurcation of Indian Union into India and Pakistan in August 1947. However, communal differences have continued even after the partition. Even today after the passage of six decades, communal conflicts are flaring up regularly in one part or the other in India.

After independence the Constitution of India provided for secularism as the basic philosophy underlying the organization and functioning of Indian Republic. Accordingly the Constitution of India declared India as a secular state. The various governments in India at the union, state, provincial and local levels adopted secularism in theory and practice. In the matters of legislation, execution and administration. People of India are allowed complete religious freedom for professing, practicing and propagating their respective religious beliefs. State will be neither religious nor anti religious. Instead, it adopts a neutral policy in religious matters. It is not entitled to impose taxes or collect them purely on religious grounds. Admissions into the state or government aided institutions are completely prohibited on religious grounds. Similarly, propagation of religious programmes in public institutions are banned. Hence secularism carries a lot of importance as per the constitutional provisions.

It may be noted that the word ‘Secular’ did not find place at first in act Constitution. The preamble too did not contain any word like secularism. However, keeping in view the ongoing communal incidents for decades together after independence, top leaders in union government felt the need for incorporating the word ‘secular’ in the preamble. They wanted to avoid religious tensions and forbid communal clashes between the various religious denominations in India. The Constitution (Forty Second Amendment) Act, 1976 made a provision for the word ‘Secular’ in the preamble. Smt. Indira Gandhi, India’s third Prime Minister, at the time of introducing the Constitution (Forty Second Amendment) Bill in Parliament stated thus “Secularism is neither favouring nor showing indifference to a religion to religion. It implies equal respect for all religious denominations. There is no future for any nation by adopting mere tolerance. Positive respect by every religious group towards other religious groups is the need of the hour”.

10.16 SUGGESTIONS FOR MAKING INDIA AS A SECULAR STATE

India is a multi-religious state. People belonging to different religions, regions, cultures and traditions reside in India. In order to achieve unity, integrity and solidarity among the people, several measures – constitutional and political- are adopted. But these measures could not largely contribute to the avowed objectives of secular state. In certain parts of our country, communal riots are on increase. Caste conflicts and the consequential violence between certain castes have threatened the secular texture of Indian society. Everyday the press highlighted such miserable incidents. All this happens due to fanaticism and caste preponderance. After independence, many associations came up purely on caste and religious grounds. The nexus between politicians and anti-social elements flared up the issues of communalism and casteism. Political leaders both in power and in opposition are inciting the religious feelings of the people for political reasons. Besides, some religious heads also are instigating communal feelings among the people. All these factors disrupt the peaceful atmosphere in our society.

Hence it is highly essential to wipe out communal feelings from the minds of people for establishing a real secular state. In this regard, following measures have to be adopted by the government, political parties, voluntary organizations and people.

1. The ministers and government officers shall not attend or participate in the meetings held by religious associations. They shall not adopt religious methods or poojas at the time of laying foundation or inaugurating the public buildings or programmes and give an impression that they do not favour a particular religion.
2. Government shall ban all those religious associations which carry on their activities against national or social interests and the constitution.
3. Government shall not allow the construction of religious structures which may impede peace and tranquility in a particular locality.
4. Government shall implement land reforms, family welfare, employment generation and other programmes without any religious bias.
5. Government shall ban those political parties which use religion for securing votes. Similarly all parties formed on communal basis shall be banned. Use of religious symbols during elections should be banned.
6. Government shall take steps for publishing text books on secular basis. Text books shall consist of lessons preaching religious tolerance or universal religions.
7. Efforts shall be made for solving various social and economic problems on rational and scientific basis without reference to religion.
8. The various information and communication agencies shall not disseminate information and incidents on religious grounds. They shall not give undue importance to communal riots which may provoke further unrest between the same groups elsewhere.

QUESTIONS

I. Long Answer Type Questions

1. Define Secularism and explain the conceptions of Secularism.
2. Describe the meaning and various dimensions of Secularism.
3. What do you know about the meaning and merits of Secularism?
4. Define Secular State and elaborate the features and importance of Secular State.
5. Point out Secularism in Indian context.

6. Is India a Secular State? Justify this with some examples.
7. Suggest measures for making India a Secular State.

II. Short Answer type questions

1. Write about the origin of Secularism
2. List out the factors that led to the spread of Secularism
3. Narrate any three conceptions of Secularism.
4. Briefly analyse the dimensions of Secularism.
5. What do you mean by Theocracy?
6. Distinguish between Secular state and Theocratic State.
7. Explain any four merits of Secularism.
8. What are the features of Secular State?
9. Write about the importance of Secular State.

III. Very Short Answer type questions

1. Define Secularism.
2. What are the types of Secularism?
3. What is D.E. Smith's definition of Secularism?
4. Write about origin of Secularism.
5. Mention any four factors that led to the spread of Secularism.
6. Write about any one conception of Secularism.
7. What is the social dimension of Secularism?
8. What do you mean by Theocracy?
9. List out any two differences between Secular State and Theocratic State.
10. In what way does secularism enable religious freedom to individuals?
11. How does rule of law promotes Secularism?
12. Define Secular State.
13. Write about any two features of Secular State.
14. What is the importance of Secular State?
15. Mention any two elements that justify India as a Secular State.

Constitution

CHAPTER 11

- 11.0 Introduction**
- 11.1 Definitions of Constitution**
- 11.2 Essential features of Constitution**
- 11.3 Classification of Constitutions.**

11.0 INTRODUCTION

Constitution and Government are two indispensable elements of the modern state. There will be anarchy in a state in the absence of the above two elements. Constitution lays down certain rules denoting the relationship between government and people. It serves as the main basis for the powers and functions of state and government. It also incorporates a chapter on the rights and responsibilities of the citizens. It is found in a single document or a series of documents. It comprises some established rules, popular sayings, traditions and practices on which the government carries on its activities in the modern states.

Constitution is described as the main source of all governmental activities. It is also considered as the framework of the political organisation. Some political writers viewed the Constitution as 'Rules of the state,' 'Instrument of Government,' 'Fundamental law of the land,' 'Basic structure of the polity' etc.

11.1 DEFINITIONS OF THE CONSTITUTION

The term Constitution is an English word. It is derived from a latin word ‘constitutio’, which means ‘to establish’. Later, the word Constitution is widely used to denote a document containing the principles of governmental organisation.

Constitution usually refers to a set of rules and principles that define the nature and composition of the government. It is defined by several political philosophers in different ways. Some of their definitions are given below.

1. **Aristotle:** “Constitution is the arrangement of offices in a state, especially the highest of all”.
2. **Lord Bryce:** “Constitution is a set of established rules embodying and enacting the practice of government.”
3. **Stephen Leacock:** “Constitution is the form of government.”
4. **K.C. Wheare:** “Constitution is that body of rules which regulates the ends for which governmental power is exercised”.
5. **Woolsey:** “Constitution is collection of the principles according to which the powers of government and rights of the governed and the relationship between the two are adjusted.”

11.2 ESSENTIAL FEATURES OF THE CONSTITUTION

Generally constitutions are drafted by eminent persons, delegates and representatives of the parent states. Every constitution will have some essential features irrespective of the state. They are explained as below.

1. Preamble

Every constitution contains a preamble. The preamble denotes the aims and aspirations of the Constitution. It is like the soul of the Constitution. Hence Preamble is considered as an important feature of the Constitution.

2. Clarity

Clarity is another feature of the constitution. The constitution clearly explains about the different policies and methods of governance. It is written in a simple and clear language. It avoids the slightest ambiguity or doubt leading to complex interpretations. So it will be more satisfactory to all sections of society. The reason lies in the fact that its provisions are embodied in an instrument after prolonged discussions and deliberations.

3. Fundamental Rights

Every constitution includes some fundamental rights. These fundamental rights are meant for safeguarding the freedoms of citizens. They enable the citizens to realise their personality in various spheres. They help the citizens for leading a happy and honourable life in society.

4) Brevity

Brevity is another feature of a constitution. Brevity avoids confusion among individuals in understanding and interpreting the provisions. Unnecessary elements are not included in the constitution. The constitution should be precise. It must not contain large number of clauses. Too many items often lead to the occurrence of disputes. Besides, a bulky constitution denotes distrust in government. Legislators get worse and avoid responsibility if matters of importance are removed from their authority and are decided in the constitution itself.

5) Flexibility

The constitution must be flexible for adapting the wishes and aspirations of the people from time to time. There must be a scope for amending the provisions of the constitution if necessary. Frequent changes in the constitution tend to weaken the spirit of the constitution. But, at the same time, the constitution of a modern state should be adaptable to the progressive changes. When the errors in its making are revealed by the experienced and wise persons, they will be removed from the constitution.

6) Permanence

Permanence is one more feature of the constitution. The constitution must have everlasting values for the welfare of the whole nation. It represents the actual structure of the state and the obligations of its political institutions. It obliges the customs of the people.

7) Mode of Amendment

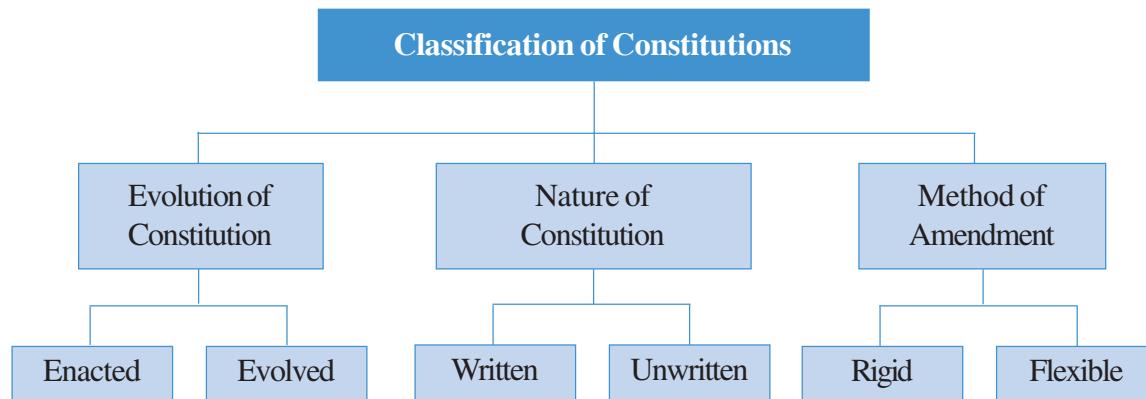
The constitution specifies the mode of amendment. It will be relevant to the contemporary conditions of the state. It contains a special chapter on the constitutional amendment procedures. Usually constitutional amendments are of three types, namely, (i) rigid (ii) flexible and (iii) half rigid and half flexible. On the whole, the constitution of a state comprises both rigid and flexible elements. Consequently, the government in a state will be stable and acceptable to one and all. Many constitutional experts described that the two elements of rigidity and flexibility enable the political system to function on smooth and efficient lines.

8) Explanatory

The constitution is explanatory in nature. It denotes and discusses almost all elements relating to the people, government and state. It contains separate provisions on the structure, powers and limitations of state activity.

11.3 CLASSIFICATION OF CONSTITUTIONS

Political Scientists classified the constitutions into various types on the basis of (i) Evolution (ii) Nature (iii) Amendment. They are mentioned in the following table.



- 1. Evolution of Constitution:** On the basis of evolution, constitutions are divided into two types, namely (a) Evolved Constitution (b) Enacted Constitution.
 - a. Evolved Constitution:** Evolved Constitution is also called as Cumulative Constitution. It is the result of evolutionary changes. It may be the product of collected material. It acts as the basis to the political institutions of a country. It is

not made as it grows with the roots in the past. Several customs, usages, traditions, principles and judicial decisions etc act as the sources of this constitution. E.g. Britain.

b. Enacted Constitution: Enacted Constitution is also known as Conventional Constitution. It is consciously made. It is the outcome of the deliberations of the Constituent Assembly specially convened for that purpose. It is promulgated by the sovereign authority - King or Parliament. The provisions of this constitution are incorporated in a document or a series of documents. e.g., United States, India.

2. Nature of Constitution: Constitutions are classified into two types on the basis of the incorporation of the various provisions.. They are a) Written Constitution and b) Unwritten Constitution.

11.3.1 Written Constitution

A written constitution is formulated and adopted by a Constituent Assembly or a Convention. It comprises several principles and rules of the government in a written form or document. The Constitution of India is an example of written constitution. The American Constitution is the first written constitution in the world. It was adopted in 1776. Thomas Jefferson and George Washington played a key role in the formulation of american constitution. Later some amendments were made in that constitution in 1787. That constitution is still in vogue in the United States.

Written constitutions emphasise the notion of constitutional liberty of the citizens. France adopted its first written constitution on September 30, 1791. Later several european states gradually adopted written constitutions. In course of time many states in Asia, Africa and Latin America have devised their written constitutions after securing independence. At present the constitution of India is considered as the most lengthy, largest and detailed constitution in the world. The constitution of the United States is viewed as the smallest constitution in the world.

Merits

1. A written constitution carries more simplicity. It gives no scope for confusion and ambiguity among the people in understanding the structure and organization of various institutions.
2. It renders political stability due to its rigid nature.

3. It protects the fundamental rights of the people.
4. It maintains equilibrium between the centre and the states by allocating powers in a judicious manner.
5. It embodies the aspirations of the people. It cautions the government about the importance of the accomplishment of popular needs.
6. It puts limitations on the powers of the government.
7. It safeguards the sanctity and spirit of a federation.

Demerits

1. A written constitution cannot provide a better government as it imposes some stipulated conditions on the party in power.
2. Its rigid nature is not helpful to the development of the state.
3. Its provisions cannot be changed according to the needs and wishes of the people. So the progress of the nation lags behind.
4. It makes the judiciary a predominant one.
5. It gives scope for conflicts among the governmental organs.
6. It may not be conducive to the formation of a welfare state.

11.3.2 Unwritten Constitution

Unwritten Constitution is one whose provisions are not written in a single document. It includes several customs and traditions which are manifested in the form of laws. It is considered as the oldest formal source of the legal rule. It remained as the sole source of the constitutional rules in the world till 18th century. It gives a binding force to the legal rule in the performance of governmental activities.

The constitution of Britain is the best example of unwritten constitution. The laws in Britain are formed on the basis of the customs, traditions and usages which often represent the constitutional rule.

Merits

1. Unwritten constitution paves the way for progressive legislation. It has development orientation.
2. It always undergoes the process of evolution as it aims at 'bettering the best.'
3. Its provisions are elastic in nature. So changes in the constitution are easily made.

4. It can be amended according to the popular needs and aspirations.
5. It gives no scope for revolutions and such other agitations as it, concedes to the popular demands.

Demerits

1. An unwritten constitution may be changed frequently by the party in power for its political gains. This affects the political stability of the nation.
2. An unwritten constitution is considered as a play tool of judges. This may lead to judicial manipulations.
3. It is not suitable to democratic states.
4. It is also not suitable to federal states.
5. It fails to protect the rights and freedoms of people.
6. It is prone to frequent amendments.
7. It is more informal in nature.

11.3.3 Differences between Written and Unwritten Constitutions

It may be noted that there is no constitution in the world which is either completely written or unwritten. All written constitutions grow and expand if they are to endure and serve their purpose. The following differences are found between written and unwritten constitutions.

Written Constitution	Unwritten Constitution
1. Written constitution implies a document or few documents in which the rules regulating the main institutions of government are written down.	1. Unwritten constitution denotes a sum of customs, conventions and usages which have not been systematically documented.
2. All the basic principles of the state are clearly written.	2. All the basic principles of the state exist in the form of customs and traditions.
3. Written constitution is framed by a special assembly convened at a particular point of time.	3. Unwritten constitution contains some written elements in the form of enactments of fundamental charters made from time to time.

4. It cannot be amended easily.	4. It can be amended easily.
5. Courts of law protect the liberties of the citizens.	5. Courts of law cannot provide much protection.
6. It is formulated at a particular time.	6. It is evolutionary in nature.
7. It provides political stability.	7. It may not ensure political stability.
8. It is suitable to the educated and literate people.	8. It is suitable to the uneducated and illiterate people.
9. It is useful to federal states.	9. It is advantageous to the unitary states.

11.3.4 Rigid Constitution

Rigid constitution is one whose provisions cannot be changed easily. In this system the constitutional amendment methods are different from those of ordinary laws. There will be a special procedure for amending the provisions of the rigid constitution. The rigid constitution will have firmness due to its special procedures of amendment. The constitution of the United States is the best example of a rigid constitution. Besides, some developed states like Australia and Switzerland have such constitutions.

Merits

1. Rigid constitution secures political stability.
2. It is a product of political experience.
3. It avoids hasty and ill-considered legislation.
4. It protects the fundamental rights of the citizens.
5. It preserves and enhances the interests of the provinces in a federal state.
6. It is suitable for all kinds of people.

Demerits

1. Rigid constitution cannot be easily amended to suit the changing needs.
2. It may affect the nation's progress and growth.
3. It is not suitable for tackling the issues arising during emergencies.

11.3.5 Flexible Constitution

Flexible constitution is one whose provisions can be amended easily. It requires no special procedure for changing its provisions. It can be amended by the concerned authorities by adopting the same procedure of ordinary laws. So we do not find major differences between ordinary and constitutional laws. Flexible constitutions were prevalent in ancient period. Britain is the best example of a flexible constitution.

Merits

1. A flexible constitution is elastic and adaptable in nature. Its provisions can easily be amended from time to time.
2. It protects the people from the dangers of revolutions.
3. It is responsive and responsible to the popular wishes.
4. It represents historical continuity of the nation as it embodies the changes required by the people.
5. It greatly helps the backward nations in the process of political and constitutional development.

Demerits

1. A flexible constitution is highly unstable.
2. It is not suitable to the democratic states.
3. It is not amicable to the federal states having rigid constitutions.

11.3.6 Differences between Rigid and Flexible Constitution

Rigid Constitution	Flexible Constitution
1. Constitutional matters are clearly written.	1. Constitutional matters are not clearly mentioned.
2. Constitution cannot be easily amended.	2. Constitution can easily be amended.
3. Rights, freedoms and liberties of people are better safeguarded by the Judiciary.	3. Rights, freedoms and liberties of people may not be safeguarded by the Judiciary.
4. It is appropriate to a federal state.	4. It is not appropriate to a federal state.

5. It provides scope for judicial review.	5. It provides no scope for judicial review.
6. There is a possibility of a limited legislative power.	6. There is a possibility of unlimited legislative power.
7. It is highly stable.	7. It is highly unstable.
8. It makes a differentiation between constitutional and ordinary laws.	8. It makes no differentiation between constitutional and ordinary laws.
9. We found two types of laws. Constitutional and ordinary. Constitutional laws precede ordinary laws.	9. We found only one type of law.
10. It is more suitable to the developing nations.	10. It is more suitable to the politically advanced states.
11. There is scope for revolutions.	11. There is no scope for revolutions.
12. It is appropriate to large states.	12. It is appropriate to small states.

QUESTIONS

I. Long Answer Type Questions

1. Define Constitution and explain the features of Constitution.
2. Define Constitution and point out the differences between Rigid and Flexible Constitutions.

II. Short Answer Type Question

1. Define Constitution. Explain its features.
2. Explain the various bases of classifying constitutions.
3. What are the merits and demerits of a Written Constitution?
4. Explain the merits and demerits of Unwritten Constitution.
5. Distinguish between Written and Unwritten Constitution.
6. Explain the merits and demerits of a Rigid Constitution.

III. Very Short Answer Type Questions

1. What do you mean by Constitution?
2. What is an Evolved Constitution?
3. What is an Enacted Constitution?
4. Mention any two differences between Rigid and Flexible Constitutions
5. Write any two merits and demerits of Flexible Constitution.

Government

CHAPTER

12

- 12.0 Introduction**
- 12.1 Meaning of Government**
- 12.2 Classification of Governments**
- 12.3 Unitary Government**
- 12.4 Federal Government**
- 12.5 Distinction between Unitary and Federal Governments**
- 12.6 Parliamentary Government**
- 12.7 Presidential Government**
- 12.8 Differences between Parliamentary and Presidential Governments**
- 12.9 Theory of Separation of Powers**
- 12.10 Organs of Government**
- 12.11 Legislature**
- 12.12 Executive**
- 12.13 Judiciary**

12.0 INTRODUCTION

Government is the main agency of the state. It comprises several members belonging to political and administrative wings. It serves as the instrument of the state. It formulates, expresses and realises the will of the state. A mere population residing in a definite portion of territory will not be a state unless it forms into a political organisation with coercive authority. Government is described as the life and breath of the state. It lays down the public policy. It exercises certain legislative, executive and judicial powers based on the constitution and the laws. It carries on its functions keeping in view the public purpose. It is through this medium that common policies are determined, regulated and implemented in the state. People, in the absence of government, will remain as incoherent, inconsistent and

unorganised in the state. They will be divided themselves into groups, parties and even rival and aggressive associations resulting in conflicts and animosities. Hence government is essential for establishing a common authority, peace and order in the state.

There are three organs in government, namely - Legislature, Executive and Judiciary. These organs carry out the activities of the state. Governments are of different types such as Monarchy, Aristocracy and Democracy. Again governments are classified under unitary, federal, parliamentary and presidential forms. Government carries on its activities at various levels such as national, state, regional and local in a state.

12.1 MEANING OF GOVERNMENT

Government refers to the executive functions of the state. It denotes a body having authority to make and enforce laws applicable to the civil, corporate, religious, academic or other groups.

Prof. J.W. Garner defined Government as “the agency or machinery through which common policies are determined and by which common affairs are regulated and common interests are promoted.”

12.2 CLASSIFICATION OF GOVERNMENTS

Broadly speaking, governments are classified into two basing on the elements of tradition and modernity. They are discussed as below:

12.2.1 Traditional Classification

Ancient greek political philosophers like Aristotle held detailed deliberations on the classification of states. Modern political scientists prefer to call such classification as ‘classification of governments’. On the whole, governments are classified into three types namely monarchy, aristocracy and democracy. Some of the traditional and modern classifications are mentioned below.

Aristotle's classification of Governments

Number of persons having ruling power	End of the State	
	Normal form	Perverted form
One	Monarchy	Tyranny
Few	Aristocracy	Oligarchy
Many	Polity	Democracy

Aristotle classified governments on the basis of two elements, namely, (i) Number of persons holding power and (ii) end of the state. He further classified governments into normal and perverted forms.

He mentioned monarchy, aristocracy and polity as the normal form of governments. Tyranny, oligarchy and democracy are the perverted form of governments. According to him monarchy is a rule by one person who exercises powers himself. When that person rules the state with good intentions, such government is known as monarchy. Otherwise it will degenerate into tyranny. Aristocracy is a noble form of government in which few persons by virtue of their birth, talents, status, wealth etc. will act as the rulers. When these persons exercise powers with selfish motives, such a government is known as oligarchy. Polity is a form of government comprising many persons who have noble qualities such as set honesty on impartiality, wisdom etc., the other hand, democracy is a perverted form of government in the sense that the rulers always assign priority to their self interests thereby ignoring popular wishes.

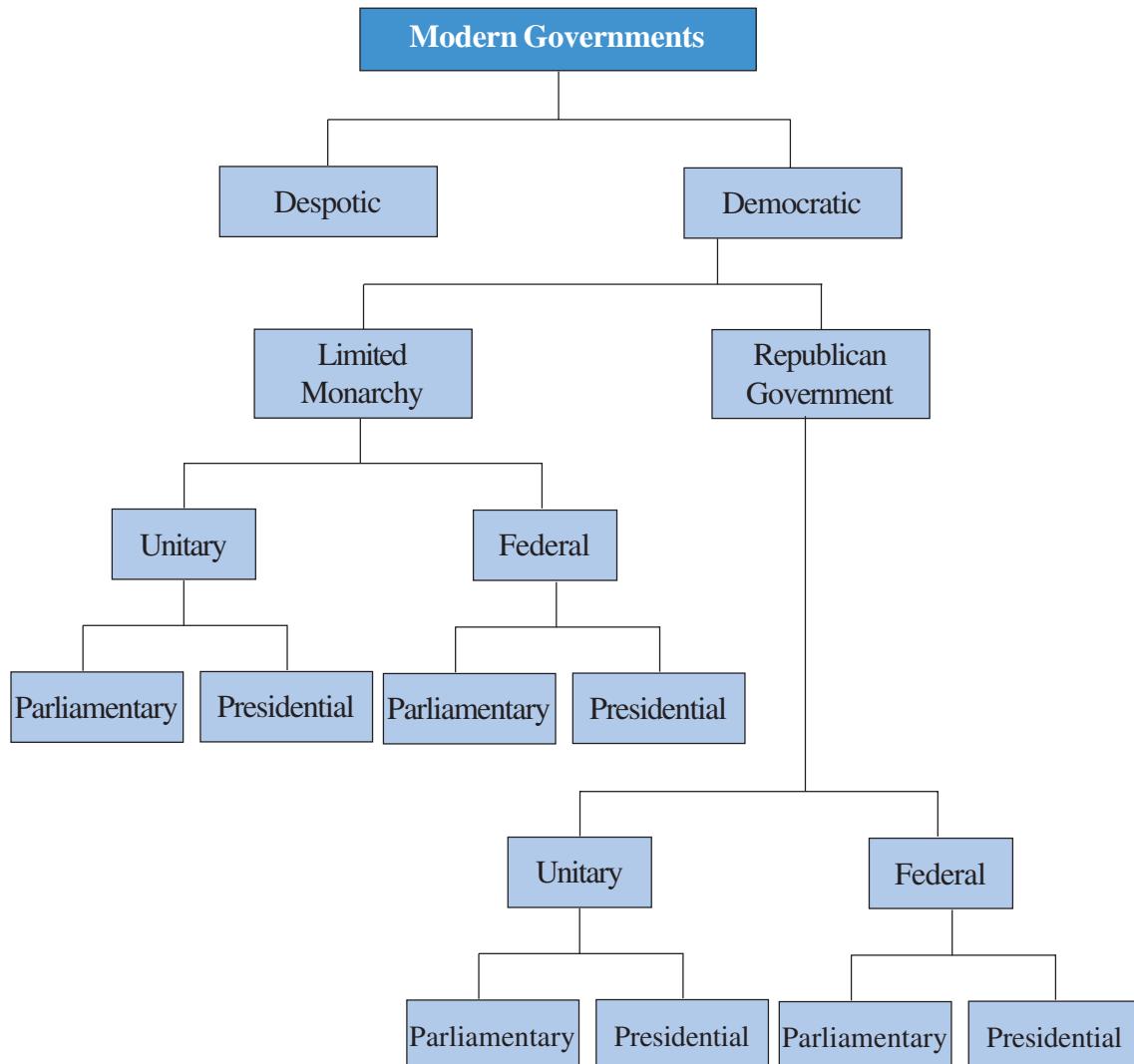
12.2.2 Modern classification

Modern political philosophers like Leacock made many attempts to classify the political systems.

Leacock classified governments into despotic and democratic on the basis of the nature and exercise of powers.

He further classified governments into unitary and federal on the basis of allocation and distribution of governmental authority. Again he grouped governments under parliamentary and presidential basing on the nature of relationship between the legislative and executive organs.

Leacock's classification



Despotic Government

In a despotic government, the executive is superior to the legislature. A single person assumes and exercises all powers of government. So we observe concentration of sovereign authority in this system. The despot rules the state at his will and pleasure without bothering about public opinion.

Democratic Government

Democratic government has long historical origin since the ancient greek period. The rulers in democratic government are elected directly or indirectly by the adult citizens. In this system adult citizens possess franchise irrespective of their caste, colour, creed,

community etc. They will decide the future of the rulers through elections at periodical intervals. The government in democracy will have the support of majority sections of the population.

Leacock subdivided democracies into Limited Monarchies and Republics.

Limited Monarchy

Limited Monarchy is one in which the monarch or king acts as a constitutional head. He exercises his powers only in accordance with the advice of the Cabinet. Britain is the best example of this system.

Republican government

Under this system, the head of the state is elected for a fixed term of office. Ex: The President of India. There will be a special body i.e., electoral college, comprising the elected members of the two Houses of Parliament and those of State Legislative Assemblies. Ex: India.

12.3 UNITARY GOVERNMENT

The word 'Unitary' consists of two words, namely, 'Uni' and 'Tary'. Uni means one and tary means 'rule'. Unitary government is a single integrated government with all executive powers. The constitution vests all powers in the central government. The central government exercises all these powers by itself. It creates political sub-divisions and delegates to them such powers as it may deem fit. It carries on the administration of the state with the help of the provincial units. These units are subordinate to the central government. Britain is a classic example for a unitary government.

12.3.1 Definitions of Unitary Government

- A.V. Dicey:** "Unitary government is one in which one central power habitually exercises the supreme legislative authority".
- Herman Finer:** "Unitary government is one in which all powers and authority are lodged with a centre whose will and agents are legally omnipotent over the whole area".

3. **J.W. Garner:** “Unitary government is one in which the whole power of the government is conferred by the constitution upon a single central organ or organs from which the local governments derive their authority”.

12.3.2 Features of Unitary Government

Unitary government has the following features.

1. Single and Supreme Central Government

In a unitary system, there will be one set of government. That government exercises authority over all agencies in the state. It will have supreme legislative, executive and judicial powers. Its authority extends over all the people in the country.

2. Provincial Governments

Provincial governments may or may not exist in a unitary state. If provincial governments exist, they depend on the central government for their powers and survival. They are created or abolished by the central government for administrative purposes. They do not enjoy independence. They derive their powers from the union government.

3. Flexible Constitution

Unitary government normally will have a flexible constitution. Besides, it may or may not possess a written constitution. So there arises no scope for conflicts between the centre and the provinces. This ensures sound functioning of the various constitutional bodies.

4. Single Citizenship

Unitary government confers single citizenship on all its citizens. The persons born in any province of the unitary state will have identical citizenship.

5. Single Legislature

Unitary government will have a single legislature. That legislature will have all legislative powers. There may or may not exist provincial legislative bodies. If they exist, they simply work under the guidance and direction of the central government.

12.3.3 Merits of Unitary Government?

Unitary government has many merits. Some of them are identified in the following lines.

1. Powerful Government

Unitary government brings uniformity in administrative and legislative matters. As there prevails single legislature, executive and judicial wings, the central government will remain most powerful in its working. So this government provides stable and integrated rule.

2. Efficient Rule

In a unitary set up or provincial governments strictly follow the instructions of the central government. The central government tackles all issues efficiently and effectively. This is due to the concentration of governmental powers in the central government.

3. Less Expensive

These will be only one government in a unitary system. Provincial units may or may not exist. As a result, the formation and maintenance of unitary government requires less amount of finances. There will be no duplication of institutions. As a result public money and time are saved in unitary system.

4. Administrative Uniformity

In unitary system the entire country is placed under the direct rule and control of the central government. As a result there will be uniform laws, rules and regulations throughout the country. This secures uniformity in law-making and administrative process.

5. Quick Decisions Possible

Unitary system comprises one government for the entire state. That government takes decisions quickly and promptly. As a result unitary government will tackle any unforeseen event in times of emergency.

6. Single Citizenship

Citizens in a unitary state will have single citizenship. So, there will be no discrimination between them within the four corners of the country. Ultimately single citizenship promotes national unity, integrity and solidarity among the people.

7. Useful for Small Countries

Unitary government is suitable to small countries having limited population and geographical area. Moreover, it embodies the element of homogeneity in respect of culture, language, race, religion etc.

12.3.4 Demerits of Unitary Government

Unitary government has several demerits. They may be listed out as follows

1. Scope for Despotism

As all the powers are vested with the central government in a unitary system, persons at the helm of affairs may adopt despotic policies thereby affecting the freedoms of individuals.

2. More Burden on Central Government

There will be no distribution of powers between the central and provincial governments in this system. Only the central government carries on all the functions. As a result, there will be a scope for more burden on central government leading to negligence and delay.

3. Growth of Inefficiency

Provincial governments do not have much autonomy and independence in this system. So they depend upon the central government. People too lose their political initiative at local levels. This leads to the growth of inefficiency in administration.

4. Not Suitable for Large Countries

Unitary government is not suitable to large countries having extensive population, vast territory, diverse cultures and religions. So unity in diversity is difficult to achieve in large countries.

5. Irresponsibility

The central government is not responsible to anybody in a unitary set up. The units cannot dictate terms to the central government. So there is a scope for the central government to behave irresponsibly.

12.4 FEDERAL GOVERNMENT

The term ‘Federation’ denotes association of states. But every kind of association of states cannot be called a federation. United States and Switzerland are the best examples. The United Nations, though an association, has no status of federation. Normally in a federation, the powers are demarcated, divided and distributed between the central and state governments. The first federation came into being in the United States in 1789. Switzerland became a federal state in 1848 in order to give effect to the popular sentiments.

The term “Federation” is derived from a latin word “Foedus” which means ‘Treaty or Agreement’. Federal system is a political device in the modern states. It became more popular as a system of state organization. United States (1789), Switzerland (1848), Australia (1901) and Canada (1931) are some examples of federal states.

12.4.1 Definitions

Political writers gave various definitions on federal government. Some of their definitions are given below:

1. **A.V. Dicey**: “A federal government is a political contrivance intended to reconcile national unity with the maintenance of state’s rights”
2. **J.W. Garner**: Federal government is a system in which the totality of governmental power is divided and distributed between the centre and the states by the national constitution”.
3. **Hamilton**: “Federation is an association of states that form a new one”.
4. **K.C. Wheare**: “A federal government is a method of dividing powers so that the regional and central government are each within their sphere, coordinate and independent.”

12.4.2 Features of Federal Government

Federal Government comprises several features. They may be denoted as follows

1. Written Constitution

A federal government normally will have a written constitution. Such a constitution is considered as the supreme law of the land. It defines, decides and devides powers between the central and state governments. Hence, it became a practical necessity of federal government.

2. Dual Citizenship

Federal state provides dual citizenship to the citizens. Accordingly, citizens will have membership in both the centre and the states simultaneously. As a result, they participate in the election of representatives to both the national and provincial bodies.

3. Division of Powers

In a federation, the powers of government are divided between the centre and the states. The central government exercises control over the matters of national importance like defence, external affairs, customs, exports and imports etc. On the other hand, certain matters like education, agriculture, health, irrigation etc., having provincial importance are allocated to the state governments.

4. Bicameralism

Bicameralism is another important feature of a federation. In a federal state, we observe two chambers in the union legislature and some of the provincial legislative organisations. The first or lower chamber represents the interests of the people. The second chamber or upper house comprises the members representing the states.

5. Rigidity

Generally the constitution of a federation is very rigid. So it cannot be amended both easily. The concurrence of the centre and states is required for amending some of the important provisions. So neither the centre nor the states unilaterally can amend the provisions of the federal constitution.

6. Independent Judiciary

Independent judiciary is another essential feature of a federal government. Such an organisation will settle disputes between the centre and the states. Judges constitutionally possess independent position. Once appointed, they could not be removed by any body under normal conditions. They will be able to safeguard the fundamental rights of citizens. They can check the misuse of powers by the executive and legislative authorities.

12.4.3 Merits of Federal Government

Federal government is said to be a superior one when compared to the other forms of government. It comprises the following merits.

1. Achieves Unity in Diversity

Federal government achieves unity in diversity. It brings co-ordination between national integrity and autonomy of regional governments. So it is highly useful to the large countries having diverse races, regions, religions, communities and languages. Then only a powerful central government will be able to protect the sovereignty of the state without affecting regional autonomy. Ultimately it serves as a device for achieving unity in diversity.

2. Prevents Dictatorship

The central and state governments in a federation act independently within their sphere as demarcated by the constitution. There arises no scope for dictatorship. So some elements like constitutional polity, decentralisation of powers, democratic spirit etc, seldom give scope to dictatorial tendencies in a federation.

3. Less Burden on the Centre

The central and State governments can discharge their functions efficiently in a federation due to the division of powers. As the petty local issues are tackled by the provincial governments, the central government will be able to concentrate its attention on critical national and international issues. So the burden of the centre will be less to that extent.

4. Scope for New Experiments

Federation gives much scope to launch new experiments in the economic, political and administrative spheres. Development could be achieved in socio-economic spheres with special interest by adopting such techniques which are suitable to the varying conditions. There will be a great scope in the federation to extend a modality of solution in one region to the other region in the context of similar or identical issues.

5. Political Training

Federal government gives scope for political training to the citizens. Citizens will actively participate in the political affairs of the provinces in various capacities. Such a participation helps them to become responsible and good citizens.

6. Helpful to Welfare State

Federal government helps in the establishment and development of the welfare state. It will be able to implement various schemes for the welfare of the people. In this regard, it

takes the assistance of the state governments. Both the central and state governments act with co-ordination in the implementation of the various welfare measures.

12.4.4 Demerits of Federal Government

1. Scope for Disputes

In federal system, there is a little scope for unity between the union and the state governments on various issues. There is every scope for disputes when different political parties assume power in the union and the states. The situation becomes worse due to mutual criticism and political enmity. Ultimately national unity and integrity are affected.

2. Expensive

Federal government is an expensive government. lot of finances are required for the creation and maintenance of various governmental organisations. Besides there prevails duplication among several agencies and departments in a federal state. Ultimately the entire burden falls upon the shoulders of the taxpayers. Hence developing nations can not bear the burden of these institutions in federal system.

3. Lack of Uniformity

Provincial governments enjoy independent status and special powers in a federal system. They devise and implement laws and administrative patterns as per the local needs. As a result the laws and administrative patterns differ from province to province. This leads to lack of uniformity in administration in a federal polity.

4. Promotes Regionalism

Federal system breeds narrow regional feelings among the people and the leaders. People residing in different provinces fight against one another for achieving their regional interests. The state governments assign priority for tackling their issues thereby neglecting the national interests. Disputes between centre and states are common. These give rise to agitations demanding separation from federation thereby destroying national integration.

5. Anti-Developmental

Normally, federal states will have rigid constitutions. Such constitutions can be amended only with the concurrence of both the states and central government. Sometimes the state governments may not accept the constitutional amendments. As a result, administration

cannot be carried on according to the changing needs. That is why some scholars viewed federation as anti-development.

6. Irresponsibility

In a federal system, concurrent powers of legislation are given to both the central and state governments on certain items. This creates misunderstanding and competition between the central and state governments. In such a situation, it is difficult to resolve conflicts on many occasions.

7. Not suitable for Small Countries

Federal system is not suitable for small and economically backward countries. It is also not appropriate to those states having less population and territory. These countries hesitate to adopt federal system due to the expenses involved in its formation and organisation.

12.5 DISTINCTION BETWEEN UNITARY AND FEDERAL GOVERNMENTS

The distinction between the Unitary and Federal Governments is given through the following table.

Unitary Government	Federal Government
1. There will be only one integrated government. It is conferred with all powers.	1. There will be two sets of governments. While the central government works at national level, state governments function at provincial levels.
2. There may or may not be a written constitution.	2. There will be a written constitution.
3. There will be a flexible constitution.	3. There will be a rigid constitution.
4. Central government constitutes the regional governments which are subordinate to the centre.	4. Regional governments act independently. They are created by the constitution.
5. The powers of local governments are increased or reduced by the central government.	5. The powers of local governments cannot be altered by the central government.

6. The provisions of constitution can be amended only by the union legislature.	6. Both the union and state legislatures participate in the constitutional amendment process.
7. Unicameral or bicameral legislatures exist at the national level.	7. There will be bicameralism at the national level.
8. There will be only one legislature for the entire country. There are no provincial legislatures.	8. There are separate legislatures for the centre and the states.
9. There is single citizenship.	9. There is dual citizenship.
10. There is only one constitution.	10. There are two constitutions.
11. The role of judiciary is limited. It need not be separated from the executive.	11. The role of judiciary is paramount and there is a separation of judiciary from other organs.
12. The formation of government is simple.	12. The formation of government is complex.
13. There is less scope for diversity.	13. There is more scope for diversity.
14. There will be no scope for disputes between the centre and states as all powers are vested with the central government.	14. There will be a scope for disputes between central and state governments due to the division of powers.
15. There is a scope for dictatorship due to the centralization of powers.	15. There is a least scope for dictatorship due to division of powers between the central and the state governments.
16. Administrative unity is possible due to single government.	16. There is less scope for uniformity in administration due to two types of governments.
17. This is useful for small states with less territory and population.	17. This is useful for large countries with geographical and demographic diversity.
18. It is easy to amend the constitution.	18. It is not easy to amend the constitution.
19. It secures stability and integrity.	19. It carries less stability and integrity.
20. There will be more burden on the central government due to lack of division of powers.	20. There will be less burden on the central government due to the delegation of powers.

12.6 PARLIAMENTARY GOVERNMENT

Parliamentary government is one in which the executive (the council of ministers headed by the Prime Minister) owes to the legislature for its formation, continuation and survival in office. It is also known as responsible government, cabinet government, prime ministerial government etc. Britain is a classical example of this form of government. Besides, many states like Australia, Canada, India, Japan etc have been following this system.

Prof. Garner defined parliamentary government as “a system in which the real executive—the cabinet or ministry- is (i) immediately and legally responsible to the legislature for its political policies and acts and (ii) immediately or ultimately responsible to the electorate.”

12.6.1 Features of Parliamentary Government

Parliamentary government comprises the following features.

1. Nominal and Real Executive Heads

Parliamentary government comprises two types of executive heads, namely, nominal and real. The nominal executive enjoys all powers only in name. E.g., The British Queen, the Emperor of Japan, the President of India etc. In practice, all the executive powers are exercised by a group of persons namely Council of ministers with the Prime Minister as its head or leader. Hence, the nominal executive is only a executive in name and not the real executive in this system. On the other hand, there will be a separate person or body of persons namely real executive in this system. It exercises all executive powers in practice. It acts as the chief advisor of the nominal executive head. It will be able to influence, guide and determine the acts of the nominal sovereign head. Canada, India, Japan and Newzealand etc come under this category.

2. Collective Responsibility

Collective responsibility is a salient feature of parliamentary government. Ministers are collectively responsible to the lower house of the legislature. They take policy decisions collectively under the leadership of the Prime Minister. The council of ministers cease to hold office when it loses the confidence of the lower house of the legislature. A minister may express his dissent towards the policy matters during the discussions in the cabinet meeting. But he must defend and support the cabinet decisions. Every minister is individually

and jointly responsible to the legislature for his omissions and commissions during his tenure.

3. Political Homogeneity

Political homogeneity is a paramount feature of parliamentary government. In this system ministers normally belong to the same party. However, when no single party is able to form the government due to lack of securing majority seats in the lower house of the legislature, some parties join together as the United Front or National Democratic Alliance or some other coalitions. In such a situation the coalition works on the basis of a Common Minimum Programme (CMP).

4. Harmony between Executive and Legislature

Parliamentary government brings harmony between the executive and legislative branches of government. This is possible due to the simultaneous membership of the ministers in the two branches. At first ministers serve the legislators in one of the houses of legislature. Later, they act as the heads of Cabinet/ deputy/ state rank in the executive. They implement the policies and programmes as approved by the legislature. Similarly, they serve as a guide to the legislators on several matters of governance. As a result, there prevails harmony between the two branches.

5. Party Discipline

Party discipline is greatly found in a real parliamentary government. Every party in this system imposes discipline on its members by asking them to strictly adhere to its ideology, principles and programmes. Such a policy makes the members both in the party and government to fulfil their respective obligations with honesty, impartiality and sincerity. It ultimately secures political stability in the state.

6.1. Leadership of the Prime Minister's Leadership

Parliamentary government is described as prime ministerial government. The Prime Minister in this system acts as the real executive head of the government. He acts as the leader of the majority party or coalition ministry in the lower house of the legislature. He remains as the main pillar to the structure of union cabinet and union council of ministers. He is central to the formation, continuance and survival of the ministry. He presides over

the meetings of the union cabinet and decides its agenda. He enforces the principle of collective responsibility. Ministers take oath of office, assume powers and discharge their public and political obligations under his stewardship. He plays a crucial role in formulating and implementing the governmental policies. In brief, the Prime Minister plays a crucial role in shaping the destiny of the nation by moulding and monitoring public policies in this system.

12.6.2 Merits of Parliamentary Government

Parliamentary government has several merits. They may be denoted as follows

1. Co-ordination between Legislative and Executive organs

Parliamentary government secures co-operation and co-ordination between the legislature and executive. It, by taking the legislators into confidence, formulates laws. As the executive and legislature have close affinity, government carries on its activities without interruption. It makes both the members of legislature and executive to work with co-operation and co-ordination in the larger interests of the nation.

2. No Scope for Despotism

Parliamentary government effectively checks the despotism of the majority party in the lower house of the legislature. The legislators raise questions and supplementary questions and propose adjournment motions against the party in power. They make the ministers alert and prompt in fulfilling of their obligations towards various sections of society. They initiate steps for moving no confidence motion and adjournment resolution against the cabinet members. Such a step alerts the ministers and makes them to carry on their official and political obligations with great care, caution and ability.

3. Scope for Distribution of Powers

Parliamentary government stands for the distribution of political power and administrative authority. The constitutional machinery of this system allocates governmental powers among several persons who have commitment, commonsense, public spirit etc. It does not allow concentration of powers and authority in a person (Prime Minister) or body of persons (council of ministers). Such an arrangement safeguards the freedom of the citizens.

4. Easy to form Alternative Government

Parliamentary government enables easy formation of alternative government. Normally, that party or those parties which secure majority seats in the lower house of the legislature, during general election, will be able to form the government. Similarly, changes in governmental policies could be initiated on easy lines. Whenever the party in power resigns or is removed from power, opposition parties will make efforts to form alternative government. Such a measure would avoid political instability and party fluctuations. Besides, it avoids election fever among the people by not giving scope to mid-term poll.

5. Adequate Representation

Parliamentary government provides adequate representation to the various sections and regions. The executive and legislative branches in this system comprise members representing various walks of life. No one including the minorities is ignored in this system. As a result, it embodies national spirit and unity among the people. This makes the people to extend their support to the government on allocation of various offices.

6. Political Dynamism

Parliamentary government promotes political dynamism among the people. Elections to the various representative bodies in this system will enable the people to have political awareness. The candidates and party leaders meet the people at grass root levels and acquaint them with the contemporary national and international events. They seek the support of the people in forming a stable, viable and efficient government. People will be able to know about the working of the government due to the publicity campaign organised by the party in power and opposition. Even uneducated masses will be able to give a sound judgment during the elections. Besides, the press, audio- visual channels, social media like twitter, facebook, google plus, Blog, Whatsapp, Youtube, Instagram etc., disseminate information and facts about the political, economic and social happenings of the country. As a result people in this system will have dynamic attitude in all matters.

12.6.3 Demerits of Parliamentary Government

Parliamentary government comprises several demerits. They may be listed out as follows.

1. Against the Theory of Separation of Powers

Parliamentary government works against the letter and spirit of the theory of separation of powers. In this system ministers play a dual role as legislators and policy executors. This makes them to act arbitrarily. They manage the legislative and executive wings for furthering their political objectives. They formulate public policies, introduce them in the legislature and take its approval over them due to support of majority legislators. Their dual membership leads to the executive despotism and least regard to the individual freedoms.

2. Unstable Government

Parliamentary government may not always provide political stability. There is no guarantee that the ministry in this system assumes office for the whole period as mentioned in the constitution. The ministers as well as the legislators strive to implement political and personal agendas during their tenure. Especially the legislators belonging to the party in power always keep their eye on ministerial berths and bring pressures on the Prime Minister in different capacities. They create troubles to the government during the budgetary session and on other occasions by creating suspicion in extending their support. Those who did not get a chance in the formation, reconstitution or shuffling of the ministry, may withdraw their support. This is more evident in the case of coalition ministries.

3. Dictatorship of the Cabinet

Parliamentary government is otherwise known as cabinet government. The cabinet comprising the Prime Minister and some other ministers will behave like a monarch in this system. It, in the name of the Queen or the President takes decisions, makes policies, gets the legislative concurrence over them and implements them with the help of large network of bureaucracy. It yields enormous powers due to its support of majority legislators. In the process, it (the cabinet) becomes a dictator of policies and programmes of the government. It is in this context that political scholars like Hewart, Ramsay Muir and others warned about the despotic tendencies of the parliamentary government.

4. Difficulties in cabinet Formation

It is very difficult to form the ministry in parliamentary system. The Prime Minister will have to consider several elements like region, religion, caste, party obedience, legislator's efficiency etc. in forming the ministry. He has to yield to the party and political

pressures. He has to take great care in accommodating various shades of public opinion. So a minor lapse in this regard will affect the very existence and survival of the cabinet, party, legislature and nation at large in this system.

5. Not suitable to Emergencies

Parliamentary government is not suitable to tackle the issues arising in emergencies. This is due to the fact that decisions are taken after prolonged deliberations and with majority concurrence. This makes delay in decision making and policy implementation. It ultimately leads to the deepening of the crisis, public unrest and ultimately decline in the credibility of the government.

6. Priority to party Interests

Parliamentary government is also known as party government. That party or those parties which form into a coalition will assume power and exercise authority. So normally the persons at top level in the government always consider various issues in terms of party interests. They are least bothered about the public and national interests. Moreover, they don't exhibit wisdom and sagacity in solving various issues.

12.7 PRESIDENTIAL GOVERNMENT

Presidential government is one in which the executive is not responsible to the legislature for its acts. It is also known as single executive government, fixed tenure government and non-responsible government. Under this system a single person, namely, the President exercises all executive powers. The President as well as the legislators assume their office and continue in power for a prescribed tenure as stipulated in the constitution. The President is directly elected by the people who form into an 'electoral college.' Further the President or the legislators are not responsible to others in exercise of their powers and functions. This system is based on the theory of separation of powers as proposed by Montesquieu. The United States is a classical example of this system. We also find this system in several latin american and african countries like Argentina, Bolivia, Chile, Congo, Mexico, Peru, Perugua, Uganda, Zaire etc.

Prof. Garner defined Presidential government as "one in which the executive is constitutionally independent of legislature in respect of its duration of tenure and political policies".

12.7.1 Features of Presidential Government

Presidential Government comprises several features. They may be elucidated as follows.

1. The President – both the Nominal and Real Executive

Presidential government confers both the nominal and real executive powers in a single person namely, the President. That person is not only a nominal executive but also the real executive. He serves as both the head of the state and the government. He enjoys all executive powers both in name and in practice. He takes independent decisions keeping in view the popular wishes and national interests. He implements the policies and programmes of the government with the help of some secretaries who owe their existence, continuance and survival to him only.

2. Separation of Powers

Presidential government works on the basis of the theory of separation of powers. As a result, there prevails complete separation of powers among the three governmental organs. There also prevails the system of checks and balances. The President (the executive head) and the legislators are elected for a fixed tenure. They can't be removed from their office before the expiry of their tenure. The President and his aides (secretaries) do not attend and participate the sessions of legislature on regular basis. The President can't dissolve the legislature at his will and pleasure. Similarly, the legislators cannot remove the President under normal conditions. Judiciary too will have independent status. Judges once appointed can't be removed by anybody. All these arrangements are made for safeguarding individual liberties in Presidential system.

3. Subordinate position of the Secretaries (Ministers)

The Secretaries (Ministers) in Presidential government do not enjoy independent or equal status and position on par with the President. They are subservient or subordinate to the President in all matters. They are not elected members. They are nominated, selected or chosen by the President at his discretion. They could be removed by the President at any time without prior notice.

4. Checks and Balances

The principle of Checks and Balances is another feature of presidential government. In presidential system, every organ enjoys autonomy and exercises powers independently. At the same time, every organ acts as a check against the excessive authority of the other organ. The legislature must give its consent to all the appointments made by the President. It must approve all the bilateral treaties undertaken by the President. Similarly, the President must give his assent on all bills approved by the legislature. Judiciary reviews all the constitutional cases. It acts as the final interpreter of the constitutional provisions. It declares the presidential warrants and legislative enactments as ultra vires when the latter are made against the letter and spirit of the constitution.

5. Impeachment Process

A unique feature of presidential government refers to the impeachment process. The President in this system exercises all governmental powers in theory and practice. He yields vast influence and patronage in all matters of governance. However, he has to exercise his powers and authority strictly within the contours of the constitution. Otherwise he has to face dire consequences sometimes leading to the abdication of his office. The legislature can initiate impeachment procedure against him in this regard. Whenever the President is proved guilty of misusing or abusing his powers wilfully or otherwise and when they are clearly established during an enquiry by either House, the legislature can remove him from office mercilessly. Such a situation almost happened in the case of American Presidents like Richard Nixon (Republican) and Bill Clinton (Democratic) at the fag end of their tenure. As they apologized for their misuse for tampering of press records and immoral acts, they luckily escaped from the consequences of impeachment in the last minute.

12.7.2 Merits of Presidential Government

Presidential Government has several merits. These may be explained as follows.

1. Less scope for Dictatorship

Presidential government is based on the theory of separation of powers. In this system, all the organs of government are independent. They exercise mutual control. So every organ can check the illegal affairs of the other organ. This provides less scope for dictatorship.

2. Stable Government

The head of the executive in this system is elected for a prescribed time. His tenure will not depend upon the confidence of the legislature. So he will continue in power till the end of his tenure. As a result, stable government is possible in this system.

3. No Delay in Action

The executive authority in presidential system is centralised in a single person. So, there will be no delay in solving the problems of the people as he takes decisions quickly without consulting his secretaries (ministers) or the legislators.

4. Promotes Efficiency

Presidential government promotes efficiency in administration. This is possible due to the efforts of able, experienced and talented persons belonging to various sections. The President avails the services of the above persons in nation building activities. His aides (secretaries) play a crucial role in the effective implementation of the policies and programmes of the government and as directed by their supremo i.e., the President. Besides, they devote their energies for effective working of the polity without yielding to the political, economic and social pressures.

5. Responsible Government

Presidential government, even though non responsible in nature, will carry out the element of responsibility in reality. The President is responsible to the people at large. He always takes into consideration popular wishes and aspirations in framing and enforcing the public policies. He exercises his powers and authority unmindful of the partisan and parochial attitude of the selfish political leaders and business groups. The legislators wish to fulfil their obligations by considering the wider interests of the people. Judiciary also renders its obligations in a sacred manner by checking the misuse of authority or misappropriation of public funds during the hearing of various litigations.

6. Suitable for Emergencies

Presidential government is suitable for emergencies. The President can face any unforeseen event efficiently. He acts swiftly and vigorously without awaiting the approval of the legislature or the advice of his secretaries. He maintains the administration on smooth lines keeping in view the welfare of the country.

12.7.3 Demerits of Presidential Government

The following demerits are inherent in presidential government.

1. Disputes between Executive and Legislature

Eventhough presidential government works on basis of theory of separation of powers, it is susceptible to the disputes among the various governmental organs. This happens due to the detachment of governmental functions. The president as well as the legislators collide against one another by not clearing the pending bills and implementing the public acts. They feel prestigious and stubborn to their views in their working. They don't give accommodation to the feelings of other organs. This ultimately leads to a cold war between the two organs thereby affecting the integrity of the government.

2. Irresponsibility

Presidential government leads to irresponsible rule in practice. Neither the President nor the legislators are responsible to the other organs. Elements like direct election, fixed tenure, separation of powers etc. tend to make the law making and law enforcing authorities irresponsible in their working. Another lacunae of this system is that the nation could not escape from the misdeeds and misuse of powers by the President and legislators. It has to bear silently and sorrowfully the corrupt, bad and inefficient rulers and legislators for the remaining period of their tenure.

3. Fails to provide Adequate Representation

Presidential government can't provide adequate representation to the diverse sections of society. The President, being a nominee of a particular party prior to his election, may act partially. He may not always engage the services of dedicated, honest and impartial persons in the government. Obedience, psychofancy and duplicity will be the criteria in the selection of the team of secretaries by the president. This ultimately leads to inefficient rule.

4. No place for Public Opinion

Presidential government assigns least significance to the public opinion. The President as well as the legislators, after their election, will act arbitrarily without considering the public opinion on various issues. They feel that they do not require popular consent, popular confidence and popular support to their acts.

5. Insignificant position of Legislature

In presidential system, legislature becomes secondary. Executive receives top priority. The President is treated as the most capable and influential person in the government. He is considered as the prime news maker on domestic and international affairs concerning the country. He will not attend or participate the legislative sessions. As a result, legislative meetings remain pale and insignificant. This makes the legislators to act mechanically without dedication to the people. People too assign more importance to the President's activities rather than those of legislature.

6. Conservative Constitution

Normally the constitution of the presidential government remains traditional and conservative. It will also be rigid in nature. It will be very difficult to amend the constitutional provisions according to the changing public needs and aspirations. As a result some criticised this constitution as anti-progressive and anti-development in nature.

12.8 DIFFERENCES BETWEEN PARLIAMENTARY AND PRESIDENTIAL GOVERNMENTS

The following differences are found between parliamentary and presidential governments.

Parliamentary Government	Presidential Government
1. There are two types of executive heads, i.e. nominal and real executives.	1. There is only one executive.
2. The executive is a part of the legislature. The members of executive will also be the members of legislature. They take part in its deliberations.	2. The executive is not a part of the legislature. Executive and legislature are independent.

3. Generally members of the council of ministers belong to a single party. They believe in the same ideology and hold identical views.	3. The secretaries of the President need not be the members of a single party. They may differ from one another in their ideas and ideologies.
4. The head of the state and the head of the government are different.	4. The head of the state and the head of the government are one and the same.
5. The powers of government are not distributed among the three organs.	5. Powers are allocated among the three organs of government.
6. Ministers are responsible to the head of the state in theory and in practice to the legislature collectively.	6. Secretaries (Ministers) are responsible to the President but not to the legislature. They can continue in power as long as the President allows them
7. The tenure of executive is not fixed. Its members can be removed at any time by a no confidence motion by the legislature.	7. The tenure of the President is fixed. He cannot be removed before the tenure in normal times. He can be removed only through impeachment.
8. Ministers will have freedom to take decisions in their respective departments.	8. Secretaries do not have such freedom to take decisions.
9. Equal representation to all sections and regions in the administration is possible.	9. There will be no equal representation to all sections and regions.
10. Discussions in legislature, being educative, promote political consciousness among the people.	10. Discussions in legislature are dry and do not improve political consciousness of the people.
11. There will be less scope for disputes between the legislature and the executive due to co-operation and co-ordination.	11. There will be a scope for conflicts between the legislature and the executive due to the separation of powers.
12. This is an unstable government.	12. This is a stable government.
13. This is not suitable for emergencies.	13. As there are no differences of opinion, it is suitable to emergencies.
14. Ministers assign priority to party interests.	14. The President assigns priority to national interests only.

12.9 THEORY OF SEPARATION OF POWERS

Montesquieu, an eminent french political philosopher, is regarded as the chief architect of this theory. He elaborated this theory in his book “The Spirit of Laws” published in 1748. During his lifetime in France, people suffered a lot due to the despotic rule of the emperors of bourbon dynasty. The french emperors acted as the chief law makers, executors and adjudicators.

Montesquieu was a staunch supporter and advocate of human dignity. He proposed, propagated and popularised the theory of separation of powers for upholding individual liberties. He stated that powers of government must be separated among the three organs of government in a clear manner. Each organ must be assigned with specific powers and functions. Each must confine its activities to its domain. No one shall enter into the jurisdiction of other organ. Then only liberties of individuals will be preserved and promoted in a real sense.

Montesquieu advanced the above theory for preventing the abuse of powers on one side and for safeguarding individual liberties on the other. He stated thus: “Political liberty is to be found only in moderate governments. It is there only when there is no abuse of power.” His theory seeks to differentiate the functions of government by limiting each organ to its own sphere of activity. He prescribed complete autonomy to each organ. He also prescribed that each organ will act as a check and balance against the other organ.

Checks and Balances

The theory of checks and balances is subsidiary to the theory of separation of powers. Montesquieu advocated this theory too. This theory denotes the functional aspect of the political organisation, i.e., government. It has a greater impact upon the founding fathers of american constitution. It supplements the system of separation of powers. The two theories mainly aim at safeguarding individual liberties. The two are based on the maxim that power alone acts a check against the abuse of power. In the case of the United States, constitution, the executive authority in the federal government lies with the President. However, his powers and authority are restrained by the Congress (the supreme legislative body in the United States) and the Federal Supreme Court. The approval of Senate (upper house of American Congress) is mandatory. The Federal Supreme Court can declare the presidential

decrees as ultra vires when they are against the letter and spirit of the constitution. In the same way the president's assent is required for all the bills sent by the Congress. The President appoints the judges of the Supreme Court. However, he cannot remove them from their office.

Criticism

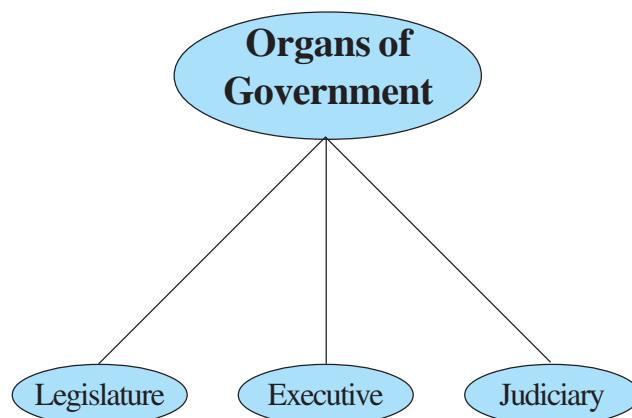
The theory of separation of powers is criticised on the following grounds.

- i) Complete separation of powers is neither desirable nor possible.
- ii) Separation of powers may lead to inefficiency in administration.
- iii) The theory is based on the assumption that all the three organs of government are equally important. But in reality it is not so.
- iv) Liberty of the people largely depends more on factors like their spirit, political culture, consciousness and institutions than separation of powers

However, this theory is useful if used judiciously. It brings out a balance between vigorous acts of the welfare state and enjoyment of liberty by the people.

12.10 ORGANS OF GOVERNMENT

Modern government comprises three organs, namely, Legislature, Executive and Judiciary. Legislature is the supreme law making authority in a democratic system. Executive is the decision implementation organ. It will have real governmental powers. Judiciary is the third branch of the government. It is the law adjudication organ in the government.



12.11 LEGISLATURE

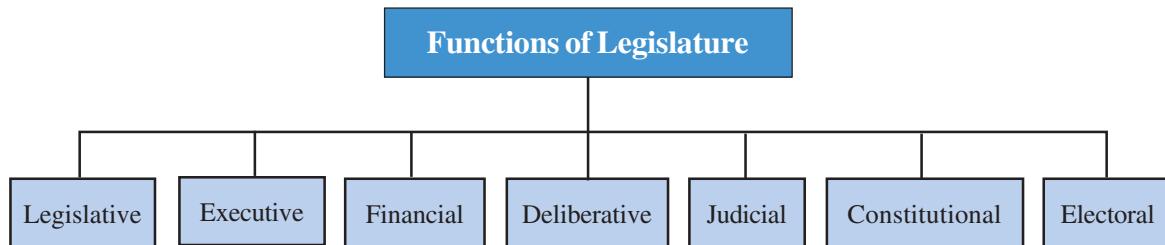
Legislature is the first organ of the government. It consists of some members directly or indirectly elected by the voters at regular intervals. It, as a separate organ, is only of recent origin. In ancient period, this organ had no separate identity and existence. This was due to the existence and survival of monarchy in many countries of that period. The emperors or kings did not allow the growth of legislative bodies. The origin of legislature has its origin in England in the thirteenth century. Many elements like Magna Carta, french revolution, american war of independence, spread of democratic values, separation of powers etc., led to the origin and growth of legislature.

In modern period, almost all democratic states have provided for legislatures. The constitutions of these states have incorporated several provisions regarding the structure, composition, powers and functions of the legislature. Legislatures are known by different names in different states. For instance, Congress (The United States), National Panchayat (Nepal), People's Assembly (Albania), Jaatiya Parishad (Bangladesh), Majlis (Iran), Cortes (Spain), Knesett (Israel), House of Assembly (Zimbabwe) etc.

Legislature may be bicameral or unicameral. In bicameralism there are two houses, namely, lower and upper house or first chamber and second chamber. The lower house represents the will of the people. The upper house represents the interests of the states. Legislature plays a significant role in parliamentary system. It exercises significant powers in the fields of legislation. It makes the executive responsible and responsive to the popular needs. It makes the executive answer able for its working. It exercises control over the executive by approving the annual budget, ratifying the treaties made by the executive head etc. Even in presidential government, legislature will have considerable powers in spite of the application of the theory of separation of powers.

12.11.1 Functions of Legislature

Legislature mainly formulates laws in various matters concerning public welfare. Its powers and functions have gradually increased in contemporary period due to the growth in population, people's aspirations, welfare state ideology, democratic nature etc. On the whole the functions of legislature are mentioned as below.



1. Legislative Functions

Legislature makes laws. It also makes amendments to the existing laws. Besides, on some occasions it repeals old laws keeping in view the changing needs of the people. Law making involves greater dedication and allotment of time by the legislators. Legislature enables to discuss and deliberate freely and impartially on various bills of public importance. In the above matters, members belonging to the party in power and opposition express diverse views according to the popular needs.

2. Executive Functions

Legislature exercises immediate and direct control over the executive. Legislators raise questions and supplementary questions for eliciting information from the ministers on matters of administration and public importance. It can move adjournment motions or hold debates specifying the lapses of the government. It can also move no confidence motion against the ministry. Through such a motion it can express its lack of confidence in the government. Such a motion, if passed, forces the party in power to resign. Thus legislature regulates the working of the government to a large extent.

3. Financial Powers

Legislature has some important financial powers. It acts as the guardian of nation's purse. It regulates the "income and expenditure of the government in respect of its various projects, administration and welfare. It exercises control over the public exchequer. Legislators will scrutinise the revenue and expenditure aspects of the government. They will alert the party in power against the misuse of public monies. The notion "no taxation without representation" denotes supremacy of the legislature. Legislature sees that no tax is imposed, collected or altered by the executive without its prior approval.

4. Deliberative Functions

Legislature serves as a deliberative body. It acts as the forum representing diverse interests and views of various sections of the community. It serves as a facilitator to the executive in policy formation, finalisation and execution. In this context legislators ventilate

the popular grievances and highlight the lapses in the governance. As a result, legislature contributes to the growth of political consciousness among the people.

5. Judicial Functions

Legislature also exercises some judicial functions. Many states have entrusted their legislatures with the function of enquiry into the misdeeds of higher constitutional authorities through the motion of impeachment. For instance, in India, the President, the judges of Supreme Court and High Courts, the members of U.P.S.C, the Comptroller and Auditor General and others can be impeached by the Parliament after fulfilling certain constitutional formalities. In Britain the Upper House (House of Lords) acts as the highest court of appeal. In United States the President can be impeached by the Senate. Very often the legislature appoints commissions of inquiry relating to the irregularities in trade, commerce, agriculture, industry etc.

6. Constitutional Functions

Legislature also performs some constitutional functions. It can amend the provisions of the constitution. In India, all constitutional amendment proposals originate at first only in the Parliament. Same is the case with Britain and America. In all such cases, legislature exercises its constitutional powers by following some established procedures.

7. Electoral Functions

Many of the legislatures in the world perform some electoral functions. In India Parliament takes part in the election of the President and Vice-President. It also elects the members of various committees of the House. Besides, it elects the Presiding and Deputy Presiding Officers.

12.12 EXECUTIVE

Executive is the second important organ of the government. Even though it ranks second in the composition of government, it is treated as the primary organ keeping in view its nature, composition and exercise of governmental powers. Some considered this organ as the heart and soul of the government.

Executive comprises a person or a body of persons having considerable powers of government. It may be singular (e.g., The collegium in the President of America) or plural

(e.g. Switzerland). It is classified into parliamentary and presidential. Similarly, it is grouped under political and administrative. It also denotes two meanings one in the limited sense and another in the wider sense. In its limited sense, Executive implies few persons at higher level in the government exercising vast powers and yielding supreme political authority. E.g. the President, the Prime Minister, the Cabinet, the Council of Ministers etc. On the other hand, executive in its wider sense, includes large number of administrative authorities ranging from the secretary to the President, union cabinet secretary and principal advisor of the Prime Minister down to the subordinate staff agencies working at the grass roots level in the union government.

12.12.1 Functions of Executive

Executive has acquired much significance in modern states by discharging multiple functions. Theoretically, it implements all the laws formulated by the legislature. Its functions vary according to the type of the government on the whole executive performs the following functions.

1. Administrative Functions

The administrative functions of the executive include the following.

- a) Implementation of laws and judicial decisions.
- b) Maintenance of law and order
- c) Policy-making
- d) Appointment, promotion, removal and suspension of civil servants.

2. Diplomatic Functions

Executive maintains foreign relations. It appoints diplomatic personnel in other states. It receives the credentials of diplomats in the state. It concludes treaties and international conventions through negotiations. Such negotiations have to be ratified by the legislature.

3. Military Functions

The chief executive head in many states acts as the supreme commander of the defence forces. The executive can declare war or conclude peace with any foreign state. In times of emergency, it can declare martial law and suspend the rights of citizens.

4. Financial Functions

Executive also undertakes some financial obligations.

It prepares the annual financial statement or budget with great care and caution. It makes efforts for identifying the various sources of public revenue. It makes arrangements for collecting taxes. It makes judicious allocation of monies on various heads. It sees that auditing and accounting of public expenditure are done properly. It formulates and implements various plans relating to the production, distribution and exchange of goods and resources.

5. Judicial Functions

Executive in many states appoints the judges in higher courts. It can transfer the judges. It can suspend, remit or commute the sentence of a person convicted of an offence. This power is exercised in exceptional cases.

6. Constitutional Functions

Executive in many states renders advice to the legislature in amending the provisions of the constitution. Whenever it feels difficulty in implementing progressive and popular measures as per the existing constitutional provisions, it opts for amending some of the outdated provisions of the constitution. In such a case it devises a blue print incorporating the necessary changes and places them before the legislature for consideration and approval. It takes initiative by piloting such amendment drafts and resolutions in the parliament. It seeks the support of legislators for bringing appropriate amendments in the constitution.

7. Promulgation of Ordinances

Executive in many states promulgates ordinances. It undertakes such a responsibility keeping in view the urgency of tackling critical issues. In such a case, executive proclaims ordinances which will be in force for a few months until the legislature held its sessions and approve them. Besides, delegated legislation enables the executive to opt for making laws on behalf of the legislature. The legislators will give their consent to some bills authorising the executive to prepare the bills with full details.

8. Welfare Functions

Today many states are welfare oriented. As a result, their obligations have increased tremendously. It is imperative and imminent for the executive to make legislation for

promoting the welfare of the underprivileged, neglected and disadvantaged persons besides meeting the basic requirements of the population. As a result, executive carries on manifold activities.

9. Administrative Adjudication

The role of the executive in deciding administrative cases and disputes has led to administrative adjudication. Through this, the executive has taken over some powers of the judiciary.

10. Emergency operations

Due to the collapse of law and order, natural disasters and external invasion, emergency situations may arise at different times in different parts of the country. In the last few years, terrorism has become a serious issue in several countries. The executive that tackles such issues promptly and effectively. No other branch of the government can successfully face these emergency situations.

11. Miscellaneous Functions

Executive provides leadership to the government. It leads the legislature, the party in power and the nation at large. It renders leadership to the state and represents the nation in various international conferences and organisations.

12.13 JUDICIARY

Judiciary is the third organ of the government. It comprises judges and other authorities who exercise magisterial powers in the state. Normally those persons who possess high moral integrity, constitutional expertise, legal acumen, social outlook, impartial attitude etc., will assume various offices in the judiciary.

Judiciary occupies a pre eminent position in a democratic state. Especially its need is highly felt in federal states. Ultimately the excellence of democratic government depends upon the nature, composition and style of functioning of judges in a country.

12.13.1 Functions of Judiciary

Judiciary performs various functions in modern democratic states. These are explained as below:

1. Interpretation of Laws

The primary function of judiciary is interpretation of laws. Judiciary interprets laws and applies them to specific cases that come before it. It applies the elements of customs, statutes and constitutional provisions to specific cases.

Whenever the existing law is inadequate for delivering justice, it applies the principles of justice, equity and morality. As Gettle remarks, “Constitution and laws are always rigid. Flexibility must be given to them by judges”.

2. Custodian of the Constitution

Judiciary acts as guardian of the constitution in a federal system. It protects the spirit and sanctity of the federal constitution. Judiciary, in a federation, is empowered to declare a law as unconstitutional if it is inconsistent with the provisions of the constitution. It not only protects the constitution but also develops it. Judiciary adapts the constitution to the changing conditions. It makes clarifications to the provisions of the constitution and ordinary laws.

It initiates constitutional amendments to suit to the modern conditions. Judiciary declares many laws as ultra vires on the basis of ‘due process of law.’ For instance, the Supreme Court of India declares laws as ultra vires on the basis of the ‘process established by law.’

3. Guardian of Civil Liberties

Judiciary acts as a guardian of civil liberties of the people. It protects individual liberties by punishing those who encroach upon it. It also protects the people against the arbitrary actions of the government.

For instance, in the case of India, the constitution under Articles 32 and 226 empowered the Supreme Court and High Courts to act as the guardians of fundamental rights of the citizens. These courts can issue writs to prevent the arbitrary acts of some individuals and organisations. Such writs include Habeas Corpus, Mandamus, Prohibition, Quo-warranto and Certiorari.

4. Federal Equilibrium

Judiciary plays a key role in the federal system. It solves disputes between the centre and the state governments and also between states. It sees that neither the central government nor the state government exceed the constitutional limitations.

5. Advisory Functions

Judiciary renders advice on the request of the executive or the legislature. For instance the President of India may seek the advice of the Supreme Court on any question of constitutional law. In England, the practice to request a court to give declaratory judgement is very common. The Crown sometimes asks the judicial committee of the Privy Council to give its advisory opinion upon questions of law.

6. Appellate Jurisdiction

The highest court of justice hears appeals over the judgements of the lower courts. At times, it ratifies the judgements pronounced by the lower courts. Sometimes, it may reverse some of their judgements.

7. Maintenance of records

Judiciary maintains all the records of the cases along with their judgements. These records will help the advocates and judges in the trial of similar cases that may occur in future.

8. Acting as Head of the State

In some countries, under certain conditions, the Chief Justice of the highest Court assumes the powers of the acting head of the state in the absence of president and vice-president in office.

9. Administrative Functions

The Supreme Court and High Courts are entrusted with some administrative functions. They make suggestions to the executive head in appointing the judges of the lower courts. The higher courts supervise the functioning of the lower courts. For instance the high courts in India are given the obligation of supervising the activities of the subordinate courts in their jurisdiction.

QUESTIONS

I. Long Answer Type Questions

1. What is a Parliamentary Government? Explain its features.
2. Explain about the merits and demerits of Presidential Government.
3. Describe the merits and demerits of Unitary Government.
4. What are the functions of Legislature?
5. Discuss the functions of the Executive.
6. Point out the functions of the Judiciary.

II. Short Answer Type Questions

1. Discuss the traditional form of Governments.
2. What are the features of Unitary Government?
3. Discuss the features of Federal Government.
4. What are the merits of Parliamentary Government?
5. Explain the Theory of Separation of Powers.
6. Discuss any three functions of Legislature.

III. Very Short Answer Type Questions

1. Define Government.
2. Write about Aristotle's classification on Government.
3. Write the meaning of Aristocracy?
4. Define Democracy.
5. What is a Unitary Government?
6. What do you mean by Federal Government?
7. Write briefly about the theory of separation of powers.
8. How many organs of government are there? Name them.
9. What do you understand by Parliamentary Government?
10. What are the other names of Presidential Government?

Model Question Paper

Intermediate Public Examinations

First Year

CIVICS/ POLITICAL SCIENCE

Paper - I

Time : 3 hrs

Max Marks : 100

Section A

Answer any THREE of the following questions in not exceeding 40 lines each.

Each question carries 10 Marks

$3 \times 10 = 30$ Marks

1. Define Political Science and explain its Scope.
2. What are the essential elements of Nationality?
3. Define Rights. Explain the safeguards of Rights.
4. Suggest the conditions required for the successful functioning of Democracy.
5. Explain the meaning and features of parliamentary government.

Section B

Answer any EIGHT of the following questions in not exceeding 20 lines each.

Each question carries 5 Marks.

$8 \times 5 = 40$ Marks

6. Explain any two essential elements of the State.
7. Explain the differences between State and Government.
8. In what way Nation and State differ from each other?
9. How many sources of Law are there? Explain them.
10. Define Liberty and explain any three types of Liberty?
11. Explain Political Rights.
12. Describe any three types of Justice.
13. Discuss the hindrances to good Citizenship.
14. Briefly explain about Direct Democratic Devices.
15. Examine the differences between Secular State and Theocratic State.
16. What are the essential features of a Constitution?
17. Discuss any three functions of the Legislature.

Section C

Answer any FIFTEEN of the following questions in not exceeding 5 lines each.

Each question carries 2 Marks.

$15 \times 2 = 30$ Marks

18. Give any two traditional definitions of Political Science.
19. How many essential elements does the state possess? Name them.
20. Write any two definitions of Law.
21. What is meant by Constitutional Law?
22. What do you mean by Political Liberty?
23. Mention the implications of Equality?
24. What do you mean by Civil Rights?
25. What are moral responsibilities?
26. Define Justice.
27. What is meant by Social Justice?
28. Mention any two qualities of a good Citizen?
29. Who is an Alien?
30. What do you mean by Direct Democracy?
31. What is meant by Representative Democracy?
32. Define Secular State?
33. What do you mean by Theocracy?
34. What is meant by Evolved Constitution?
35. Mention any two differences between flexible and rigid constitutions.
36. What do you mean by Unitary Government?
37. How many organs of Government are there? Name them.

Evolution of the Modern State

The objectives of this chapter are to 1. Make the students understand how over the period the evolution of the State occurred 2. Various types of States in the history of evolution 3. The characteristic features of the State in the process of evolution 4. Transformation of State due to myriad factors and 5. The reasons and causes for the emergence of the Modern State.

In the last chapter we have learned the characteristic features of the State, this chapter discusses the growth of the State and evolution extending over a period and embracing many elements in its development, prominent among which are kinship, religion, property and the need for self-defense from within and without. The starting point is the family and the seeds of the governmental organization are found in the family discipline. The transition from the family to the State must have been long. The first distinctively political unit was the tribe.

In the days of nomadic habit, the organization of the tribe was sufficient to satisfy its needs. But when their traveling days were over, a settled life created new needs of the organization. Once population was territorially integrated with their fixed abodes, the common interests developed, and the original kinship tie gave way to a new territorial tie. The original kinship in fact never disappeared. There occurred a fusion of the two principles, kinship and common interest, emerging out of the life of togetherness in the shape of territorial kinship on a common land.

The process of the evolution of the state has not been uniform. Natural, environmental and temperamental differences of the people spread over different areas of the universe presented different conditions under which the State emerged at different times and places. Because of these differences, very different types of States with various forms and patterns, have coexisted and coexist even now. It is instructive to mark the following stages through which the State has evolved:

The Oriental Empire

Roaming tribes generally settled down in regions where nature was bountiful and responsive to the needs of man. The early nomadic tribes in search of pasturelands made the fertile valleys of the Ganges, the Nile, the Euphrates, the Tigris, the Yellow river their homelands and because of conquest and enslavement of the weak at tribes established the

earliest of States known to history. It was in these valleys that civilization took its birth and kingdoms and empires flourished. The features of the **Oriental Empires were**

1. These States were manned by hereditary monarchs combined in themselves political and religious power.
2. The subjects knew nothing about their rights and liberty.
3. They were only recipients of orders and respectful submission to others was there first and last duty.
4. The earliest States were essentially power and property States, built on wealth and military force.
5. They had little stability and at times, the breakup came from within through the revolt of some subordinate official.

It is wrong to assume that those States were primitive and barbarians. Most people know about the scientific knowledge of the Babylonians and the Egyptians, of their division of time and their mathematical calculations. The Sumerians are said to have established the system of rotation of office, annual appointments and election by secret ballot. The Aryans were familiar with the institutions of constitutional monarchy, bicameralism, the office of the Speaker and various other devices necessary for a representative form of government.

The Greek City-State

The next type of State development was the Greek City-State arising in Greece after 1000 BC. In fact, the study of Political Science may be set to begin with the Greek City-States. Although the Greek political institutions were not unique, yet they presented the most fully developed instance of a way of life and government.

The characteristic features of the city-states were:

1. The State was identified with society.
2. They were divided into local communities organized and the primitive model according to clans and tribes.
3. Each clan and tribe occupied distinct values and islands into which Greece was broken up by sea and hills.
4. The City-States of Greece were typical examples of direct democracy.

5. 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 focused on the central city.
6. Each city was a politically organized State independent of others and proud of its independence.
7. 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. Athens, a City-State, had only about 20,000 citizens.
8. They supported slavery and made liberty the exclusive right of superior people and denied to others.

The Roman Empire

The Rome was originally just one of the numerous little States in much the same way and for the same geographical regions as Greece. But after 500 BC, the Italian City-States were united with the Rome at the head. As there were fewer geographical barriers in Italy than in Greece, unification was more easily attained. There were three definite periods which marked the growth of the Roman State:

1. There was the monarchic City-State. The royal period lasted from the foundation of Rome about 753 BC to 510 BC. During the monarchical period only the nobility, called the Patricians, had a share in political authority. The common people were called the Plebeians, had no rights.
2. Monarchy ended in 510 BC and was substituted by a Republic. The Patricians had entire control of the administration of law, whereas the Plebeians were subject to political, economic and social disabilities.
3. By end of the second century, the Republic gave way to an Empire, which at one stage extended over England, France, Germany, Spain, Austria, the Balkans, Greece, Asia Minor, whole of the Mediterranean coast and its hinterland.

The Roman empire could not endure long. Among the causes which led to her decline and downfall were:

1. Sacrifice of individual liberty for the sake of securing unity.
2. Inefficient administration.

3. Moral corruption of the upper classes.
4. Devastating epidemic.
5. Unsound economic basis of the Empire.
6. Failure to make rules for the succession of emperors.
7. Religious disintegration and
8. Invasion of barbarian hordes.

The Feudal State

The feudal type of society emerged on the ruins of the great Roman Empire. The wobbling Imperial rule gave rise to the growth of new principalities headed by the landed aristocracy. Another factor which gave a fillip to this tendency was the Teutonic barbarians, who overran the Roman empire. The Roman ideals of administration were concentration of authority, uniformity of law and centralized administration. The Teutonic's cherished the ideals of individualism, liberty, and local self-government. Feudalism was an admixture of two opposite forces.

The essential characteristics of feudalism may be summarised as:

1. The grant of land by a lord to a vassal who held it so long as he fulfilled his obligations of loyalty and service.
2. The existence of close personal ties between the lord and the vassal and
3. The lord of an estate exercised the full or partial rights of sovereignty over all the inhabitants living thereon.
4. The dispersal of governing power among hundreds of petty authorities both lay and ecclesiastical, all confined to small areas. But the feudal state was not a state in the real sense of the term.
5. There was neither common citizenship nor common law.
6. There was no central authority in the state and the loyalty of the people was divided at every step.
7. The individual owed his allegiance to his immediate landlord and only through him to the king.

The estate of the lord, big or small, was called 'fief' or 'feud' and as such the term **feudalism**. The duties of the Lord were to protect his vassal and to avenge his wrongs, defend his rights and to secure him justice in all matters.

The rise of the Church or Papacy

Out of this confusion emerged the superior authority of the church resulting in a deep and continuous conflict between the Spiritual and Temporal authorities. The absence of central authority, division of the loyalty of the people at every step, their religious infatuation, and the inconceivably vast property under the possession of the church made it possible for the Pope to claim superiority over all the Princes. The church had taken over some function which legitimately belonged to the state. A separate system of law and courts developed for the clergy. There arose the Theory of Two Swords.

This situation lasted till the end of the 15th century and then, started the dawn of the modern era with the advent of following events:

1. Intellectual Renaissance

The common man was gradually coming out from ignorance to knowledge, from faith to reason, and from humiliation and complete subordination to reasoning and self-understanding. By this time, it had been discovered that the Earth is round. This was against common belief which had been preached by the church father that the Earth was flat. The new discovery shook the faith of many from the church. Thus, the supremacy of church and blind faith was weakened and shaken.

2. Materialism

The period of Renaissance also brought individual instead of God and this world instead of that world to the front. In other words, the Renaissance replaced spiritualism and brought materialism along with individualism. The entity of the individual came to the front.

3. Dawn of secularism

Another significant feature of the early modern period was the dawn of secularism. The weakness of papacy was bound to result in secularism and so long has Church remained in power there was no room for it. The spirit of Renaissance resulted in secularism and independence of state from church. The church with the passage of time became a voluntary organization. The victory of the State over the church was complete.

4. Power for a Monarch

The reformation made the gradual transfer of power from church to the state. The Institutions of the monarchy were gathering more power and confidence that it had hitherto enjoyed.

5. Invention and discoveries

The scientific inventions like steam engines, the compass has led to the discoveries of new areas via sea routes. The Spaniards, the Dutch, the English, the French and others started from their homeland in search of new vistas. The invention of the printing press brought about a social revolution and brought together the persons of common ideology in all the corners of the world and thus quickened the process of social and political integration. The process also tended to free human mind from the old bondages.

6. The growth of trade

The period saw the advancement of means of communication and transportation. This resulted in the growth of trade and new trading class emerged which could only grow with strong royal protection.

It ultimately increased the revenue for the States and strengthened the monarchy.

With the rise of monarchy, the wars between the States started in Europe. The European States were divided on religious lines, Catholicism and Protestantism, and the wars among them disturbed the peace in Europe. Then in the year 1648, Peace of Westphalia (Treaty of Westphalia), which ended 30 years war, was signed among the European States. The following were important in the treaty:

1. The principle of State sovereignty.
2. The principle of legal equality of States.
3. The principle of non-intervention of one state in the internal affairs of another.
4. The principle of collective security and balance of power to contain further wars.



Treaty of Westphalia on October 24th, 1648

The Nation-State System:

Most commonly, the idea of a nation-state was and is associated with the rise of the modern system of states, often called the “Westphalian system” in reference to the Treaty of Westphalia (1648). A state is specifically a political and geopolitical entity, while a nation is a cultural and ethnic one. The most obvious impact of the nation-state is the creation of a uniform national culture through state policy. Its most demonstrative examples are national systems usually popularise a common language and historical narratives. The idea of nation-state system developed the consciousness of nationalism among the people, which further changed the course of the State.

Questions

Essay Type Questions

1. Explain briefly the evolution of the State into a Modern State.
2. Discuss various factors for the emergence of the Modern State.

Short Answer Questions

1. Explain the Oriental State and its conditions.
2. What are the characteristic features of Greek City-State?
3. Discuss the features of Feudalism.
4. Elucidate the reasons for fall of Papacy and emergence of the Modern State.
5. Write a short note on Treaty of Westphalia.

Very Short Answer Questions:

1. Tribal State
2. Features of Oriental Empires
3. Any five features of Greek City-State.
4. Feudalism
5. Characteristic features of feudalism
6. Theory of Two Swords
7. Renaissance
8. Secularism
9. Westphalia Treaty
10. Nation-State System

1

2

3